



**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.us](http://www.sslocsd.us)

**AGENDA  
BOARD OF DIRECTORS MEETING**

OCSD Board Room

1655 Front Street

Oceano, California 93445

**Wednesday, October 19, 2016 at 6:00 p.m.**

**Board Members**

John Shoals, Chair

Mary Lucey, Director

Jim Hill, Director

**Agencies**

City of Grover Beach

Oceano Community Services District

City of Arroyo Grande

**Alternate Board Members**

Matthew Guerrero, 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. PLEDGE OF ALLEGIANCE**
  - 3. AGENDA REVIEW**
  - 4. 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.
- Direct Staff 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 Administrator or Bookkeeper/Secretary at (805) 481-6903. So that the District may address your request in a timely manner, please contact the District two business days in advance of the meeting.

**5. 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.

**5A. Approval of Minutes of Meeting of October 05, 2016**

**5B. Approval of Warrants**

**5C. Financial Review at September 30, 2016**

**6. DISTRICT ADMINISTRATOR AND PLANT SUPERINTENDENT'S REPORT**

Staff recommends the Board receive and file this report.

**7. ACTION ITEMS:**

**7A. CONSIDERATION OF RESOLUTION NO. 2016-358, AUTHORIZING AN ANNUAL TRANSFER TO A DEDICATED RESERVE ACCOUNT, AND DIRECTING THE DISTRICT ADMINISTRATOR TO TRANSFER MONEY PER THE DISTRICT'S RESERVE POLICY**

Adopt Resolution No. 2016-358, authorizing annual transfers to the Reserve Account, and transferring \$248,990 from the beginning fund balance available in Operating Fund 19 to new Account No. 19-1011.

**7B. GRIEVANCES FILED BY DISTRICT OPERATORS MR. MICHAEL ARIAS AND MR. MYCHAL JONES**

1. Public Comment.
2. Staff Report to be made by District Administrator.
3. Chair opens the hearing to receive evidence.
4. After the presentations have been made, the Chair closes the hearing.
5. The Board may ask questions of staff or the grievants.
6. The Board retires to closed session to deliberate pursuant to Government Code section 54957(b)(1).
7. The Board returns to open session to report action taken by resolution.

**8. CLOSED SESSION**

**8A. PUBLIC EMPLOYEE APPOINTMENT**

Title: Operator III

**8B. EMPLOYEE PERFORMANCE EVALUATION**

Title: District Administrator

**8C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (one potential case).

Closed Session Report by District Counsel

**9. ADJOURN MEETING**

**The next regularly scheduled Board meeting on November 2, 2016 Oceano, California**





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

OCSD Board Room  
1655 Front Street  
Oceano, California 93445

Minutes of the Meeting of Wednesday October 05, 2016  
6:00 P.M.

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

Present: Chairman John Shoals, City of Grover Beach; Director Mary Lucey, Oceano Community Services District; Alternate Tim Brown, City of Arroyo Grande

District Staff in Attendance: Gerhardt Hubner, District Administrator; John Clemons, Plant Superintendent; Wendy Stockton, District Legal Counsel; Amy Simpson, District Bookkeeper/Secretary

## **2. FLAG SALUTE**

## **3. AGENDA REVIEW**

Agenda was approved as presented.

## **4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

Chairman Shoals opened the public comment period.

Julie Tacker spoke on the settlement. She believes the District is not getting the best bang for the buck. She distributed a 3-page letter she sent to the Central Coast Water Board regarding the settlement.

Beatrice Spencer is dissatisfied with what was allowed to happen at the last meeting and the fact the Board did not stop what happened. She recommends a lesson in employee rights before it is allowed to happen again.

Ron Arnoldson spoke to the unpermitted Administration trailer.

John Carter gave a presentation on the homeless and vagrant issues near Oceano Beach. He asks the Board to consider installing a high chain link fence with a lockable gate to control access to the footbridge and the SF & FCC properties.

Chairman Shoals closed the public comment.

The Board asked staff to check District property lines and work with Mr. Carter to investigate if a fence is a viable alternative.

## **5. CONSENT AGENDA**

**5A. Approval of Minutes of Meeting of September 21, 2016**

**5B. Approval of Warrants**

Chairman Shoals spoke to public comment on *Item 7B*. He asked for change in the minute's language where stated that a *motion that the Board formally repudiate Director Lucey comments* was made, since no second occurred on that motion.

Chairman Shoals opened the public comment period.

Julie Tacker asked that the minutes capture the comments from the community. She asked for the original email with the origin and the banner that is Attachment No. 4 of the minutes. She spoke about the Downey Brand, Lara HR Services, Gerhardt Hubner and Water System Consulting warrants. She looks forward to the report from WSC.

Chairman Shoals closed the public comment.

**Motion:** Alternate Brown

**Second:** Director Lucey

**Action:** Approved unanimously by roll call vote.

## **6. DISTRICT ADMINISTRATOR AND PLANT SUPERINTENDENT'S REPORT**

District Administrator Hubner presented this report giving updates on the RWQCB and District Settlement of the 2010 Spill, Cherry Ave Bridge Project, Grit Removal System, Mechanical Bar Screen, Secondary Process Redundancy Project, Satellite Water Resource Recovery Facilities Grant, temporary construction trailer for administration space and Regional Efforts.

Superintendent Clemons presented the Superintendent's report. He highlighted the cost savings in the reduction of chlorine. He presented results from ocean sampling taken at the District's outfall.

Chairman Shoals opened public comment period.

Julie Tacker spoke to certification of staff and promotional process. She also feels permit applications have been submitted that are incomplete and inaccurate.

Chairman Shoals closed the public comment.

**Action:** The Board received and filed this report.

## **7. ACTION ITEMS:**

### **7A. REQUEST FOR AUTHORIZATION TO PROCEED WITH CONTRACT WITH BARTLE WELLS ASSOCIATES, TO ASSIST WITH FINANCIAL PORTION OF STATE REVOLVING FUND CONSTRUCTION LOAN APPLICATION AND TO PROVIDE ADDITIONAL FINANCIAL ALTERNATIVES FOR FUNDING THE DISTRICT'S REDUNDANCY PROJECT**

District Administrator Hubner presented this item in power point. He gave background information from the Wastewater Financial Plan and Rate Study conducted by Bartle Wells in 2016. He noted the Board passed a rate increase that included debt service for a future State Revolving Fund (SRF) loan that would be used to fund the Redundancy Project. He highlighted Task A, which involves financial assistance for SRF construction loan financing and Task B which identifies and evaluates financing alternatives. Both these tasks would be completed by the end of January 2017 under the BWA proposal.

Chairman Shoals opened the public comment period.

Julie Tacker believes the application for Coastal Commission and application for SRF loan appear to speak of two different projects.

Chairman Shoals closed the public comment.

**Motion:** Director Lucey moved to authorize the District Administrator to proceed to execute a contract with Bartle Wells Associates (BWA) for professional consultant services to complete the financing portion for a State Revolving Fund loan construction application package.

**Second:** Chairman Shoals

**Action:** Motion approved unanimously by roll call vote.

## **7B. NEWLY INSTALLED SCADA SYSTEM PROJECT**

Superintendent Clemons gave a verbal presentation on the Supervisory Control and Data Acquisition project. This is a project that has been in the works since 1999. The budget was \$110,000 in 2010. To date, the project has spent \$99,000. Operational staff has been involved in the process since 2013. The benefit being, this system will be owned and maintained by the staff using it on a daily basis. Two components still needed are historian software to preserve trend charts and software for alarm dial out needs.

Chairman Shoals opened the item to public comment.

Ron Arnoldson and Beatrice Spencer both recognized the value of District staff for keeping this project in house.

Chairman Shoals closed the public comment.

**Action:** The Board received and filed this report.

## **8. CORRESPONDENCE RECEIVED**

### **Letter received from Special District Risk Management Authority (SDRMA) Re: No Paid Property/Liability Claims in 2015-16**

Julie Tacker read the first paragraph of this letter which “acknowledged the dedicated efforts of the Governing Body, management and staff towards proactive risk management and loss prevention training.”

## **9. CLOSED SESSION**

### **CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION**

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (one case).

Legal Counsel Stockton announced Closed Session and provided a memo that documents the District received this threat of litigation outside of a public meeting.

Julie Tacker spoke to the agenda item *Anticipated Litigation* and Legal Counsel announced *Pending Litigation*.

## **10. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION**

Legal Counsel Stockton announced that the Board heard a report from legal counsel, took direction from the Board and had no reportable action.

## **10. ADJOURN MEETING**

**This meeting adjourned at 8:20 pm.**

**The next regularly scheduled Board meeting on October 19, 2016, 6 pm at the Oceano Community Service District Board Room, 1655 Front Street, Oceano, California**

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

**DRAFT**



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT  
WARRANT REGISTER  
10/19/2016 FY 2016/17

	BUDGET LINE ITEM		WARRANT NO.	ACCT	ACCT BRKDN	TOTAL
ABALONE COAST ANALYTICAL	CHEMICAL ANALYSIS	16-3898	101916-1662	7078	95.00	95.00
AGP VIDEO	PROF. SERVICES	SEPTEMBER	1663	7080	1,327.50	1,327.50
AIRFLOW FILTER SERVICES	EQUIPMENT MAINTENANCE	33911	1664	8030	15.32	15.32
ALLIED ADMINISTRATORS	EMPLOYEE DENTAL	NOVEMBER	1665	6025	862.26	862.26
ARAMARK	UNIFORMS	09/30/16; 10/07/16	1666	7025	361.63	361.63
AT&T	TELEPHONES	SEPTEMBER	1667	7013	298.97	298.97
AUTOSYS, INC.	SCADA	952; 953; 954	1668	20-8010	9,530.00	9,530.00
BANK OF THE WEST	MEETINGS	HUBNER	1669	7050	294.81	8,830.39
	CHERRY AVE BRIDGE PROJECT	NOI		26-8065	2,260.25	
	OFFICE SUPPLIES	OFFICE DEPOT		8045	925.09	
	ADMIN OFFICE SPACE	TRI COUNTIES FURNITURE		7040	3,956.10	
	FEES	FINANCE CHARGE		7068	71.90	
	FUEL	FUEL		8020	203.16	
	TRAINING	CLEMONS, DE LEON, SIMPSON		7067	997.29	
	EQUIPMENT MAINTENANCE	RYAN HERCO MOTORS		8030	121.79	
BRENNTAG	PLANT CHEMICALS	BPI662828;BPI659428	1670	8050	4,550.71	4,550.71
BRIAN BOILER WORKS	EQUIPMENT MAINTENANCE	BOILER PART	1671	8030	1,866.37	1,866.37
CARQUEST	EQUIPMENT MAINTENANCE	878915; 868963	1672	8030	68.83	68.83
CARRS BOOTS	UNIFORMS	0094507; 0094508	1673	7025	250.00	250.00
CENTRAL COAST FENCE	EQUIPMENT MAINTENANCE	77896	1674	8030	709.60	709.60
CENTRAL COAST TECHNOLOGY	ADMIN OFFICE SPACE	602	1675	7040	220.00	330.00
	COMPUTER SUPPORT	628		7082	110.00	
COASTLINE EQUIPMENT	EQUIPMENT MAINTENANCE	FRONTLOADER	1676	8030	440.13	440.13
CULLIGAN CCWT	EQUIPMENT RENTAL	38030	1677	7032	60.00	60.00
CULLIGAN SANTA MARIA	EQUIPMENT RENTAL	62428	1678	7032	17.50	17.50
ENGEL & GRAY	BIOSOLIDS HANDLING	77678	1679	7085	3,505.50	3,505.50
EVERYWHERE RIGHT NOW, INC	COMPUTER SUPPORT	WEBSITE	1680	7082	2,000.00	2,000.00
FED EX	CHEMICAL ANALYSIS	TESTING	1681	7078	46.65	46.65
FRUIT GROWERS LABORATORY	CHEMICAL ANALYSIS	BIOSOLIDS MONITORING	1682	7078	2,091.00	2,091.00
GARING TAYLOR ASSOC.	CHERRY AVE BRIDGE PROJECT	13896	1683	26-8065	1,360.84	1,360.84
GILBERT TRUJILLO	GENERAL LEGAL SERVICES	SEPTEMBER	1684	7071	13,107.50	13,107.50
GRAINGER	TOOLS	9240529215	1685	8055	32.49	32.49
I.I. SUPPLY	EQUIPMENT MAINTENANCE	41302	1686	8030	75.20	75.20
JB DEWAR	FUEL	86240	1687	8020	163.33	163.33
JESSICA MATSON	WEBSITE	SEPTEMBER	1688	7065	300.00	300.00
KENNEDY JENKS	REDUNDANCY PROJECT	105227	1689	20-7080	1,930.00	1,930.00
LEXIS NEXIS	SUBSCRIPTION	SEPTEMBER	1690	7071	250.00	250.00
MICHAEL K NUNLEY	GIS IMPLEMENTATION	2590	1691	7015	305.94	1,180.94
	BIOSOLIDS HANDLING FACILITY	2633		7077	875.00	
MINERS	EQUIPMENT MAINTENANCE	SEPTEMBER	1692	8035	293.33	293.33
OCSD	WATER	07/18/16-09/18/16	1693	7094	285.00	285.00
PG&E	ELECTRICITY	09/09/16-10/09/16	1694	7091	13,608.45	13,608.45
READY REFRESH	HOUSEHOLD SUPPLIES	SEPTEMBER	1695	8035	104.66	104.66
R.F. MCDONALD CO.	EQUIPMENT MAINTENANCE	234230	1696	8030	2,102.08	2,102.08
RS FIRE PROTECTION	SAFETY SUPPLIES	SCS91916	1697	8056	18.00	18.00
SDRMA	INSURANCE	ADDITIONAL INSURED	1698	7043	169.14	169.14
SLO COUNTY TAX COLLECTOR	ZONE 1/1A PROPERTY TAX	FY 16/17	1699	7095	29,180.80	29,180.80
SO CAL GAS	GAS	SEPTEMBER	1700	7092	1,257.60	1,257.60
SO. CO. SANITARY SERV.	GARBAGE	OCTOBER	1701	7093	112.80	112.80
SPEISS CONSTRUCTION CO. INC.	GRIT REMOVAL	216155	1702	20-8015	47,955.24	47,955.24
SPRINT	CELL PHONES	SEPTEMBER	1703	7011	221.09	221.09
STANLEY SECURITY	ALARMS	NOVEMBER	1704	7011	64.06	64.06
STATE FUND	WORK COMP INSURANCE	PREMIUM OCTOBER	1705	6080	5,580.67	5,580.67
TELEDYNE INSTRUMENTS	ISCO SAMPLER	S020145006	1706	26-8065	6,170.50	6,170.50
USA BLUEBOOK	SAFETY SUPPLIES	078917; 078915	1707	8056	74.24	209.21
	EQUIPMENT MAINTENANCE	080128		8030	134.97	
WENDY STOCKTON, ESQ.	LEGAL COUNSEL	SEPTEMBER	1708	7071	4,987.50	4,987.50
WEST COAST INDUSTRIAL SUPPLY	EQUIPMENT MAINTENANCE	FFR BYPASS PROJECT	1709	8030	454.77	454.77
WILLIAM JACKMAN	MEDICAL REIMBURSEMENT	FY 16/17	1710	6075	500.00	500.00
<b>SUB TOTAL</b>					<b>\$ 168,932.56</b>	<b>\$ 168,932.56</b>
SO. SLO CO. SANITATION DISTRICT	RABOBANK REIMB. FOR SEPT.	WEBHOSTING	1711	7011	165.35	79,074.44
		PAYROLL			59,743.71	
<b>SUB TOTAL</b>		CALPERS RETIREMENT		6060	19,165.38	
					<b>\$ 79,074.44</b>	<b>\$ 79,074.44</b>
SO SLO CO SAN DIST. REIMB	PAYROLL MEMO 09/30/16	\$28,842.04				
<b>GRAND TOTAL</b>					<b>\$ 248,007.00</b>	<b>\$ 248,007.00</b>

We hereby certify that the demands numbered serially from 101916-1662 to 101916-1711 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**

Post Office Box 339, Oceano, California 93475-0339  
1600 Aloha Place, Oceano, California 93445-9735  
Telephone (805) 489-6666 FAX (805) 489-2765  
[www.sslocsd.org](http://www.sslocsd.org)

---

Date: October 19, 2016  
To: Board of Directors  
From: Amy Simpson, District Bookkeeper/Secretary  
Via: Gerhardt Hubner, District Administrator  
Subject: **Financial Review as of September 30, 2016**

### **Overall Financial Summary**

As of September 30, 2016, the District has received total revenues of \$995,624. Of this amount, \$952,732 is for operating revenues, and \$42,892 is for non-operating revenues.

District operating expenses as of this date totaled \$1,288,995. Operating expenses totaled \$661,969 and non-operating expenses totaled \$627,027 as of September 30, 2016.

### **Local Agency Investment Fund**

The balance in the District's LAIF account was \$2,422,794 as of September 30, 2016.

### **County of San Luis Obispo Treasury Pool**

As of September 30, 2016, the reconciled cash balance with the County of San Luis Obispo Treasury Pool was \$2,388,631. The County issues the majority of the District's checks, and the majority of the District's revenues are deposited with this agency. As such, the County provides 'banking services' to the District and provides some accounting documents for internal control purposes.

### **Rabobank Funds**

At September 30, 2016, the reconciled cash balance in the District's Rabobank account totaled \$197,487. This account has been used to process the District's contracted payroll provider service and other District expenditures.



**SOUTH SAN LUIS OBISPO COUNTY SANITATION  
DISTRICT  
MONTHLY CASH REPORT SEPTEMBER 2016**

**Cash Balance at 08/31/16** 5,654,813.43

Deposits	\$ 20,552.71
Warrant Register 09/07/16	(114,368.73)
Warrant Register 09/21/16	(473,011.68)
Pay Roll 09/02/16	(28,744.38)
Pay Roll 09/16/16	(30,999.33)
CalPers Retirement	(19,165.38)
Rabobank September Activity	(165.35)
<b>Total September Activity</b>	<b>(645,902.14)</b>

**Cash Balance at 09/30/16** 5,008,911.29

	<b>CASH BALANCE @ 09/30/2016</b>
<b>Cash by Institution</b>	
Cash with County Treasury	2,388,630.98
Cash with LAIF	2,422,793.58
Cash with Rabobank	197,486.73
	<hr/>
	\$ 5,008,911.29





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

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

---

Date: October 19, 2016  
To: Board of Directors  
From: Gerhardt Hubner, District Administrator & John Clemons, District Superintendent  
Subject: **DISTRICT ADMINISTRATOR AND PLANT SUPERINTENDENT'S REPORT**

Today's report presents ongoing information on latest Direct staff activities of possible interest to the Board and members of the public, project updates, regional efforts, our regular Superintendent report, and operation and maintenance activities. *Updates since the last report are provided in italics below:*

### **RWQCB and District Settlement of 2010 Spill**

As announced at the August 3<sup>rd</sup> Board Meeting, the RWQCB and the District has agreed to settle their litigation over the Administrative Civil Liability (ACL) penalty issued to the District regarding the 2010 Spill at the District's facility. Both parties agreed to resolve this matter without further litigation and without an admission of liability for the \$1,109,812.80 ACL penalty amount, with approximately 50% of the total penalty amount going towards regional and local projects, including two supplemental environmental, and one enhanced.

*A Final Order, signed by both parties, was circulated by the RWQCB on October 13<sup>th</sup>. That version with cover letter is attached (Attachment No. 1). The Final Order has a few minor changes (vs. the Draft Order) to allow flexibility to the North Cities Management Group and County in the development of a groundwater model (supplemental project under Settlement) for the Santa Maria basin. No other changes were made due to comments received.*

*The next steps will be for District Special Counsel to prepare a request for dismissal for submission to the Superior Court. The District then has 30 days after the entry of an Order of Dismissal for transmitting payment for the penalty and supplemental projects.*

### **Project Updates:**

- **Cherry Ave. Arroyo Grande Sewer Bridge Project** – The purpose of this project is to perform regular maintenance on the existing structure, remove paint and debris and replace its anti-corrosion coating. At the Board's September 7<sup>th</sup> Board meeting the Board approved the Mitigated Negative Declaration for this project. *A completed Notice of Determination has been filed with the County of San Luis Obispo, and necessary permit applications to the CA*

*Department of Fish and Wildlife, and Regional Water Quality Control Board. The later agency had additional questions and staff provided a revised form and description.*

- **Grit Removal System** – On April 28, 2016, the Board approved a contract with Spiess Construction Company for \$492,100. *Engineered filled has now been placed, and concrete pouring for the foundation continues. It is anticipated that installation of the equipment will commence in the next few weeks.*
- **Mechanical Bar Screen** – At the September 7<sup>th</sup> Board meeting, the Board approved an award of contract for this project. *It is anticipated that a Notice to Proceed will be issued to the contractor shortly.*
- **Secondary Process Redundancy Project** – On March 16, 2016, the Board approved a design contract with Kennedy Jenks for Phase I of this project. On August 5, 2016, a cover letter outlining our response(s) to the Coastal Commission staff's April 15<sup>th</sup> letter to our Coastal Development Permit application was sent to Coastal Commission staff, including five attachments (which included site plans, biological surveys, sea level rise analysis, flood risk mitigation strategy, and site photos). Subsequently on August 16<sup>th</sup>, upon receipt by us, a one-page form from the County of San Luis Obispo on its permitting determination was transmitted to Coastal Commission staff.

At the September 7<sup>th</sup> Board meeting, the Board approved an Addendum to the 2010 Mitigation Negative Declaration. This action updated the Redundancy Project's CEQA status. Subsequently, on September 9, 2016, we transmitted this Addendum, and supplemental information requested by Coastal Commission staff, via a cover letter. *On October 13, 2016, we received a response from Coastal Commission staff to our September 8<sup>th</sup> submittal (Attachment No. 2). Staff has reviewed the letter, and is already working with our consultants in preparing a response to the two issues identified in the letter.*

State Revolving Funding (SRF) Loan Program - On August 30<sup>th</sup>, District staff participated in three meetings in Sacramento with SWRCB Division of Financial Assistance staff. *At the October 5<sup>th</sup> Board meeting, the Board approved authorization to proceed with a contract with Bartle Wells Associates for assistance in preparing the financial package and evaluating other financial options. A conference call was held with BWA this week to kick off this effort.*

- **Satellite Water Resource Recovery Facilities Grant** – The Board approved a re-scoping of this grant funded project at its March 30, 2016. Regular monthly meetings are held with the consultant and City of Arroyo Grande staff, where project schedule, milestone and progress on report components are discussed. District staff met face to face in Sacramento in late August with the SWRCB's grant project manager to discuss the re-scoping of this study, its deliverable schedule, and overall purpose of the study in conjunction with ongoing regional recycling efforts in south San Luis Obispo County. A meeting to discuss progress on the study/grant was held on October 4<sup>th</sup> in Arroyo Grande. *A workshop on the draft Report is tentatively planned for the Board's December 7<sup>th</sup> meeting.*
- **Energy Cost Reduction/Conservation Project, Co-Generation Unit** – Staff continue to work with representatives of PG&E, MKN and Enviser on the feasibility of a co-generation system at the District's facility. Significant benefits of a co-generation system may include future saving on facility electricity costs, and a reduced carbon footprint (eliminated flare)/greenhouse gases. On August 30<sup>th</sup>, the District's Plant Superintendent attended and

was provided a tour of a similar PG&E co-generation project recently constructed and operating at the City of San Luis Obispo WWTP.

- ***District Control Building and Office*** – Significant issues and problems are evident in the District's Operational and Administrative Building. Identified issues include: Strong and persistent odors, noise and disruption from brine disposal trucks, multiple leaks in the ceiling/roof, mold, old desks and chairs (some decades old), old and stained carpets and flooring, infestation of pests, bubbling and peeling paint, break room/kitchen deterioration, identified leaks in the indoor plumbing, insufficient and overlapping utilization of space for administration vs. operations, IT integration, file storage, and others.

On August 11th, a temporary construction trailer for administrative staff was delivered to the plant site, adjacent to the C-Train (containing a majority of the District's files). A completed CDP application was submitted to Coastal Commission staff in compliance with local and state requirements. Staff continues to research and meet with individuals that can shed light on historical permitting (or exemptions or waivers) of past projects at the District WWTP site from either the County of San Luis Obispo or Coastal Commission.

### **Regional Efforts**

- Arroyo Grande Watershed MOU Group – In 2006, various parties, including the District entered into a Memorandum of Understanding. The purpose of this watershed group is to develop programs and policies for the maintenance, protection, and enhancement of Arroyo Grande Watershed and creeks within the Watershed. Unfortunately, staff was not able to attend the most recent meeting held on September 28<sup>th</sup>.
- Zone 1-1A Flood Control Advisory Committee – The Committee is focused on the goal to provide input and coordination on proposed improvement and maintenance of the Zone 1/1A flood facilities, working with the Coastal San Luis Resource Conservation District. At the June 15<sup>th</sup> Board meeting, the Board approved District staff participation. *The next meeting of this committee is scheduled for October 18<sup>th</sup> at the Oceano CSD office with updates on annual channel maintenance, Waterway Management Program projects, and the long term rain forecast.*
- Integrated Water Resource Management (IRWM) – Integrated Regional Water Management (IRWM) is a collaborative effort with the County of San Luis Obispo to manage all aspects of water resources on a region wide scale that:
  - Crosses jurisdictional, watershed, and political boundaries
  - Involves multiple agencies, stakeholders, individuals, and groups
  - Addresses regional issues and differing perspectives of all the entities involved through mutually beneficial solutions.
  - Develops multi-benefit solutions

At the July 6<sup>th</sup> Board meeting the Board approved the District's participation in the IRWM program through adoption of a Resolution and becoming signatory under the existing Memorandum of Understanding. *The Water Resource Advisory Committee held its latest meeting on October 5<sup>th</sup>, where a groundwater basin characterization through use of various geophysical methods was presented. The next meeting of the IRWM group is scheduled for November 2, 2016.*

- Water Reuse, Central Coast Chapter - The Association is a not-for-profit association (501c6) of utilities, government agencies and industry that advocates for laws, policies and funding to promote water reuse. The Water Reuse Association provides a comprehensive and complementary approach to increasing water reuse in California. *The next meeting will be November 15<sup>th</sup> and will include a presentation on direct potable reuse (DPR).*
- North Cities Management Area Technical Group - The NCMA TG, which includes representatives from the Cities of Arroyo Grande, Grover Beach, Pismo Beach, and the Oceano Community Services District, was formed as a result of the Santa Maria Groundwater Basin (SMGB) Adjudication. This group is exploring various ways to protect and enhance future water supplies in the basin through groundwater monitoring, and the collection and analyzing of data pertinent to water supply and demand. At the meetings, group members share hydrologic and water resources data and information, and water conservation efforts. *Recent efforts have been concentrated on how to coordinate efforts on a comprehensive groundwater model for the Santa Maria groundwater basin between various parties, and how best to leverage the District's supplemental environmental project funds associated with this effort. In this regard the group recently submitted a joint comment letter to the RWQCB (see discussion above under 2010 Spill Litigation).*
- Regional Groundwater Sustainability Project: Staff participates in meeting with the various cities to collaborate on a potential regional recycling project in the South San Luis Obispo county and how might the District participate. *The third meeting of this group was held on October 12<sup>th</sup> in Grover Beach, with topics that included updates on a collaboration structure, efforts to develop a groundwater model, a joint EIR, and the site selection process. District staff was asked and provided an update on progress with our recycling grant study.*
- Countywide Water Action Team/Water Management Efforts: A Countywide Water Action Team has formed, with water managers throughout San Luis Obispo County convening to discuss and collaborate on water supply management solutions, especially in light of the severe drought. The next meeting is scheduled for December 16<sup>th</sup>.
- Outreach Initiative – The District Administrator provided a formal presentation on the District and its initiatives to the Arroyo Grande City Council on July 26<sup>th</sup>, the Oceano CSD on July 27<sup>th</sup>, and the Regional Water Quality Control Board on July 28<sup>th</sup>. At the September 21, 2016 Board meeting the Board approved moving forward with distribution of our Fall 2016 Newsletter. *Staff have approached each of our member agencies and are working with them on how best to include this newsletter with their utility bills. A draft flyer for the Oceano community highlighting the Redundancy project is also under review.*

*The website overhaul continues, with content mitigation the latest effort. The end of October is still the target date for going live. Staff intends to bring a demonstration of the new website to the Board at one of its November Board meetings.*

- Record's Management Initiative – As a first step, staff have recently compiled several other agencies' Record's Retention Policies. We intend to evaluate them and compare them to the District's existing Record Retention Policy, and at some future date, come to the Board with an updated Policy for consideration.

### Superintendent's Report

During this reporting period (October 1st through October 12th) the District's facility continues to regularly meet its Permit Limitations as required under the State of California's National Pollution Elimination Discharge (NPDES) Permit issued to the District. *All process values (lab test results) were within permit limits.*

#### **Plant Data (Data as Available October 12), 2016**

October 2016	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	2.24	3.52	481	26	439	27	5	173	94
High	2.47	4.1	497	27	446	29	13	250	
Limit	5.0			40/60/90		40/60/90	2000		80
CY 2015 Monthly									
Average	2.17	3.42	415	29	438	36	67	194	93
High	2.42	4.8	495	43	494	47	255	402	

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

#### **Operation and Maintenance Projects**

- *Installed new security key pad at front gate.*
- *Replaced pump in storm drain #3.*
- *Vacuumed out storm drain sumps in Plant.*
- *Repaired field sump piping.*
- *Serviced pumps and portable generators.*
- *Installed ISCO flowmeter in sewer manhole.*

#### **Training**

- Staff attended a training session titled Manage For Success. This session is based on training materials from Cal. State Univ., Sacramento.
- Staff attended training session on Arc Flash Training.

#### **Call Outs**

- **10/1/2016, 1630** – Multiple alarms due to power failure. Operator III Mui responded. Reset alarms and equipment. Regular power was restored within 15 minutes. Inspected Plant. Superintendent responded also.
- **10/11/2016, 1237** – Secondary sludge pump #1 failed. Operator III Jones responded. Alarm reset.

## Central Coast Regional Water Quality Control Board

October 13, 2016

Gerhardt Hubner, General Manager  
South San Luis Obispo County Sanitation District  
[Gerhardt@sslocsd.us](mailto:Gerhardt@sslocsd.us)

Dear Mr. Hubner:

**TRANSMITTAL OF SIGNED STIPULATED ORDER NO. R3-2016-0045, SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R3-2012-0041, SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT**

Attached is a signed copy of the subject order. This letter also transmits to you and interested parties Central Coast Water Board staff's responses to comments received on the proposed order during the prior public comment period. We appreciate your willingness to help find a meaningful and appropriate resolution to this case.

If you have any question, please contact Harvey Packard at (805) 542-4639 or [Harvey.packard@waterboards.ca.gov](mailto:Harvey.packard@waterboards.ca.gov).

Sincerely,

John M. Robertson  
Executive Officer

Attachments:

1. Stipulated Order No. R3-2016-0045
2. Response to Comments

cc: Brad Snook, Surfrider Foundation San Luis Obispo, [chair@slo.surfrider.org](mailto:chair@slo.surfrider.org)  
Jeff Edwards and Julie Tacker, [jhedwardscompany@gmail.com](mailto:jhedwardscompany@gmail.com)  
Paavo Ogren, Oceano CSD, [paavo@oceanocsd.org](mailto:paavo@oceanocsd.org)  
Geoff English, Arroyo Grande, [genglish@arroyogrande.org](mailto:genglish@arroyogrande.org)  
Benjamin Fine, Pismo Beach, [bfine@PismoBeach.org](mailto:bfine@PismoBeach.org)  
Greg Ray, Grover Beach, [gray@grover.org](mailto:gray@grover.org)  
Daniel Heimel, WSC, [dheimel@wsc-inc.com](mailto:dheimel@wsc-inc.com)  
Wade Horton, SLO County, [whorton@co.slo.ca.us](mailto:whorton@co.slo.ca.us)  
Courtney Howard, SLO County, [choward@co.slo.ca.us](mailto:choward@co.slo.ca.us)  
Todd Stanley, Central Coast Water Board  
Katie Disimone, Central Coast Water Board

r:\rb3\shared\mpdes\facilities\san luis obispo\south slo co\lawsuit re acd 2012\settlement docs\modified\sslocsd final stipulated order modified transmittal.docx  
ECM# 631801



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION

STIPULATED ORDER NO. R3-2016-0045  
SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF  
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R3-2012-0041  
IN THE MATTER OF  
SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT  
SAN LUIS OBISPO COUNTY

This Settlement Agreement and Stipulation for entry of Administrative Civil Liability Order (Stipulated Order or Order) is entered into by and between the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) and South San Luis Obispo County Sanitation District (Discharger) (collectively known as the Parties), pursuant to Government Code section 11415.60.

**Recitals**

1. On October 3, 2012, the Central Coast Water Board adopted Administrative Civil Liability Order No. R3-2012-0041, included in this Order as Exhibit A.
2. The Discharger petitioned the State Water Resources Control Board for review of Order No. R3-2012-0041 on November 1, 2012. On October 24, 2014, the State Water Resources Control Board declined to consider the Discharger's petition. On November 24, 2014, the Discharger filed a petition for writ of administrative mandamus and complaint for declaratory relief in San Luis Obispo County Superior Court (South San Luis Obispo County Sanitation District v. State Water Resources Control Board et al., Case No. 14CV-0596). On February 9, 2015, the action was transferred to Sacramento County Superior Court and assigned case number 34-2015-80002033.

**Settlement**

3. The Parties have engaged in confidential settlement negotiations and agree to settle the matter by presenting this Stipulated Order to the Central Coast Water Board, or its delegee, for adoption as an order by settlement pursuant to Government Code section 11415.60.
4. The Parties are agreeing to resolve this matter without further litigation and without an admission of liability for \$1,109,812.80, with a portion of the settlement proceeds going toward two supplemental environmental projects (SEPs) and an enhanced compliance action (ECA). The proposed SEPs and ECA are attached hereto as Exhibits B, C, and D.

**Stipulations**

The Parties stipulate to the following:

### **Administrative Civil Liability**

1. The Discharger hereby agrees to the imposition of administrative civil liability totaling **one million, one hundred nine thousand, eight hundred twelve and 80/100 dollars (\$1,109,812.80)**. Not more than 30 days after the entry of an Order of dismissal by the Sacramento County Superior Court of case number 34-2015-80002033, the Discharger shall pay by check to the State Water Resources Control Board Cleanup and Abatement Account one-half of this amount, i.e., \$554,906.40. The Discharger shall indicate on the check the number of this Stipulated Order and send it to the State Water Resources Control Board, Accounting Offices, Attn: ACL Payment, P.O. Box 1888, Sacramento, CA 95812-1888, and shall send a copy of the check to Jessica Jahr, State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.

### **Supplemental Environmental Project – Central Coast Ambient Monitoring Program Groundwater Assessment and Protection (CCAMP-GAP)**

2. The Discharger agrees to fund CCAMP-GAP in the amount of \$110,981.28. The Project is described in Exhibit B. CCAMP-GAP is administratively funded by the Bay Foundation of Morro Bay, a non-profit third-party organization. The Discharger's liability for this amount is deemed resolved upon payment to the Bay Foundation of Morro Bay.

### **Supplemental Environmental Project – Groundwater Basin Model**

3. The Discharger agrees to contribute \$221,962.56 toward developing a groundwater basin model for the Northern Cities Management Area and Nipomo Mesa Management Area of the Santa Maria Groundwater Basin. The draft scope of the project and schedule are described in Exhibit C. The Discharger will submit a check for \$221,962.56 to the Bay Foundation of Morro Bay for the purposes of funding the groundwater basin model for the Northern Cities Management Area. The Discharger's liability for this amount is deemed resolved upon payment to the Bay Foundation of Morro Bay. The Bay Foundation of Morro Bay will release the funds to pay for the groundwater basin model as the project is completed and as approved by the Executive Officer. If the groundwater basin model is not completed as approved by the Executive Officer, he will, at his discretion, redirect any or all of the funds to CCAMP-GAP.

### **Enhanced Compliance Action – Grit Removal System**

4. The Discharger agrees to fund construction of a grit removal system at the Discharger's treatment facility in the amount of at least \$221,962.56. The project is described in Exhibit D. These funds are considered a suspended liability until the ECA has been fully implemented. The Discharger represents that (1) it will fund the project in the amount described in this Stipulated Order and (2) it will remain liable for the ECA suspended liability until the project is completed and accepted by the Central Coast Water Board in accordance with the terms of this

Stipulated Order. Discharger agrees that the Central Coast Water Board has the right to require an audit of the funds expended by it to implement the ECA.

5. **Central Coast Water Board Acceptance of Completed ECA.** Upon the Discharger's satisfaction of its ECA obligations under this Stipulated Order and the completion of the ECA and any audit requested by the Central Coast Water Board, Central Coast Water Board staff shall send Discharger a letter recognizing satisfactory completion of its ECA obligations. This letter shall terminate any further ECA obligations of Discharger, as they pertain to this liability, and result in the permanent waiver of the ECA suspended liability.
6. **Failure to Expend all ECA Suspended Liability Funds on the Approved ECA.** In the event that Discharger is not able to demonstrate to the reasonable satisfaction of the Central Coast Water Board that the entire ECA suspended liability has been spent to complete the components of the ECA for which Discharger is financially responsible, Discharger shall pay the difference between the ECA suspended liability and the amount Discharger can demonstrate was actually spent on the ECA as an administrative civil liability. Discharger shall pay this remainder in accordance with Stipulation, Paragraph 1 above, within 30 days of its receipt of notice of the Central Coast Water Board's determination that Discharger has failed to demonstrate that the entire ECA suspended liability has been spent to complete the ECA components.
7. **Party Contacts for Communications related to Stipulated Order:**

For the Central Coast Water Board:

Harvey Packard  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401  
Harvey.packard@waterboards.ca.gov  
(805) 542-4639

Jessica Jahr – Staff Counsel  
Office of Chief Counsel  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100  
Jessica.jahr@waterboards.ca.gov  
(916) 341-5168

For the Discharger:

South San Luis Obispo County Sanitation District  
c/o Gerhardt Hubner, District Administrator  
1600 Aloha Pl., Oceano, CA 93445  
Gerhardt@sslocsd.us  
(805) 202-8291

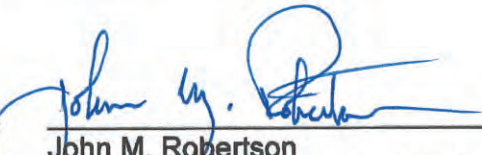
Counsel: Gil Trujillo, District Counsel  
204 E. Cook Street  
Santa Maria, CA 93454  
gat1848@comcast.net  
(805) 264-0672

8. **Nonpayment:** In the event the Discharger fails to timely pay the full amount owed pursuant to this Agreement, the Discharger shall owe ten percent per annum pre-judgment interest on any amount due and unpaid from the date payment was due. If the Discharger fails to timely pay any part of the amount owed pursuant to this Agreement, including the aforementioned interest, by 30 days after the date payment was due, Discharger stipulates to entry of a Clerk's Judgment for the unpaid amount, pursuant to Water Code section 13328.
9. **Attorney's Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.
10. **Publicity.** Should Discharger or its agents or subcontractors publicize one or more elements of an SEP or ECA, they shall state **in a prominent manner** that the project is being partially funded as part of the settlement of an enforcement action by the Central Coast Water Board against Discharger.
11. **Public Notice:** The Discharger understands that this Stipulated Order will be noticed for a 30-day public review and comment period prior to consideration by the Central Coast Water Board or its delegee. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Central Coast Water Board or its delegee for adoption, the Executive Officer may unilaterally declare this Stipulated Order void and decide not to present it to the Central Coast Water Board or its delegee. The Discharger agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.
12. **Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedure contemplated for the Central Coast Water Board's adoption of the settlement by the Parties and review by the public, as reflected in this Stipulated Order, will be adequate. In the event procedural objections are raised prior to the Stipulated Order becoming effective, the Parties agree to meet and confer concerning any such objections, and may agree to revise or adjust the procedure as necessary or advisable under the circumstances.
13. **No Waiver of Right to Enforce:** The failure of the Central Coast Water Board to enforce any provision of this Stipulated Order shall in no way be deemed a waiver of such provision, or in any way affect the validity of the Order. The failure of the Central Coast Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order.

14. **Interpretation:** This Stipulated Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party.
15. **Modification:** This Stipulated Order shall not be modified by any of the Parties by oral representation made before or after its execution. All modifications must be in writing, signed by all Parties, and approved by the Central Coast Water Board.
16. **Waiver of Hearing:** The Discharger has been informed of the rights provided by Water Code section 13323, subdivision (b), and hereby waives its right to a hearing before the Central Coast Water Board prior to the adoption of the Stipulated Order.
17. **Waiver of Right to Petition:** The Discharger hereby waives its right to petition the Central Coast Water Board's adoption of the Stipulated Order as written for review by the State Water Board, and further waives its rights, if any, to appeal the same to a Superior Court, federal district court, and/or any appellate court.
18. **Central Coast Water Board is Not Liable:** Neither the Central Coast Water Board members nor the Central Coast Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from acts or omissions by the Discharger, its directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Stipulated Order.
19. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Stipulated Order on behalf of and to bind the entity on whose behalf he or she executes the Order.
20. **No Third Party Beneficiaries.** This Stipulated Order is not intended to confer any rights or obligations on any third party or parties, and no third party or parties shall have any right of action under this Stipulated Order for any cause whatsoever.
21. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Central Coast Water Board, or its delegee, enters the Order.
22. **Counterpart Signatures:** This Stipulated Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document.
23. **Dismissal of the Litigation:** Within 7 days of the Effective Date of this Stipulated Order pursuant to paragraph 18 above, the Discharger will file a request for dismissal with prejudice of Sacramento Superior Court Case No. 34-2015-80002033 as to all respondents/defendants.
24. This settlement agreement, and the attachments explicitly incorporated herein, constitutes the entire agreement between the parties.

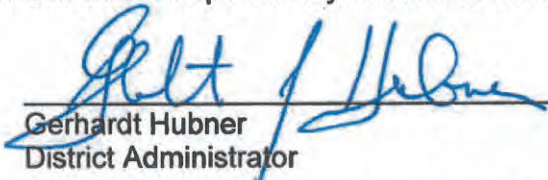
**IT IS SO STIPULATED.**

California Regional Water Quality Control Board  
Central Coast Region

By:   
John M. Robertson  
Executive Officer, Regional Water Quality Control Board, Central Coast Region

Date: October 13, 2016

South San Luis Obispo County Sanitation District

By:   
Gerhardt Hubner  
District Administrator

Date: October 11, 2016



**Order of the Central Coast Water Board**

1. In adopting this Stipulated Order, the Central Coast Water Board or its delegee has considered, where applicable, each of the factors prescribed in CWC sections 13327, 13351, and 13385(e). The consideration of these factors is based upon information and comments obtained by the Central Coast Water Board's staff in investigating the allegations concerning the dischargers discussed herein or otherwise provided to the Central Coast Water Board or its delegee by the Parties and members of the public.
2. This is an action to enforce the laws and regulations administered by the Central Coast Water Board. The method of compliance with this enforcement action consists entirely of payment of an administrative penalty. As such, the Central Coast Water Board finds that issuance of this Order is not considered subject to the provisions of the California Environmental Quality Act (CEQA) as it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not considered a "project" (Pub. Resources Code, §§ 21065, 21080, subd. (a); §§ 15060, subd. (c)(2) & (c)(3), Cal. Code Regs., tit. 14, § 15378, subd. (a).) In addition, the Central Coast Water Board finds that issuance of this Order is also exempt from the provisions of CEQA in accordance with California Code of Regulations, Title 14, section 15321, subdivision (a)(2), as an enforcement action by a regulatory agency, and no exceptions would preclude the use of this exemption. To the extent that the payment of a portion of the administrative liability as a SEP would trigger CEQA review, the possible activities by the SEP administrator are not yet known. If the implementation may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to approval of any work plan.
3. The terms of the foregoing Stipulations are fully incorporated herein and made part of this Order of the Central Coast Water Board.

Pursuant to Water Code sections 13323, 13350, and 13385 and Government Code section 11415.60, **IT IS HEREBY ORDERED** by the California Regional Water Quality Control Board, Central Coast Region.

By: \_\_\_\_\_

  
John M. Robertson  
Executive Officer

Date: October 13, 2016

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WWW.COASTAL.CA.GOV



October 12, 2016

John F. Rickenbach  
7675 Bella Vista Road  
Atascadero, California 93422

**Subject: Coastal Development Permit (CDP) Application Number 3-16-0233 (South San Luis Obispo County Sanitation District (District) Wastewater Treatment Plant Redundancy Project)**

Dear John:

On March 15, 2016, we received the above-referenced CDP application that you submitted on behalf of the District. The proposed redundancy project is located at the District's wastewater treatment plant (WWTP) at 1600 Aloha Place in Oceano.

On April 15, 2016 we sent an application status letter to you regarding this project. On August 8<sup>th</sup> and 9<sup>th</sup>, we received additional materials in response to our status letter. Commission staff held a conference call with the District and others on August 16<sup>th</sup> and received another submittal of additional materials, based on this conversation, on September 12, 2016. We have reviewed the materials that you have submitted to date and are in need of additional information to adequately analyze the proposed project for Coastal Act conformance. Towards this end, we are unable to file this application until the following is submitted:

- 1. Project Description.** As described in the latest submitted materials and in your letter dated September 9, 2016, the District is proposing to install a variety of components designed for redundancy purposes at the site, as well as other minor flood-proofing improvements including: 1) raising or replacing the existing flood barrier around the "Standby Power Building" to provide an additional two feet of flood protection; 2) installing a new four-foot-high flood barrier around the edge of the "Transformer slab"; and 3) raising or replacing the existing flood barrier around the "Power Generation Station" to provide an additional six inches of flood protection. Are these the only "critical" structures that the proposed project intends to better protect from flooding? If so, and while some of these locations are shown in the Flood Mitigation Strategy document dated September 7, 2016, staff would appreciate two full-scale and two reduced-sized (8 ½" x 11" or 11" by 17") plan sheets showing the proposed redundancy project components *and* the three minor flood-proofing components on the same plan sheet.

Lastly, please also include a project description and project plans for any flood-proofing or other work previously done on the site without the necessary Coastal Commission authorized CDP. As mentioned in prior correspondence, the Commission previously authorized the addition of a storage building (3-95-095-W), replacement of a sludge



centrifuge (3-08-056-W), and installation of a wireless communications facility (3-02-028) at the site. If there have been other recent improvements or upgrades or development on the site (e.g., in relation to the 2010 flooding event) please add these as after-the-fact components to the project description and submit a set of full-scale and reduced-scale project plans for each of these components.

2. **Alternatives.** Section 13053.5 of the Commission's administrative regulations requires that project descriptions contained in a permit application include any feasible<sup>1</sup> alternatives that would substantially lessen any significant adverse impact the development may have on the environment. Thank you for providing an analysis summarizing the costs of relocation of the existing WWTP through identification of possible relocation sites in the service area. However, we have some questions regarding the analyzed relocation sites. Specifically, what were the reasons for selecting these three sites as opposed to others? Was it because these were the only areas in the vicinity that had 12 acres or more of space, which is an expected size for a new WWTP? Are there other locations that are outside the District's service area that would be suitable, or would the distance make the site cost-prohibitive? Please provide answers to these questions.

Finally, thank you for comments on the ability to reuse or relocate proposed redundancy project components at a new facility in the future. Please confirm that there is not a more temporary solution to the redundancy project which would enable the District to accomplish its (and the Regional Water Quality Control Board's) goals, while at the same time reducing financial costs to the District.

We will hold the application for three months from today's date (i.e., until January 12, 2017) pending receipt of these materials. After all of the above-listed materials have been received, the package will again be reviewed and will be filed if it contains materials sufficient for a thorough and complete review. This submittal deadline may be extended for good cause if such request is made prior to December 12, 2016. I look forward to working with you on this project. Please do not hesitate to contact me at (831) 427-4863 if you have any questions regarding the above information requests.

Sincerely,

Daniel Robinson  
Coastal Planner  
Central Coast District Office

---

<sup>1</sup> "Feasible" as defined by Section 30108 of the Coastal Act, means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.





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

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

---

Date: October 19, 2016  
To: Board of Directors  
From: Gerhard Hubner, District Administrator

**Subject: CONSIDERATION OF RESOLUTION NO. 2016-358, AUTHORIZING AN ANNUAL TRANSFER TO A DEDICATED RESERVE ACCOUNT, AND DIRECTING THE DISTRICT ADMINISTRATOR TO TRANSFER MONEY PER THE DISTRICT'S RESERVE POLICY**

### **RECOMMENDATION**

Adopt Resolution No. 2016-358, authorizing annual transfers to the Reserve Account, and transferring \$248,990 from the beginning fund balance available in Operating Fund 19 to new Account No. 19-1011.

### **BACKGROUND**

On June 15, 2016, the Board approved Resolution No. 2016-352, approving a Reserve Policy. Through this Resolution the District Board emphasized it is proceeding with significant capital projects including a redundancy project, and wished to implement a prudent reserve to assure success of these efforts. Resolution No. 2016-352 also authorized the District Administrator to move an amount equal to 10% of the annual costs of District maintenance and operation from Beginning Fund balance available in Operating Fund 19 to a Reserve Fund.

Once the transferred money is reserved, these conditions must be met for use:

- Only in one-time cases of emergency, natural disaster, or unexpected event;
- A majority vote of the Board is required to access the reserve;
- The reserve will be reviewed annually with the budget.

### **DISCUSSION**

Today's Resolution No. 2016-358 would authorize and direct the District Administrator to make this transfer on an annual basis, after calculating the amount based on the Board's annual review at the conclusion of each fiscal year. After completing review of the Fiscal Year 2016-17 end of

year financials, 10% of the unaudited annual costs of maintenance and operation resulted in a total amount of \$248,990.

Today we are also requesting approval to create a new budget account titled Account No. 19-1011 (Cash in County Reserved) and transfer \$248,990 from Account No. 19-4005 (Beginning Fund Balance) to this account.

## **ATTACHMENT**

1. Resolution No. 2016-358

**RESOLUTION 2016-358**

**A RESOLUTION OF THE BOARD OF SOUTH SAN LUIS OBISPO  
COUNTY SANITATION DISTRICT,  
AUTHORIZING AND DIRECTING THE DISTRICT ADMINISTRATOR TO TRANSFER  
MONEY FROM THE ACCOUNT "BEGINNING FUND BALANCE AVAILABLE" TO A  
DEDICATED RESERVE FUND IN OPERATING FUND 19**

**WHEREAS**, in addition to its standard operations, the District is now proceeding with significant capital and updating projects including a redundancy project, and wishes to implement a prudent reserve to assure success of these efforts; and

**WHEREAS**, on June 15, 2016, the South San Luis Obispo County Sanitation District (District) approved Resolution 2016-352, Approving a Reserve Policy and authorizing the District Administrator, or his/her designee, to take all steps necessary to implement the policy; and

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Board of South San Luis Obispo County Sanitation District:

1. In order to implement Resolution No. 2016-352, the District Administrator, or his designee, is hereby authorized and directed to move an amount equal to 10% of the annual costs of District maintenance and operation from Beginning Fund Balance Available in Operating Fund 19 to a Reserve Fund also in Operating Fund 19; and
2. The District Administrator is authorized and directed to make this transfer on an annual basis in accordance with best practices, after calculating the amount based on the Board's annual review in adopting its budget; and
3. Once the transferred money is reserved, these conditions must be met for use:
  - Only in one-time cases of emergency, natural disaster, or unexpected event;
  - A majority vote of the Board is required to access the reserve;
  - The reserve will be reviewed annually with the budget.

**PASSED AND ADOPTED** at a regular meeting of the South San Luis County Sanitation District Board of Directors held this 19th day of October, 2016.

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

AYES:  
NOES:  
ABSENT:  
CONFLICTS:

\_\_\_\_\_  
John Shoals,  
Chairman  
Board of Directors  
South San Luis Obispo County Sanitation District

ATTEST:

\_\_\_\_\_  
DISTRICT SECRETARY

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
DISTRICT COUNSEL

CONTENTS:

BY: \_\_\_\_\_  
DISTRICT ADMINISTRATOR





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

---

## STAFF REPORT

**Date:** October 19, 2016  
**To:** Board of Directors  
**From:** Gerhardt Hubner, District Administrator  
**Subject:** **GRIEVANCES FILED BY DISTRICT OPERATORS MR. MICHAEL ARIAS AND MR. MYCHAL JONES**

### RECOMMENDATION

1. Adopt a resolution resolving Michael Arias' grievance; and
2. Adopt a resolution resolving Mychal Jones' grievance.

### BACKGROUND

#### A. Michael Arias' Grievance (Attachment No. 1)

Michael Arias filed a written grievance form with the District Administrator on August 30, 2016. This filing followed meetings with the District Administrator on August 4 and 23. This grievance, and discussions that proceeded were an outcome of previous discussion(s) on the recommendation to promote to Operator III prior to review and concurrence with the District Administrator. These meetings received Mr. Arias' concerns, comments and feedback; addressed promotions in the context of organization needs; and included a comprehensive question-and-answer session responding to the topic of promotion to Operator III. Mr. Arias also attended a meeting in which the District Administrator explained that the employees would be included in the process of updating the District's Personnel Policy Manual ("Manual"), which the District Administrator was hoping to present for Board approval before the end of 2016.

In his grievance form, Mr. Arias stated there is an open, unfilled Operator III position at the Oceano Wastewater Treatment Plant. He believes this is inconsistent with policy and past practices; however, Mr. Arias' grievance did not identify specific policy or past practices nor cite one or more specific sections of the Personnel Policy Manual that were misapplied, or misinterpreted by the District Administrator. A response from Plant Superintendent John Clemons states that Mr. Clemons cannot provide the requested remedy.

The District Administrator responded in writing to Mr. Arias on September 7, 2016. His response denied the grievance based on the District's Personnel Policy Manual ("Manual"), previous meetings held with Mr. Arias, the District Administrator's independent judgment, and an attached Grievance Report by Lara HR Services. The Grievance Report concludes, among other things, that the requested remedy by Mr. Arias is inconsistent with current District policy, which does not



require vacancies to be filled within a specified timeframe. In addition, the Grievance Report documents there is no consistent historical promotion practice with regard to timing.

On September 9, 2016, Mr. Arias appealed in writing to the Chair of the District Board. Mr. Arias stated that if the Manual is not clear, historical practices should be followed; in addition, the District Administrator cannot alter policy by requiring an employee to wait for a position until policy is altered. Mr. Arias' appeal included his grievance form, response by the Plant Superintendent, email clarification from the Superintendent, salary range chart from Resolution No.2016-340, decision memo from the District Administrator, and appeal statement. It did not include the Grievance Report from Lara HR Services.

**B. Mychal Jones' Grievance (Attachment No. 2)**

Jerome Mychal Jones, Jr. filed a written grievance form with the District Administrator on August 30, 2016. This filing followed meetings with the District Administrator on August 4 and 23. This grievance, and discussions that proceeded were an outcome of previous discussion(s) on the recommendation to promote to Operator III prior to review and concurrence with the District Administrator. These meetings received Mr. Jones' concerns, comments and feedback; addressed promotions in the context of organization needs; and included a comprehensive question-and-answer session responding to the topic of promotion to Operator III. Mr. Jones also attended a meeting in which the District Administrator explained that the employees would be included in the process of updating the Manual, which the District Administrator was hoping to present for Board approval before the end of 2016.

In an attachment to his grievance form, Mr. Jones stated that he has "fulfilled all requirements to be a Grade III operator and should have been promoted to Grade III operator." He also states that "[t]here are current policies and practices that outline the requirements to become a Grade III operator" and that he has fulfilled them. He requests he be promoted to Grade III operator in advance of updates to the policy Manual. Mr. Jones does not cite one or more specific sections of the Personnel Policy Manual that were misapplied, or misinterpreted by the District Administrator. Responses from Plant Superintendent John Clemons 1) document meetings with Messrs. Jones and Arias and District Administrator Hubner; and 2) state that Mr. Clemons cannot provide the requested remedy.

The District Administrator responded in writing to Mr. Jones on September 7, 2016. His response denied the grievance based on the District's Personnel Policy Manual, previous meetings held with Mr. Jones, the District Administrator's independent judgment, and an attached Grievance Report by Lara HR Services. The Grievance Report concludes, among other things, that the requested remedy by Mr. Jones is inconsistent with current District policy, which does not require vacancies to be filled within a specified timeframe, nor is there "automatic" promotion based on certification. In addition, the Grievance Report documents there is no consistent historical promotion practice with regard to timing.

On September 14, 2016, Mr. Jones appealed in writing to the Chair of the District Board. Mr. Jones stated that his "promotion was put on indefinite hold by the District Administrator." He also stated 1) that previously a District employee had been appointed to Grade III operator without a competitive recruitment; and 2) he is the only qualified employee for Grade III operator because the other qualified District employees have stated they either defer or are not interested in the position. Mr. Jones' appeal included a document titled "Grievance," two responses by the Plant Superintendent, email clarification from the Superintendent, decision memo from the District Administrator, Grievance Report from Lara HR Services, and appeal statement.

## PROCEDURE

### A. Steps to follow

The Board should:

1. Open a hearing;
2. Receive evidence. The Chair should limit the evidence to specifics outlined in the policy issues below.
3. Close the hearing;
4. Retire to closed session and deliberate;
5. Return to open session and adopt a resolution resolving Michael Arias' and Mychal Jones' grievances.

### B. Analysis

Section 5010 of the Manual provides for grievances to be appealed to the Board when they are against the District Administrator, and do not involve employee evaluations unless the District Administrator prepared them. A grievance appeal must be in writing stating reasons, and be accompanied by the original grievance and the Administrator's decision.

Paragraph IV.D of Section 5010 of the Manual sets out steps for the Board to follow when reviewing a grievance:

1. The Board President schedules a hearing on the grievance and responses to it at a regular monthly meeting;
2. The Board receives evidence on the issues; and
3. The Board issues a written decision.

The Board currently has **two** separate grievances before it for review. One grievance (Mr. Jones') seeks a promotion by means of appointment and the other (Mr. Arias') seeks the immediate filling of an employment position. Under Government Code Section 54957(b)(1), the Board may hold a closed session "to consider the appointment...of a public employee."

## DISCUSSION

To assist the Board in deciding the merits of these Grievance appeals, the following Policy issues and information are provided for consideration:

1. Is there an Operator III position vacancy? Yes

In the District's approved Budget for Fiscal Year 2016-17, an Operator III vacancy exists. Some of the funding for that allocated position is currently being used to staff one the District's Operator II employees.

2. Must the vacancy at the Operator III level be filled now? No

The District's Personnel Policy Manual does not require an automatic position filling nor that a vacancy be filled or promotion be granted within a specified time. Further all operators are currently being compensated commensurate with assigned duties.

3. Should past practices be the guide or predictor of current practices?

"Past practice" is a legal term of art and has different legal meanings depending on context. For the District, a "past practice" would be relevant to help the Board interpret the words of an ambiguous policy, along with the history of the policy's adoption and public policy. [*Coburn v. Sievert*, 133 Cal.App.4<sup>th</sup> 1483, 1496 (2005).]

Past practice does **not** mean “the way we’ve done it before.” Instead, a past practice **may help** to interpret a written rule that is ambiguous. However, the District’s Manual clearly and unambiguously states that recruitment is the proper method to accomplish promotions. [Section 2020.] Therefore, no “past practice” is needed to help understand Section 2020 of the Manual.

Finally, language in the Manual suggests that any ambiguity would need to be resolved through an amendment adopted by the Board, not a past practice. Chapter 1, Section 1010 of the Manual states: “No oral statements or representations can, in any way, change or alter the provisions of this manual.”

4. Is there an alternative to filling the vacancy now? Yes

District priorities are established and updated by the Board based upon past and present Board direction, fiduciary and budget obligations (including staffing costs), and District organization needs. The District Administrator, as part of his job duties, provides recommendations to the Board and implements these priorities.

Filling the vacancy now would be problematic for at least two reasons. Currently no Operator III job description exists (Operator III is not part of the combined Operator job description) within the Personnel Policy Manual. Therefore, if a promotion were to be granted with no corresponding increase in duties or responsibilities it is hard to justify or rationalize how a higher salary can just be given. Additionally, the update to the Personnel Policy Manual was identified as a Board priority as far back as mid-2015, but never completed. The update process is progressing under the current District Administrator, and all operator job descriptions have already been identified for review and update as part of that process. Developing an Operator III job description will have an impact on the rest of the operator job descriptions, and therefore will necessitate they all be updated at the same time, to avoid confusion of duties, responsibilities and authority.

5. If a vacancy is to be filled, what are the proper steps and procedures?

Competitive recruitment is the standard industry human resource practice for all public service agencies (federal, state, local and special district agencies) to promote fairness, equity and prevent claims of discrimination. Competitive merit based recruitments ensure that all qualified candidates have the opportunity to compete for a promotion or position based upon their education, experience, and qualifications. There is no rationale nor any evidence provided that these common human resource agency practices should not apply to the District.

To avoid charges of favoritism, cronyism or nepotism, vacancies are filled using a competitive recruitment process, similar to other what other public agencies employ. Section 2020 of the Manual provides for a District recruitment process. The process includes soliciting applications only when openings exist or are contemplated, and following a District philosophy to promote from within. Appointments after recruitment are to be made by the District Administrator after review of completed applications, submitted materials, personal interviews and demonstrated ability.

Three current District employees potentially could apply for the existing Operator III vacancy. A recruitment process allows each employee the opportunity to decide to participate in the recruitment or not.

6. How many Operators III are legally required to operate a Grade III rated wastewater treatment plant such as the one at the South San Luis Obispo County Sanitation District?

Per the State of California regulations and discharge permit issued by the Central Coast Regional Water Quality Control, only one Grade III Certified Operator is required for this District. Prudent operational practices for redundancy would likely also include a backup or additional Operator with a Grade III certificate. There is no requirement that an operator with a Grade III certificate hold a job title of Operator III. Currently the Plant Superintendent holds a Grade IV Certificate, and four employees/Operators hold Grade III Certifications.<sup>1</sup> One employee resides in one of the Grade III positions, promoted in 2014. Research and conversations with past employees into past District staffing levels indicates two Grade III Operators were sufficient to operate the District's wastewater treatment plant, similar to today.

Options for the Board's consideration today:

1. Sustain the determination of the District Administrator and deny the two Grievances filed or;
2. Uphold the two Grievances filed; or
3. Direct the District Administrator in some other fashion as the Board sees appropriate.

**ATTACHMENTS:**

1. Appeal filed by Mr. Michael Arias, received September 9, 2016
2. Appeal filed by Mr. Mychal Jones, received September 14, 2016
3. Grievance Report by Lara HR Services, dated September 7, 2016
4. Exhibits to Grievance Report

---

<sup>1</sup> It should be noted that District Operators are still eligible for future steps increases based upon performance (and did receive step salary increases on August 6, 2016) and future Board approved cost of living raises. Furthermore, both grievants continue to receive a 2.5 percent increase in base salary for holding Grade III Operator Certificates beyond what their current position require.

## CHAPTER EIGHT - APPENDICES

## 8000 - APPENDIX A Grievance Form

## EMPLOYEE GRIEVANCE FORM

South San Luis Obispo County Sanitation District

Employee's Name: Michael Arias Date: 8/24/16

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction demand to be violated, misapplied or misinterpreted:

At this time the Grade III slot/position is not being filled though it is open and there are two qualified employees that could fill the slot. Current policy and past practices do not illustrate any reason this should not happen. This decision is not consistent with policy or past practices.

Circumstances involved:

Myself and Mychal Jones have met with our direct supervisor John Clemons and District Administrator Gearhart Huebner. These meetings have not yielded an acceptable outcome.

Decision rendered by the informal conference:

The District Administrator stands by his decision to delay filling the position until the current personnel policy is updated.

Specific remedy sought:

I do not believe this is a fair implementation of policy or past practices. I am prepared to take this grievance to the Board Chairman for resolution. Once again this decision is not consistent with policy or past practices. I feel the appropriate remedy to this situation would be to fill the Operator III slot/position with a currently qualified staff member.

## **Grievance Response**

**John Clemons**

**Sent:** Friday, August 26, 2016 8:35 AM

**To:** Michael Arias; Mychal Jones

Gentlemen,

Please be advised that the dates on the Grievance Response Memos that I sent you are incorrect. The memos show a date of August 23, 2016. I actually prepared and emailed those memos on August 25, 2016.

Regards,

John L. Clemons

Plant Superintendent/CPO

South San Luis Obispo County Sanitation District

1600 Aloha Place

Oceano, Ca. 93445

805-489-6670

# MEMORANDUM

Date: August 23, 2016

To: Operator II M. Arias,

From: John Clemons, Plant Superintendent

Re: Formal Grievance Procedure

The purpose of this memo is to inform you that I have reviewed your Employee Grievance Form. I regret that I cannot accommodate you according to your requested remedy.

If you are not satisfied with this reply, according to the Grievance Procedure in Section 5010 of the District's Personnel Policy Manual, you may proceed to the next step (Level III) of the Grievance Procedure.

Thank you for your patience in this matter. If you have any question please feel free to contact me.

2015-16 FISCAL YEAR  
SALARY RANGE MONTHLY COMPENSATION  
RESOLUTION 2016-340  
1.5% COLA

FULL TIME EMPLOYEES

Classifications	Authorized Number	Step 1	Step 2	Step 3	Step 4	Step 5
District Administrator	1	Range To Be Determined				
Plant Superintendent*	1	7885	8279	8693	9127	9584
2.5% stipend for cert above grade		8082	8486	8910	9356	9823
Shift Supervisor*	1	5452	5724	6010	6311	6626
2.5% stipend for cert above grade		5588	5867	6161	6469	6792
Plant Operator 3*	2	4841	5083	5337	5604	5884
2.5% stipend for cert above grade		4962	5210	5470	5744	6031
Senior Maintenance Mechanic	0	4704	4939	5186	5445	5717
Lead Operator*	0	4492	4717	4953	5201	5461
2.5% stipend for cert above grade		4605	4835	5077	5331	5597
Lab Tech/Operator*	1	4492	4717	4953	5201	5461
2.5% stipend for cert above grade		4605	4835	5077	5331	5597
Plant Operator 2*	3	4365	4583	4812	5052	5305
2.5% stipend for cert above grade		4474	4697	4932	5179	5438
Plant Operator 1*	0	4053	4256	4468	4692	4926
2.5% stipend for cert above grade		4154	4362	4580	4809	5049
Operator In Training Intern	1	3663	3846	4039	4241	4453
Maintenance Assistant	0	3663	3846	4039	4241	4453
Bookkeeper/Secretary	1	3975	4173	4382	4601	4831

11

\*Higher Operator Grade Program 2.5%





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

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

---

Date: September 7, 2016  
To: Michael Aries, Operator II  
From: Gerhardt Hubner, District Administrator

Subject: **RESPONSE TO FILED GRIEVANCE, DATED AUGUST 24, 2016**

I am in receipt of your Grievance submitted to me via email on August 30, 2016. I have reviewed it, and the response you forwarded to me from your supervisor. I have also reviewed the attached Grievance Report, dated September 5, 2016, prepared by Ms. Alicia Lara, Lara HR Services, and policies and procedures set forth in the District's Personnel Policy Manual. Based upon my review of this Report, the previous meetings held with you, the District's Personnel Policy Manual, and my own independent judgement, I am denying your Grievance.

Attachment – Grievance Report, dated September 5, 2016 by Alicia Lara, Lara HR Services

*I received this response September 7, 2016.*

Dear Mr. Shoals,

This statement is a required component of the formal grievance policy as outlined in the South San Luis Obispo County Sanitation District Personnel Policy Manual. There is a deadline of five business days from the time that I received written response from the District Administrator. I will be submitting the required documents via e-mail so that the deadline is effectively met. If you wish to meet in person to discuss this issue I believe it may offer further clarification beyond what the written documents illustrate.

My reason to continue with this process is that the grievance itself is directed at the District Administrator. He has decided to hold his position in the matter. There are two primary points to my argument, one is that if the Personnel Policy is not clear, normal business practices would dictate that previous historical practices should be followed. Several current members of the staff were promoted in this fashion. Two, if the District Administrator does not feel that guidelines are properly outlined in the Personnel Policy and he does not wish to follow historical practices (established long before John Clemons tenure) then he is taking it upon himself to alter policy. His personal opinion is that the policy is not clear enough so he is willing to let a qualified employee wait for the position to be filled while he makes changes to policy. I believe from a legal standpoint past practices offer a very valid argument. I do not believe that this decision reflects the Personnel Policy or past practices. Please ask yourself a simple question when considering this matter : Would this have escalated to a grievance if not for the District Administrator?

Thank you for your time and consideration,

Respectfully,

Michael Arias

## CHAPTER EIGHT - APPENDICES

## 8000 - APPENDIX A Grievance Form

## EMPLOYEE GRIEVANCE FORM

South San Luis Obispo County Sanitation District

Employee's Name: Jerome Mychal Jones Jr Date: 8/24/16

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction demand to be violated, misapplied or misinterpreted:

\* See attached

Circumstances involved:

\* See attached

Decision rendered by the informal conference:

\* See attached

Specific remedy sought:

\* See attached


## Grievance

This statement of grievance concerns an unfair labor practice. I, Jerome Mychal Jones Jr, received an excellent performance evaluation on July 29<sup>th</sup>, 2016 by the District's Chief Plant Operator, John L. Clemons III, with a recommendation to be promoted to a Grade III level operator for the district. Based on current District policies and practices it is evident I have fulfilled all requirements to be a Grade III operator and should have been promoted to Grade III operator. This belief was further supported by my term as interim Shift Supervisor from February 2016 to August 2016. On August 4<sup>th</sup>, 2016 my promotion was put on indefinite hold by District Administrator, Gerhardt Hubner. The reasons for postponing my promotion were not clearly defined nor justified under current District Personnel Policy and practices.

There are current policies and practices that outline the requirements to become a Grade III operator. I worked hard to fulfill and meet these requirements. Furthermore, I exceeded those requirements by acting as interim Shift Supervisor for a six month period. Then I received an excellent evaluation that included a recommendation to be promoted to a Grade III operator. My coworker, Michael J. Arias, also received a recommendation for a Grade III operator promotion. As of August 2016, Mr. Arias accepted the position as interim Shift Supervisor thereby leaving one Grade III operator position unfilled. My expectation was to fill that open position. Based on my qualifications, recommendation, and current District practices, I should be a Grade III operator. The District Administrator, Gerhardt Hubner, informed me on August 4<sup>th</sup>, 2016 that my promotion was put on indefinite hold until such time that he and the District's human resources representative propose a new District Personnel Policy.

On August 23<sup>rd</sup>, 2016 there was an informal conference with District Administrator, Gerhardt Hubner, and fellow operator, Michael J. Arias. It was stated by Mr. Hubner that the reason my promotion was put on hold was because he and the District's human resources representative were making undefined changes to the current amended District Personnel Policy and that I am to wait until those undefined changes are made by an undetermined time.

Under current District policies and practices, I would like to be promoted to a Grade III operator as recommended by Chief Plant Operator, John L. Clemons III, on July 29, 2016.



J. Mychal Jones  
8/24/16

# LARA HR SERVICES

September 7, 2016

Gerhardt Hubner, District Administrator  
South San Luis Obispo County Sanitation District  
1600 Aloha Place  
Oceano, CA 93445

RE: Response to Grievances dated August 24, 2016 from Mychal Jones and Michael Arias, Filed With District Administrator on August 30, 2016

The attached report includes research information that you'd asked me provide to you on August 1, 2016 after you learned that the Plant Superintendent had included a written recommendation on a performance evaluation to promote an Operator II to Operator III. As stated in the report, we met at least twice to discuss my findings; the meetings included the Plant Superintendent.

After you received the above-mentioned grievances of August 30, 2016, you asked that I provide you with a report of my initial research and findings relative to the District's promotion process, and that I review the grievances and provide a report.



ALICIA LARA, Consultant  
Lara HR Services

Attachment: Grievance Report Jones/Arias Dated September 5, 2016

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

GRIEVANCE REPORT

GRIEVANCE FILED BY

JEROME MYCHAL JONES, JR, OPERATOR II

Dated AUGUST 24, 2016

AND

GRIEVANCE FILED BY

MICHAEL ARIAS, OPERATOR II

Dated AUGUST 24, 2016

Report By

ALICIA LARA, CONSULTANT

SEPTEMBER 7, 2016

**THE GRIEVANCES:**

On the afternoon of August 30, 2016, Gerhardt Hubner, District Administrator received two separate formal grievances, both dated August 24, 2016, filed under SSLOCSD Personnel Policy Manual Section 5010; both grievances were filed on District Employee Grievance Forms as attachments to emails. The District Administrator has five (5) working days to respond to a grievance.

Each employee is independently grieving District Administrator Hubner's decision to not immediately promote a qualified candidate to the vacant Operator III position. There are currently two "vacancies" within the District, one in the classification of Operator III, and the other in the classification of Shift Supervisor. However, the District is fully staffed through assignments to lower level classifications.

The grievances allege the District Administrator misapplied or misinterpreted (or changed) the District policy (Personnel Policy Manual), and/or failed to follow an established past practice.

Through this process, it was determined there is no Board approved current District job description for Operator III, and no rule, policy, or regulation that requires promotion upon attainment of a Grade III certificate.

The first grievance dated August 24, 2016 is from Mychal Jones, Operator II. The remedy Mr. Jones is seeking is as follows; "Under current District policies and practices, I would like to be promoted to a Grade III operator as recommended by Chief Plant Operator, John L. Clemons III, on July 29, 2016."

The second grievance dated August 24, 2016 is from Michael Arias, Operator II. The remedy Mr. Arias is seeking is as follows; "I feel the appropriate remedy to this situation would be to fill the Operator III slot/position with a currently qualified staff member."

John Clemons, Plant Superintendent recommended (in each employee's respective written performance evaluation) that both employees be promoted to the Operator III.

Prior to the grievances being filed, for a number of reasons discussed below, the District Administrator did not approve the promotion for Mr. Jones; nor did he approved opening a promotional recruitment process as requested by Mr. Arias.

**BACKGROUND – STAFF AUTHORITY:**

Gerhardt Hubner – District Administrator  
John Clemons – Plant Superintendent

Hired April 18, 2016  
Hired May 3, 2013

District Administrator: Pursuant to the job description adopted by the Board of Directors on September 25, 2015 by Resolution 2015-335, the District Administrator "Acts as appointing authority consistent with District Personnel Policy as established by the Board of Directors, relative to employee appointment, supervision, training, evaluation, discipline, dismissal, and resolution of grievances." The District Administrator's authority is further defined through the Board of Directors By-Laws last amended March 2, 2016 under Section 8 and



Section 9.4, and the incumbent's employment contract Sections 2.A.2 and 2.A.4, approved April 20, 2016 by Resolution 2016-343.

Plant Superintendent: The Plant Superintendent may make recommendations to the District Administrator regarding various personnel actions, or at times, may take independent action as delegated by the District Administrator. Pursuant to the Plant Superintendent job description, the "...Plant Superintendent receives general direction from the contract District Manager..."<sup>1</sup> Once the District Administrator approves a recommended personnel action, he/she may delegate authority to the Plant Superintendent to discuss it with the employee.

Consultant: The Board of Directors approved a contract for my consulting services (Lara HR Services) on November 5, 2014. Per the contract, the District Administrator serves as the District designated representative, and authorizes services, typically on a project basis. As an impartial independent consultant my work is not "supervised" by the District Administrator; rather, I serve in an advisory role as requested, specific to human resources matters. Therefore, I do not oversee all personnel actions, including day-to-day operational issues related to staffing of the District.

The District Budget: The Board of Directors approves an annual District Budget in June for the subsequent fiscal year. The Budget is the driving document that gives staff authority to take necessary action toward meeting District priorities and goals. As stewards of public funds, staff administration must consider operational decisions and the effect they may have on the budget, and strive to "live within" the allocations as approved by the Board of Directors. Budget preparation therefore is a critical role for administrative staff. The budget line items for salaries are based on the numbers of allocations as listed in the Salary Schedule. When unexpected events occur that have an effect on approved funding, budget adjustments may be proposed by the District Administrator to the Board of Directors.

Salary Schedule/Authorized Positions: District staffing levels (funded allocations) are typically publicized on a Salary Schedule, which is included in the annual District Budget process. However, from time to time, mid-year adjustment recommendations may include changes to staffing levels. The Salary Schedule gives staff the authority to fill vacancies based on the allocations as approved by the Board of Directors; and while the appointing authority is often given latitude to hire into a lower classification than allocated, there is no authority for the District Administrator to appoint staff into a classification with a higher salary range than allocated by the Board of Directors.

District Personnel Policy Manual: The District Personnel Policy Manual as adopted by the Board of Directors, is the document that determines the manner in which matters of District business are to be conducted, including the selection process and appointment of District staff. The District's Personnel Policy Manual was last adopted in full in February 2005 by

---

<sup>1</sup> The Plant Superintendent job description was last updated in March 2015 by Resolution 2015-326, under a part-time District Manager. The job description will be reviewed as part of the Personnel Policy Manual review, to ensure the duties and responsibilities reflect current District authorities under a full-time District Administrator.



Resolution 2005-220. Changes may be adopted by resolution and "No oral statements or representations can, in any way, change or alter the provisions of this manual."<sup>2</sup>

In order to affect proposed changes, after an announcement of changes "...through standard communication channels (for example, employee meetings and Manager Communications)..." any policy amendments to the Personnel Policy Manual "...shall first be introduced at one meeting of the Board of Directors, at which meeting the Board may provide direction to staff on the proposed modifications or deletions after receiving public comment. The proposed modifications or deletions shall then, at a second meeting of the Board of Directors, be presented for final adoption."<sup>3</sup> Since February 2005 a number of changes were recommended by the District Administrator and adopted through a resolution approved by the Board of Directors.

The Personnel Policy Manual is currently under review for possible updates. Until the review process is completed and the Board of Directors adopts any recommended changes as submitted by the District Administrator, staff must follow the policies within the Personnel Policy Manual as they now stand. However, if any policy or portion of a policy contained within the District personnel policies is in conflict with rules, regulations or legislation having authority over the SSLOCSD, said rules, regulations, or legislation shall prevail.

Personnel Policy Manual Section 5010 – Grievance Procedure, Section 4.A allows for an informal grievance process (Level I) in an attempt to resolve the matter. Section 4.B is the next step (Level II) wherein the employee presents evidence in writing using the District Employee Grievance Form, to his/her immediate supervisor. "The Supervisor will then provide the employee with a written reply. If the reply is not satisfactory, the employee then proceeds to the next step." Under Section 4.C (Level III) the employee must present his/her grievance to the District Administrator in written form (the same Employee Grievance Form previously used in Level II). Section 4.C states in part, "The [employee] statement shall include the following:

- I. A concise statement of the grievance including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted;
- II. The circumstances involved;
- III. The decision rendered by the immediate supervisor at Level II;
- IV. The specific remedy sought."

Neither grievance as presented from Mr. Jones or Mr. Arias cites the specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted. Rather, the employee statements in the grievances refer to "current District policies" and "current policy and past practices" without specific examples of which policies or past practices are being referenced.

#### **PLANT SUPERINTENDENT'S RECOMMENDATION:**

---

<sup>2</sup> Personnel Policy Manual Section 1010 – Policy Amendments.

<sup>3</sup> Personnel Policy Manual Section 1010 – Policy Amendments

**July 29, 2016** – The Plant Superintendent provided Mr. Jones with a written performance evaluation dated July 29, 2016. At the end of the evaluation in his comments, the Plant Superintendent stated, "I recommend that he be advanced to Grade III Operator at Step one effective February 2, 2016." The employee and the Plant Superintendent signed the performance evaluation. Both signatures are dated July 29, 2016. There is no signature from the District Administrator.

**August 1, 2016** – The District Administrator asked me to review the Plant Superintendent's recommendation to promote an Operator II to the classification of Operator III. The Plant Superintendent had presented the District Administrator with several completed (hard copy) performance evaluations, one of which was for Mr. Jones. The first the District Administrator knew of the Plant Superintendent's recommendation to fill the Operator III vacancy, is when the Plant Superintendent presented him with Mr. Jones' completed performance evaluation for his (District Administrator's) review and approval. The District Administrator had a number of concerns.

- The Plant Superintendent made a recommendation to fill a vacancy without first seeking authorization from the District Administrator as the appointing authority, to fill the vacancy;
- the Plant Superintendent made a recommendation in a performance evaluation for a promotion, and in the District Administrator's experience promotional recommendations are done in a separate process, outside of the performance evaluation process;
- the Plant Superintendent's statement created an expectation for the employee that he would be promoted;
- the Plant Superintendent made a recommendation to promote one individual to fill a "vacant Operator III position" backdated to February 1, 2016; and backdating a promotion will create classification "seniority" rights, which is not a typical public sector standard;
- at least three employees are qualified to fill the Operator III vacancy, therefore there should be a formal promotional process;
- the District Administrator wanted to review staffing levels to support District needs<sup>4</sup>
- there was no Employee Roster, which clearly stated the authorized allocations, and the status of employees within each classification.

**August 2, 2016** – The Plant Superintendent provided a completed evaluation for Mr. Arias to the District Administrator via email. Within the performance evaluation for Mr. Arias dated August 2, 2016, the Plant Superintendent stated, "I recommend that he be advanced to the Grade III Operator, Step 1 position."<sup>5</sup>

---

<sup>4</sup> Mr. Hubner was appointed effective April 18, 2016. Within three and one half weeks, he had to complete a proposed draft District Budget document for fiscal year 2016-17 for presentation on May 18, 2016 to the Board of Directors. The draft budget was already in progress under the direction of Mr. Clemons, who was serving as Interim District Administrator since September 2015. Mr. Hubner relied on Mr. Clemons to develop a number of programs within the budget, including staffing levels.

<sup>5</sup> With the 2016-17 Fiscal Year Budget, recommendations were made to change Salary Schedule classification steps from 1-5 to A-E, to avoid confusion with classification level titles, and Grade certificate

**STAFFING LEVELS:**

The classifications that have job descriptions established in the Personnel Policy Manual are, District Administrator, Plant Superintendent, Shift Supervisor, Plant Operator, Electrical/Mechanical Technician, Senior Maintenance Mechanic, Laboratory Technician, Bookkeeper/Secretary, Operator-in-Training, Maintenance Assistant and Lead Operator. The current funded allocations are authorized by the Board through the 2016/17 Fiscal Year Budget Salary Schedule as adopted by Resolution 2016-349.

The only two established job descriptions in the Personnel Policy Manual that require a Grade III certificate are Plant Superintendent, and Shift Supervisor.

In order to for the District Administrator to consider a promotional process, the job requirements must first be clearly defined in a job description approved by the Board of Directors as part the Personnel Policy Manual.

Based on the employee roster provided by the Bookkeeper/Secretary on August 2, 2016, the District is fully staffed. However, at least three operators are appointed to a classification level less than the Board approved allocated classification level. In addition a total of four employees possess a Grade III certification;<sup>6</sup> three of those employees are not currently classified as an Operator III.

Mr. Jones and Mr. Arias are both appointed in the classification of Operator II.<sup>7</sup> Both employees possess a Grade III Wastewater Treatment Plant Operators Certificate issued by the State Water Resources Control Board (11/2015 and 07/2016 respectively) and are receiving the 2.5% stipend.<sup>8</sup> [REDACTED] is appointed to the classification of Lab Technician/Operator (which requires a Grade II certificate) and possesses a Grade III Wastewater Treatment Plant Operators Certificate issued by the State Water Resources Control Board (07/2015). [REDACTED] is also receiving the 2.5% stipend.

**FACTUAL FINDINGS:**

On July 29, 2016 the Plant Superintendent completed a performance evaluation for Mr. Jones. He then provided it to the District Administrator.

---

levels. Therefore, the reference to "Step one (1)" is equivalent to "Step A" in all classifications including Operator III.

<sup>6</sup> The job description for Plant Superintendent requires a Grade III certificate; Mr. Clemons possesses a Grade IV certificate; therefore he is receiving the 2.5% stipend for a higher Grade certificate.

<sup>7</sup> During conversations regarding the Personnel Policy Manual update, it was determined that the job descriptions need to be updated to clarify classifications titles, and to provide consistency in use of titles. The job description in the Personnel Policy Manual for operators is titled Plant Operator, and includes requirements for an operator with a Grade I or a Grade II certificate – there is no requirement for a Grade III certificate. The Salary Schedule refers to Operator I and Operator II instead of Plant Operator.

<sup>8</sup> The District has a program to provide a 2.5% stipend for those operators who possess a grade certificate above that which is required for their regularly assigned position. Pursuant to the Plant Operator job description, there is a requirement for "...a Grade II Wastewater Treatment Plant Operator's Certificate issued by the State Water Resources Control Board. [The] District will consider those applicants who possess a Grade I Certificate, and can demonstrate their ability to obtain a Grade II within one year of date of hire." Therefore, an Operator II, in possession of a Grade III certification is recognized through the 2.5% stipend.

On August 1, 2016, the District Administrator asked me to review the District Personnel Policy Manual with regard promotions and the Plant Superintendent's recommendation for a promotion for Mr. Jones from Operator II to the vacant Operator III.

On August 2, 2016, the District Administrator received a second performance evaluation from the Plant Superintendent with the same promotional recommendation for Mr. Arias to Operator III.

The District Administrator was not aware of the Plant Superintendent's intent to recommend the promotions, until he (the District Administrator) received the performance evaluation.

My analysis and review of the District Personnel Policy Manual promotional process included both recommendations and current staffing levels.

Due to the Plant Superintendent having made a recommendation for two promotions to Operator III, it was not clear which vacancies existed and which employees were appointed to which classification or in an acting capacity. To assist with my review, on August 1, 2016 Amy Simpson, Bookkeeper/Secretary was tasked to develop an employee roster spreadsheet for comparison to the allocated positions in the Salary Schedule, and it was completed on August 2, 2016.

When compared to the allocations in the Salary Schedule, the employee roster indicated there was one vacancy for Operator III, and one vacancy for Shift Supervisor. At the subsequent meetings referenced below, the Plant Superintendent stated his recommendation included using both vacancies to appoint two individuals to Operator III. He also stated there were only two qualified individuals interested in promoting. See discussion below with regard to this portion of his recommendation.

The Personnel Policy Manual, and other documents provided, including the Employee Roster were reviewed by me. My analysis determined an Operator III vacancy must be filled through a promotional process to afford all interested employees the opportunity to apply<sup>9</sup>. However, certain issues must be addressed prior to a promotional process occurring. The most pressing issue is that there is not a current job description adopted by the Board of Directors for the classification of Operator III. A job description is the standard measurement tool to assess an applicant's qualifications. In addition, a question came up as to the number of Operator III's needed in the District.

The job description for Plant Operator (Operator I and Operator II) is the only one that allows flexibility in staffing, meaning a vacancy for Operator II, may be filled at Operator I,

---

<sup>9</sup> Pursuant to Personnel Policy Manual Section 2020 - Recruitment, Section 2. "It is the philosophy of the District *to promote from within the District*, unless it would be in the District's best interest to hire from the outside. For this reason, most employment openings as they occur will be announced to all departments. *All interested employees will be considered for the announced employment opening.*" [Emphasis added]

and the incumbent is required to "demonstrate their ability to obtain a Grade II certificate within one year of date of hire." Therefore, filling a vacancy at classification above an Operator II classification requires a promotional recruitment.

On August 8, 2016 and August 10, 2016 I shared my findings with the District Administrator and the Plant Superintendent. There were also multiple telephone conversations throughout this time. Through these discussions the Plant Superintendent expressed that he had a plan in place for over a year, and the employees therefore had an expectation of a promotion. He stated that they had been working hard toward a goal, and now would be denied. The District Administrator was not aware of the Plant Superintendent's intent in promoting staff, until he received the completed performance evaluations as stated above. However he was aware the Plant Superintendent had been rotating assignments among qualified staff to temporarily fill the vacant Shift Supervisor in an "acting" capacity.

The Plant Superintendent further expressed that he would like to promote both employees to regular assignments as Operator III; Mr. Jones to the vacancy for Operator III, and Mr. Arias using the vacancy for Plant Supervisor, however be regularly classified as Operator III. He stated that the other qualified employee with a Grade III certificate [REDACTED] was not interested in the Operator III assignment. So, there were two qualified employees for two vacancies, and no need for a promotional recruitment process.

As the HR Consultant, I expressed a number of concerns with the recommendation of the Plant Superintendent. Although I have no authority over any District staff, including the Plant Superintendent and the District Administrator, my recommendations are for their consideration through their decision-making processes relative to District personnel matters.

With regard to making a regular appointment to Operator III using the Shift Supervisor vacancy, after our discussions I determined there is no guarantee the incumbent filling the vacancy (at a lower level) would be the one promoted. So if an additional Operator III were created and filled (total of 3 Operator III's), it could be problematic when it came time to fill the Shift Supervisor.<sup>10</sup> The vacant Shift Supervisor position has been staffed through rotating temporary "acting" assignments. Other staff members have served as the Acting Shift Supervisor prior to Mr. Arias who was about to serve his rotation in the temporary assignment of Acting Shift Supervisor.<sup>11</sup>

---

<sup>10</sup> I stated there was no authority in the Salary Schedule to have three regular appointments to Operator III, therefore, I could not recommend taking that route.

<sup>11</sup> The Shift Supervisor classification has been vacant for about two years. In June 2015, the then District Manager approved for the Plant Superintendent to "rotate" qualified employees into the Shift Supervisor position in an Acting capacity, each for a temporary period of time. When all the interested qualified employees (those with a Grade III certificate) had rotated through, a promotional recruitment could be held to select the most qualified candidate to promote to Shift Supervisor. [REDACTED], Operator III was the first to serve as the Acting Shift Supervisor from September 2015 to January 2016; Mychal Jones was the second to serve as the Acting Shift Supervisor from January 2016 to August 2016 (extended two months) and Michael Arias was assigned Acting Shift Supervisor effective August 6, 2016 to approximately February 2017. [REDACTED] Lab Technician/Operator would be given the opportunity to serve as the Acting Shift

I pointed out this hypothetical example: if at the time of the promotional recruitment process for Shift Supervisor, [REDACTED], currently the Lab Technician/Operator applied and was the top candidate, then appointed to the position, the District may have an "extra" Operator III who would then be assigned to the Lab as the Lab Technician/Operator. As the current Lab Technician/Operator, [REDACTED] would've vacated that allocated position, and the Lab Technician/Operator classification only requires a Grade II certificate, therefore the classification salary range is less than an Operator III.

It would be problematic, in that an Operator III, in the higher salary classification range for Operator III, would be paid at a classification level not authorized for the lower level salary classification range of Lab Technician/Operator. As I stated above under the Staff Authority section, there is no authority for the District Administrator to appoint staff into a classification with a higher salary range than allocated by the Board of Directors. There was only one vacancy to fill with an Operator III, so only one person could be promoted to Operator III.

The Plant Superintendent stated he thought there would be enough collateral duties to assign to three Operator III's in the event that occurred, and a recommendation could be made to the Board to change staffing levels.

The District Administrator stated that he thought a study/analysis would be a good idea to justify staffing level recommendations for the District, prior to seeking Board approval for proposed changes (since the District Budget would be affected if there were a business need for three Operator III's).

Although there was only one vacancy in Operator III, the Plant Superintendent stated his recommendations as written in the performance evaluations would stand. And he stated he knew he was recommending two promotions for Operator III, for one vacancy.

Currently all operators are being compensated at the level commensurate with their assignments.

Therefore the District Administrator as the appointing authority stated he would factor in the creation of a job description for Operator III with the timing of update of the Personnel Policy Manual in order to present one comprehensive document to the Board; and the staffing study/analysis could occur with the subsequent budget preparation process.

### **GRIEVANCE ANALYSIS – PAST PRACTICE**

The basis for the grievances are that the District Administrator misapplied or misinterpreted the District policy, or failed to follow an established past practice. If the District Administrator failed to follow an established long term past practice, was that past practice consistent with the District Personnel Policy Manual?

---

Supervisor, and if after that time another employee has attained a Grade III certificate, he too would be given the opportunity to serve in an Acting capacity, before a promotional recruitment opened for Shift Supervisor.

On August 17, 2016 the Plant Superintendent advised me that he thought the District was going to go through their first grievance process. He stated the employees wanted to know how to properly file a grievance. I referred him to the Personnel Policy Manual Section 5010-Grievance as cited above.

The first step in the grievance process is an informal meeting. In the second step, the employee can appeal to the Supervisor in writing, using the District Employee Grievance Form. The Supervisor responds in writing, and the employee may proceed to the next step, which is filing the written documents with the District Administrator.

Mr. Jones' grievance states he and Mr. Arias had an informal conference on August 23, 2016 with the District Administrator, wherein the District Administrator stated his reasons for his decision with regard to the promotional process.

The written documents (Employee Grievance Form) are dated August 24, 2016 and the District Administrator received both separately via email on August 30, 2016. Also forwarded by email was the written response from the Plant Superintendent to Mr. Arias, dated August 23, 2016, which stated the Plant Superintendent could not accommodate the requested remedy.

As stated previously the basis for the grievance is the District Administrator not following District policy and past practice. The District policies have already been stated and reviewed above. As a result of the grievances, a closer review of past practices is warranted; yet with the five workday response requirement in the grievance process (under the current Personnel Policy Manual), and the state of the District records, an in-depth analysis is not possible. The subject grievances brought to light a number of inconsistencies with administration of the Salary Schedule and position allocations from a historical perspective.

Due to records management of the previous administration a clear and definitive analysis of "past practices" may not be possible, even if given more time. Current staff has had a difficult time locating historical records, including some resolutions, which have yet to be found, as documented in the January 2016 Knudson Report.

Under the previous District Administrator, who resigned in February 2013 it appears the same job titles were not consistently used throughout the organizational documents; the same procedures and criteria were not consistently used for staff advancements; job descriptions were not adopted with the same titles used in the Salary Schedule; and, most importantly, as noted in the Knudsen report, key documents were not preserved in an orderly manner and maintained on the Plant premises. During 2013, there was a complete turnover in District personnel at the administrative levels.

While the administrative (retention) records were returned to the Plant in boxes, the records had not been properly maintained and logged into retention pursuant to the District's Records Management System. It continues to be difficult for staff to locate certain historical records; in addition regular filing of active files also had not occurred.

Since the previous District Administrator left, two retired annuitants served in the capacity of part-time District Manager, the first from February to December 2013, and the second from December 2013 to September 2015. During that transition time, their priorities were more operational than administrative relative to sorting and cataloging the retention files.

The following are examples of "past practice" cited by the Plant Superintendent in support of his belief that certain employees should be promoted to Operator III as well as discussion of reasons why the alleged past practices do not dictate the need for a promotion.

First Example of Past Practice: The first example of a "past practice" cited by the Plant Superintendent related to when (in September 2015) he promoted an Operator I to Operator II without a promotional recruitment. He stated (after recently speaking with a former employee who had been a supervisor), that the former employee stated that there were three criteria for promotions; performance, passing the State exams, and open (currently available) positions.

Based on the job description for Operator II, that is a potentially proper application of the Personnel Policy Manual. However, the reference to "passing the State exams" can mean two things. For example, there has been confusion in implementing the 2.5% stipend. There are two parts to certification; passing the specific State proctored written exam for the next higher grade, and at least 1800 hours as an operator for each grade level (as certified by the employing agency).

Taken literally, "passing the State exams" could mean on the date an operator receives confirmation from the State that he/she passed the written exam portion toward certification; and that is how it has verbally been referred to. However that is not consistent with the policy and does not appear to be the way in which the benefit was applied. Based on the limited review of documents I was able to do, the timing of the implementation of the 2.5% benefit is consistent with the first full pay period after the date of the State Board issued certificate.

In that sense a reference by staff to "passing the State exam" can also mean an all-encompassing process of passing the entire process of the written exam and certification of hours, if considering "passing the State exams" as a criterion for promotional consideration.

Under the list of District benefit contributions adopted with the budget, the language for the Higher Operator Grade stipend states: "A one-time increase of 2.5% for operator grade obtained above that required for position will be paid upon certification."

The criterion for a District operator to receive the 2.5% stipend is possession of the certificate (not simply passing the written portion of the exam). The certificate means the operator passed a State proctored written test and has at least 1800 hours of experience at that level in applying their knowledge on the job. Some operators choose to take the written exam prior to having enough hours to qualify for the certificate. They are not eligible for the 2.5% certificate until they have enough certifiable hours as an operator and the State issues their certificate.



As discussed above (including in the footnotes), in the job description for Plant Operator (listed as Operator I and Operator II on the Salary Schedule), there is a requirement to possess a Grade II certificate within one year of appointment to Operator I (entry level to journey level). The District has no regular allocations for the Operator I level; rather the lowest level of allocation for an operator in the District is Operator II.

A promotion however, is not automatic to Operator II upon attainment of a Grade II certificate. As stated by the Plant Superintendent, the incumbent must demonstrate that he/she is at the journey level by applying their Grade II knowledge, and have an overall above satisfactory performance level (supported by a written performance evaluation) to warrant the promotion. A promotion is merit based, not time in service based.

No other District job description has flexibility within it regarding the promotional process. If there were a vacancy at a level above Operator II, e.g., Operator III in this instance, and only one employee qualified for the vacancy, then considering all the other factors, the District Administrator may approve a promotion if he deemed that for business reasons the vacancy needed to be filled right away. However, as often occurs in the public sector, vacancies are not always immediately filled; the appointing authority may delay the process to review staffing levels and reorganize to more efficiently provide service to the public, and that has most often occurred in these past few years of difficult finance times. The District Administrator may also determine an analysis of the job description may be warranted to fit current agency needs, which may delay filling a vacancy.

The example of past practice for the advancement of Operator I to Operator II, therefore, does not apply to the process currently needed for a promotion to Operator III. Since there are currently three operators who possess a Grade III certificate, whom are all classified below the classification range for Operator III, a promotional process is required.

Second Example of Past Practice: The second example cited by the Plant Superintendent, refers to when he promoted the current Operator III in August 2014 without a promotional process, when the employee attained a Grade III certificate. At that time the historical records accessed do not reflect that there was a funded allocation for Operator III.

In August 2014, there may not have been another qualified employee with a Grade III certificate at an Operator II level; therefore, the method used at that time may have been consistent with the Personnel Policy Manual, so long as the performance evaluation supported the promotion and a vacancy did indeed exist for the Operator III classification. No promotional process would've been required, because there was only one qualified candidate with a Grade III certificate, for a vacant Operator III classification, and the promotion was supported by his documented performance.

In response to the grievances, with regard to the referenced past practice promotion to Operator III, the available Salary Schedules from 2010 to current were reviewed. In October of 2010 the then District Administrator proposed changes to the positions allocated in the Salary Schedule through Resolution 2010-281, by recommending to "Unfund" the Operator III classification and "Fund" the Operator III (Shift Supervisor) classification. Resolution 2010-281 specifically cites the change in staffing levels.

Since 2010 the approved Salary Schedules show a fluctuation between funding for the Operator III and "Operator III (Shift Supervisor)." The Salary Schedules show that if the Operator III classification was funded ("1"), the "Operator III (Shift Supervisor)" was not funded, therefore not allocated ("0").

Fiscal year 2013-14 was the first time the classification title of Shift Supervisor (without Operator III in the title) appeared, and the title was then consistent with the Shift Supervisor job description adopted in February 2005. For fiscal year 2013-14 the Shift Supervisor was allocated ("1") and the Operator III was not ("0").

The 2014-15 Fiscal Year Budget Salary Schedule shows a "0" allocation for Operator III and a "1" for Shift Supervisor. Based on this Salary Schedule, the appropriate action in August 2014 would've been a 2.5% stipend, not a promotion to Operator III for the operator in the second example of a past practice.

The Plant Superintendent had the option of granting said employee a 2.5% stipend as an Operator II, in recognition of the Grade III certificate. However, that is not the option the Plant Superintendent chose in this case. If the Board authorized a change in staffing levels, to "unfund" Shift Supervisor or another allocated/vacant classification and "fund" an Operator III, that resolution/salary schedule has not been located.

Without an allocation for an Operator III, it appears there was no authority to make a regular appointment to that classification. Although, there was authority to affect a temporary acting assignment to the Operator III level (using the funding from the Shift Supervisor or another vacant classification), until the allocation levels needed, could be recommended to and adopted by the Board. Due to time limitations in responding to the grievance, a through search has not been conducted with regard to this instance. There may be more documentation to support the need for the promotion.

However, this example of a past practice is not equivalent to the subject of this grievance, because there are currently three qualified Operator III's at this time, and in August 2014, it appears there was only one.

In regard to current staffing levels, with the adoption of the 2015-16 Fiscal Year Budget on June 3, 2015, a Salary Schedule for fiscal year 2015-16 was not included. The last Salary Schedule adopted by the Board previous to that date was when the then District Manager made a recommendation to adopt a new salary range for the Plant Superintendent in March 2015 through Resolution 2015-326. That Salary Schedule reflects "0" as funding/allocation for the Operator III classification and "1" for Shift Supervisor.

In January 2016 there was one incumbent Operator III, and the employee working under the Shift Supervisor allocation had recently resigned. A change in staffing levels was adopted on January 20, 2016 (pursuant to the staff report), when the Board considered a cost of living increase for staff through Resolution 2016-340 as recommended by the Plant Superintendent, who was serving as the Interim District Administrator. On that Salary Schedule, the allocations show Shift Supervisor "1" and Operator III "2". To affect the change, other allocated vacant classifications were replaced. The total number of

operators remained the same, and full-time staff had increased by one, to capture the addition of the full-time District Administrator classification authorized in September 2015; the incumbent was hired in April 2016.

On December 15, 2015 the Plant Superintendent as Interim District Administrator, granted a 2.5% stipend to Mr. Jones when he attained a Grade III certificate, and the Shift Supervisor was vacant. The Plant Superintendent's granting a 2.5% stipend to Mr. Jones in November 2015 was the appropriate action to take and it was a change to the action he took in August 2014 referenced above.

There is a difference between a regular appointment to a classification versus a temporary assignment in an acting capacity. An employee serving in a temporary acting capacity<sup>12</sup> has job rights to return to his/her regularly assigned classification upon completion of the temporary assignment; however the employee has no job rights to the acting assignment, nor does he/she receive time in service at the acting assignment level.

With regard to Mr. Jones' grievance, he is citing his Acting Shift Supervisor assignment as support for being promoted to Operator III. The Plant Superintendent is recommending the promotion for Mr. Jones be effective February 2, 2016, which coincides with Mr. Jones' temporary assignment to Acting Shift Supervisor.

All employees that have been temporarily assigned to Acting Shift Supervisor received a similar letter at the time of the temporary assignment which stated, "As you are aware, per District policy by this assignment you are serving as a "substitute" and shall have no rights to permanently fill the position, but may compete for the position in a District recruitment that may be undertaken to fill the vacant position. As such, temporary upgrades are not recognized as time served in the position toward completion of a probationary period..." The Plant Superintendent as Interim District Administrator issued Mr. Jones' letter in January 2016.

#### **CONCLUSION:**

Through my 30+ years of full-time public sector employment, and as a former department head in a municipality my experience has been that public sector staff may not take any action that cannot not be tied back to a policy or procedure as adopted or delegated by the elected body that governs the agency. Elected Officials are the policy makers and appointed staff deals with the operations of the agency using the authority delegated to them through official documents, adopted by the elected body. The documents adopted by elected officials are typically agency by-laws, ordinances, resolutions, or minute orders.

As stated at the beginning of this report, through this process, it was determined there is no Board approved current District job description for Operator III, and no rule, policy, or regulation that requires promotion upon attainment of a Grade III certificate.

---

<sup>12</sup> Formally knows as a "substitute employee" pursuant to Personnel Policy Manual Section 2000-Definitions, Section 9.

The Grade III certificate is already required for the Plant Superintendent and the Shift Supervisor. The District has a program to recognize and reward operators with a higher Grade certificate than required in their job description, with a 2.5% stipend.

Without a Board approved job description for Operator III, there is no standard by which to measure an applicant; as time in service, and proper certification should not be the only factors considered for an appointment.

In addition, through the discussions relative to the promotional process, the question has been raised about the operational need for staffing multiple Operator III's, in addition to a Shift Supervisor. A staffing level study/analysis would be appropriate to examine staffing levels.

There are currently three classifications that can address higher-level duties including supervision of operations staff; the Plant Superintendent, the Shift Supervisor (currently filled in an Acting capacity), and one filled Operator III. If the vacant Operator III is maintained, that would be four staff members at a higher level that could supervise a subordinate staff of three operators at the Operator II level.

The elected officials of an agency and the public hold the top-level administrator accountable to provide services to the public by the most cost effective and efficient means possible. The current national trend for direct reports (subordinates) is one supervisor for 4-7 direct reports; with the most common being 6 direct reports. Back in the 1980's the goal was 5 direct reports for each supervisor. Current trends indicate ratio of direct reports to a supervisor is increasing.

Since all operators are currently being compensated commensurate with the level at which they are working, there is no urgency to update the job description as a priority, and further it is the District Administrator's decision as to timing. Given his stated concerns regarding the filling of vacancies, his actions to delay the process are warranted and within his authority.

The District Administrator did not change District policy in making his decision; nor he did he violate or misinterpret the implementation of the District policies. Further the District Administrator did not change a long established past practice that was consistent with the Personnel Policy Manual and applicable to these two grievances.

Based on the above factors, Mr. Jones does not have a right to the promotion effective February 2, 2016, as stated in his grievance because there are three qualified operators with a Grade III certificate at this time, therefore under the Personnel Policy Manual a promotional recruitment process is required. And Mr. Arias does not have a right to an immediate promotional process to fill the vacant position as stated in his grievance because the District Administrator as the appointing authority determines the timing of promotional process to fill vacancies.

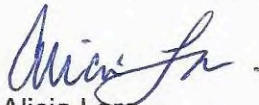
In my professional opinion, the only historical consistent past practice I have found within this agency from the previous administration, is a vagueness in documentation regarding consistent application of the rules; inconsistent/different terminology used to reference the

same thing; and a failure to retain District records pursuant to the District policies. The inconsistent references and yet to be located documents have caused confusion which created expectations that are not within the authority as approved by the Board of Directors.

Following agency policies is critical to avoiding employee morale issues. While employees may sometimes not like or agree with a decision that is made at the administrative level, there is an expectation of consistency and fairness in following the established policies, in order that all employees may pursue their desired career path.

Although there may have been a past practice or several past practices under the previous administration, there is no requirement to continue a practice that is not consistent with the Personnel Policy Manual. Rather, the administrators have a duty to implement procedures to ensure that prospective personnel actions will be consistent with the authority provided in the Personnel Policy Manual. The Knudson report pointed out the need for consistency in the application of personnel actions.

This concludes my report of my review of the promotional process, and response to the attached grievances.



Alicia Lara  
Lara HR Services

EXHIBITS TO  
SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT  
GRIEVANCE REPORT

DATED  
SEPTEMBER 7, 2016

## Exhibits to Grievance Report

Grievance from Mychal Jones dated 08/24/16	Exhibit A
Grievance from Michael Arias dated 08/24/16	Exhibit B
District Staff Roster	Exhibit C
Temporary Assignment to Shift Supv – District Template Letter	Exhibit D
Email from J. Clemons to G. Hubner dated 08/04/16	Exhibit E
Email from J. Clemons to G. Hubner dated 08/22/16	Exhibit F
Personnel Policy Manual (PPM) Sections:	
Cover Page and TOC (dated 10/01/2015*) w/noted sections check marked	Exhibit G
PPM Section 1010 – Policy Amendments dated 02/2005	Exhibit H
PPM Section 2000.9 – Definitions dated 02/2005	Exhibit I
PPM Section 2010 – Chain of Command dated 02/2005	Exhibit J
PPM Section 2020.1 – Recruitment dated 02/2005	Exhibit K
PPM Section 3030.4.A & 3030.4.B – Compensation dated 02/2005	Exhibit L
PPM Section 5010 – Grievance Procedure dated 02/2005	Exhibit M
PPM Section 7005 – Job Description District Administrator dated 09/2015	Exhibit N
PPM Section 7010 – Job Description Plant Superintendent dated 03/2015	Exhibit O
PPM Section 7020 – Job Description Shift Supervisor dated 02/2005	Exhibit P
PPM Section 7030 – Job Description Plant Operator dated 02/2005	Exhibit Q
PPM Section 7042 – Job Description Laboratory Technician dated 02/2005	Exhibit R
District Board Bylaws Sections 8 & 9 dated 03/02/16	Exhibit S
Employment Contract – G. Hubner, Section 2.A.i Duties/Responsibilities	Exhibit T
Resolution 2005-220 (incomplete record) PPM Revisions	Exhibit U
Resolution 2010-281 & Staff Allocations	Exhibit V
Resolution 2011-289 & Staff Allocations	Exhibit W
Resolution 2012-299 & Staff Allocations	Exhibit X
Resolution 2013-305 & Staff Allocations	Exhibit Y
Resolution 2014-311 & Staff Allocations	Exhibit Z
Resolution 2015-325 & Staff Allocations	Exhibit AA
Resolution 2015-326 & Staff Allocations	Exhibit BB
Resolution 2016-340 & Staff Allocations	Exhibit CC
Resolution 2016-349 & Staff Allocations	Exhibit DD

\* The Cover Page and TOC were added to PPM to identify it as a document and to indicate sections referenced within it; these pages have not been approved by the Board of Directors, therefore are not an official part of the document.



## CHAPTER EIGHT - APPENDICES

EFFECTIVE: FEBRUARY 2005

## CHAPTER EIGHT - APPENDICES

## 8000 - APPENDIX A Grievance Form

## EMPLOYEE GRIEVANCE FORM

South San Luis Obispo County Sanitation District

Employee's Name: Jerome Mychal Jones Jr Date: 8/24/16

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction demand to be violated, misapplied or misinterpreted:

\* See attached

Circumstances involved:

\* See attached

Decision rendered by the informal conference:

\* See attached

Specific remedy sought:

\* See attached

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT  
EMPLOYEE POLICY AND PROCEDURE MANUAL

APPENDICES - 8000



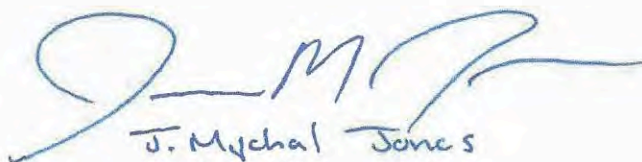
## Grievance

This statement of grievance concerns an unfair labor practice. I, Jerome Mychal Jones Jr, received and excellent performance evaluation on July 29<sup>th</sup>, 2016 by the District's Chief Plant Operator, John L. Clemons III, with a recommendation to be promoted to a Grade III level operator for the district. Based on current District policies and practices it is evident I have fulfilled all requirements to be a Grade III operator and should have been promoted to Grade III operator. This belief was further supported by my term as interim Shift Supervisor from February 2016 to August 2016. On August 4<sup>th</sup>, 2016 my promotion was put on indefinite hold by District Administrator, Gerhardt Hubner. The reasons for postponing my promotion were not clearly defined nor justified under current District Personnel Policy and practices.

There are current policies and practices that outline the requirements to become a Grade III operator. I worked hard to fulfill and meet these requirements. Furthermore, I exceeded those requirements by acting as interim Shift Supervisor for a six month period. Then I received an excellent evaluation that included a recommendation to be promoted to a Grade III operator. My coworker, Michael J. Arias, also received a recommendation for a Grade III operator promotion. As of August 2016, Mr. Arias accepted the position as interim Shift Supervisor thereby leaving one Grade III operator position unfilled. My expectation was to fill that open position. Based on my qualifications, recommendation, and current District practices, I should be a Grade III operator. The District Administrator, Gerhardt Hubner, informed me on August 4<sup>th</sup>, 2016 that my promotion was put on indefinite hold until such time that he and the District's human resources representative propose a new District Personnel Policy.

On August 23<sup>rd</sup>, 2016 there was an informal conference with District Administrator, Gerhardt Hubner, and fellow operator, Michael J. Arias. It was stated by Mr. Hubner that the reason my promotion was put on hold was because he and the District's human resources representative were making undefined changes to the current amended District Personnel Policy and that I am to wait until those undefined changes are made by an undetermined time.

Under current District policies and practices, I would like to be promoted to a Grade III operator as recommended by Chief Plant Operator, John L. Clemons III, on July 29, 2016.

  
J. Mychal Jones  
8/24/16

## CHAPTER EIGHT - APPENDICES

EFFECTIVE: FEBRUARY 2005

## CHAPTER EIGHT - APPENDICES

## 8000 - APPENDIX A Grievance Form

## EMPLOYEE GRIEVANCE FORM

South San Luis Obispo County Sanitation District

Employee's Name: Michael Arías Date: 8/24/16

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction demand to be violated, misapplied or misinterpreted:

At this time the Grade III slot/position is not being filled though it is open and there are two qualified employees that could fill the slot. Current policy and past practices do not illustrate any reason this should not happen. This decision is not consistent with policy or past practices.

Circumstances involved:

Myself and Mychal Jones have met with our direct supervisor John Clemons and District Administrator Gearhart Hineback. These meetings have not yielded an acceptable outcome.

Decision rendered by the informal conference:

The District Administrator stands by his decision to delay filling the position until the current personnel policy is updated.

Specific remedy sought:

I do not believe this is a fair implementation of policy or past practices. I am prepared to take this grievance to the Board Chairman for resolution. Once again this decision is not consistent with policy or past practices. I feel the appropriate remedy to this situation would be to fill the Operator III slot/position with a currently qualified staff member.



Official Title	Certification	Full Name	Budget Slot Allocation	Authorized Positions	Step
District Administrator		Gerhardt Hubner	District Administrator	1.00	
Plant Superintendent*	Grade IV	John Clemons	Plant Superintendent	1.00	
Laboratory Technician/Operator*	Grade III		LabTech/Operator	1.00	
Plant Operator II*	Grade III	Michael Arias*	Shift Supervisor	1.00	
Plant Operator II*	Grade III	Mychal Jones*	Plant Operator III	1.00	
Plant Operator III	Grade III		Plant Operator III	1.00	
Plant Operator II	Grade III		Plant Operator II	1.00	
Operator In Training			Plant Operator II	1.00	
Temporary			Operator In Training	0.50	
Maintenance Assistant	n/a		Maintenance Assistant	0.50	
Bookkeeper/Secretary	n/a		Bookkeeper/Secretary	1.00	
Student Assistant/Intern	n/a		Student Assistant/Intern	0.00	

\*2.5% Increase for holding a higher Certification than Position.

Underfilled

10

## MEMORANDUM

Date: DATE

To: Employee, Regular Job Title

From: John Clemons, Interim District Administrator

Subject: Temporary Assignment of Supervisory Duties

As you are aware, the Shift Supervisor position is currently vacant. At this time I have determined to fill it on a temporary basis with rotating assignments to those staff members qualified to perform the duties of the position.

As such, each interested employee that meets the minimum certification qualifications will be provided with an opportunity to serve as the Acting Shift Supervisor for a temporary duration of time.

This memo will confirm that on DATE, you will be assigned in a temporary upgrade to the Acting Shift Supervisor position. You will receive a minimum of 5% base pay increase while you hold this temporary assignment.

Pursuant to District policy, by this assignment you are serving as a "substitute" and shall have no rights to permanently fill the position, but may compete for the position in a District recruitment that may be undertaken to fill the vacant position. As such, temporary upgrades are not recognized as time served in the position toward completion of a probationary period, and your position of EE's REGULAR JOB TITLE will be maintained as your "regular" position.

At this time, I estimate your temporary assignment will end on DATE. I plan to then rotate the assignment to another qualified staff member. Please be advised however, your rotation may be extended, or ended sooner than the above-stated date, based on District needs.

Thank you for accepting this temporary assignment. I remain available to provide training, or guidance to you.

JOHN L. CLEMONS, III  
Interim District Administrator

Acknowledgement of Receipt

Employee Name  
Current Job Title

Date

**Gerhardt Hubner**

---

**From:** John Clemons  
**Sent:** Thursday, August 4, 2016 9:21 AM  
**To:** Gerhardt Hubner  
**Subject:** RE: Performance Review

Gerhardt,

There is no request for retroactive pay in my submission. Mr. Jones was already receiving Supervisor's pay during the period mentioned. He was serving in a Grade III position (supervisor), he had his grade III certification at the time, and there was a grade III slot available as of February 1<sup>st</sup>. It is simply a matter of crediting an employee for the capacity in which he served.

Respectfully,

John Clemons

---

**From:** Gerhardt Hubner  
**Sent:** Wednesday, August 03, 2016 10:59 AM  
**To:** John Clemons <jclemons@sslocsd.us>  
**Subject:** RE: Performance Review

John,

I have looked (at least once) at all PRs you submitted (two in paper form, signed, one in electronic). For two of them you have included recommendations for promotions to higher classifications than the employees currently reside in, with resulting pay increases (one retroactive six months). These type of recommendations should be handled separately from the PR, through separate personnel actions, to avoid creating an expectation with the employee that may or may not be appropriate (or be able to be approved) at that time. It also promotes fairness and equity with all our District employees. That is not to say the promotions/raises are not warranted or will not be approved. Rather the proper steps (and paperwork) from an HR perspective have not yet been completed. In addition, I would add that PRs should not be rushed, but completed with a proper appropriate amount of time for all parties review, including my own review time.

Gerhardt

---

**From:** John Clemons  
**Sent:** Wednesday, August 3, 2016 10:40 AM  
**To:** Gerhardt Hubner <Gerhardt@sslocsd.us>  
**Subject:** Performance Review

Gerhardt,

Have you had a chance to review Michael Arias' performance evaluation? I would like to process it prior to the end of this pay period if possible.

Thank you,

John L. Clemons  
Plant Superintendent/CPO



South San Luis Obispo County Sanitation District  
1600 Aloha Place  
Oceano, Ca. 93445  
805-489-6670

**Gerhardt Hubner**

---

**From:** John Clemons  
**Sent:** Monday, August 22, 2016 7:18 AM  
**To:** Alicia; alicia [REDACTED]  
**Cc:** Gerhardt Hubner  
**Subject:** Operator Promotions

Alicia and Gerhardt,

I have spoken with a past supervisor and a past Superintendent of SSLOCSD . To date, operator promotions have been based on three criteria; performance, passing the State exams, and open (currently available) positions within the District. The operator position currently has one description. That is because basic operator duties remain the same no matter what grade level a person is. Additional responsibilities are typically added as an operator demonstrates increased knowledge by passing more advanced exams. Current practice (and Board approved policy) is that operators get promoted to the next grade level when they pass the State exam and their performance merits it. Ultimately the designation between operator I, II, or three in this District has been determined by operators taking and passing the state exam. That is the current Board approved policy and has been throughout the history of SSLOCSD. That was, and continues to be, the policy in the Special District that I previously worked in. When there are more candidates than available positions a competitive process is enacted. Also, please consider that small special districts are not regulated in the same way as large municipalities with regard to hiring practices and other employee related issues. I am not saying that I believe the current policy is (or is not) best practices, only that is the policy that is in place, Board approved, and has been standard practice at this District for the last 50 years. Any change should involve a reasonable process.

Respectfully submitted,

John L. Clemons  
Plant Superintendent/CPO  
South San Luis Obispo County Sanitation District  
1600 Aloha Place  
Oceano, Ca. 93445  
805-489-6670

**SOUTH SAN LUIS OBISPO COUNTY  
SANITATION DISTRICT**

**PERSONNEL POLICY MANUAL**

**OCTOBER 1, 2015**



## **TABLE OF CONTENTS**

### **CHAPTER ONE - INTRODUCTION**

- 1000 - Purpose of Personnel Policies
- ✓ 1010 - Policy Amendments

### **CHAPTER TWO - EMPLOYMENT**

- ✓ 2000 - Definitions
- ✓ 2010 - Chain of Command
- ✓ 2020 - Recruitment
- 2030 - Break in Service
- 2040 - Outside Employment
- 2050 - Separation from District Employment

### **CHAPTER THREE - COMPENSATION**

- 3000 - Hours of Work and Overtime
- 3010 - Standby Policy and Pay
- 3020 - Pay Periods
- ✓ 3030 - Compensation
- 3040 - Accepting and Providing Gifts
- 3050 - Performance Evaluation

### **CHAPTER FOUR - BENEFITS**

- 4000 - Vacation
- 4010 - Holidays
- 4020 - Sick Leave
- 4025 - Family and Medical Leave
- 4030 - Bereavement Leave
- 4035 - Pregnancy Related Leaves and Transfer Privileges
- 4040 - Leave for Jury Duty
- 4045 - Catastrophic Leave
- 4050 - Leave of Absence
- 4060 - Injured on Duty
- 4080 - Cobra Health Insurance
- 4090 - Military Leave
- 4095 - Time off to Vote

### **CHAPTER FIVE - EMPLOYEE RELATIONS**

- 5000 - Unauthorized Voluntary Absence
- ✓ 5010 - Grievance Procedure
- 5020 - Discipline and Appeals Procedure
- 5030 - Safety

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT  
EMPLOYEE POLICY AND PROCEDURE MANUAL**

**TABLE OF CONTENTS**

## **TABLE OF CONTENTS**

### **CHAPTER FIVE - EMPLOYEE RELATIONS (con't)**

- 5040 - Use of District Vehicles and Property
- 5050 - Appearance and Conduct
- 5060 - Substance Abuse
- 5070 - Sexual Harassment
- 5080 - Harassment
- 5090 - Fitness for Duty
- 5091 - Computer Systems, E-Mail, Voice Mail and The Internet
- 5092 - Solicitation and Distribution

### **CHAPTER SIX - GENERAL**

- 6000 - Business Travel and Reimbursement
- 6010 - Cell and Handheld Devices Policy
- 6020 - Debit Card Policy

### **CHAPTER SEVEN - JOB DESCRIPTIONS**

- 7000 - District Counsel
- ✓ 7005 - District Administrator
- ✓ 7010 - Plant Superintendent
- ✓ 7020 - Shift Supervisor
- ✓ 7030 - Plant Operator
- 7040 - Electrical/Mechanical Technician
- 7041 - Senior Maintenance Mechanic
- ✓ 7042 - Laboratory Technician
- 7050 - Bookkeeper/Secretary
- 7060 - Operator in Training
- 7061 - Maintenance Assistant
- 7062 - Lead Operator

### **CHAPTER EIGHT - APPENDICES**

- 8000 - APPENDIX A Grievance Form
- 8010 - APPENDIX B Consent and Release Form
- 8020 - APPENDIX C Resolution No. 2004-05
- 8030 - APPENDIX D Resolution 62
- 8040 - APPENDIX E Work Performance and Evaluation Report
- 8050 - APPENDIX F Employment Application

**CHAPTER ONE - INTRODUCTION****EFFECTIVE: February 2005****CHAPTER ONE - INTRODUCTION****1000 - PURPOSE OF PERSONNEL POLICIES**

It is the intent of the Board of Directors of the South San Luis Obispo County Sanitation District to maintain a Manual of Policies. Contained therein shall be a comprehensive listing of the Board's current policies, being the rules and regulations enacted by the Board from time to time. The Manual of Policies will serve as a resource for Directors, staff, and members of the public in determining the manner in which matters of District business are to be conducted. The information contained in this manual constitutes the District's personnel rules and policies. It is not to be interpreted as a contract between the District and any of its employees. Except as provided herein, this manual applies to all regular employees. These rules do not apply to members of the Board of Directors, contract employees, volunteer personnel, such as advisory committees; persons engaged under contract to provide expert, professional, technical, or other services; or to temporary employees. It is the policy of the District that all employees of the District are "at will" employees.

If any policy or portion of a policy contained within these Personnel Policies is in conflict with rules, regulations or legislation having authority over the South San Luis Obispo County Sanitation District, said rules, regulations, or legislation shall prevail.

**1010 - POLICY AMENDMENTS**

The District reserves the right to modify or delete any of these policies when, in the opinion of its management and the Board of Directors, it becomes advisable to do so on those provisions of these policies that do not require the District to meet and confer. The District may also deviate from these policies in emergency situations provided that the Board conducts an emergency meeting and votes to take appropriate action regarding said deviation from policies. Announcement of changes will be made through standard communication channels (for example, employee meetings and Manager communications), but advance notice to every employee may not always be possible. The amendment will become effective even though personal notice was not provided to one or more of the District's employees. No oral statements or representations can, in any way, change or alter the provisions of this manual.

Except in emergency situations, proposed modifications or deletions to these policies shall first be introduced at one meeting of the Board of Directors, at which meeting the Board may provide direction to staff on the proposed modifications or deletions after receiving public comment. The proposed modifications or deletions shall then, at a second meeting of the Board of Directors, be presented for final adoption.

## CHAPTER TWO - EMPLOYMENT

EFFECTIVE:

February 2005

## CHAPTER TWO - EMPLOYMENT

## 2000 - DEFINITIONS

1. At Will Employees: All employees of the District are considered to be "at will" employees. Labor Code §2922 defines "at will" employment as employment having no specified term that may be terminated at the will of either party on notice to the other.
2. Regular Employees: A regular employee is one who has been hired to fill a regular position in any job classification and has completed his/her introductory period and works 32 or more hours per week on a regular and continuous basis.
3. Part-time Employees: A part-time employee is one who has been hired to fill a regular position in any job classification and has completed his/her introductory period and works less than 32 hours per week.
4. Probationary Employees: An introductory period regarded as part of the examination process, which provides the District Administrator the opportunity to observe and evaluate an employee's competence and ability to perform assigned duties. New and returning employee shall be regarded as an introductory employee for the first 6 months of employment. In addition, this introductory period may be extended an additional 6 months at the discretion of the District Administrator. Introductory employees serve entirely at the will and pleasure of the District Administrator and may be terminated by the District Administrator without cause and without right of appeal or hearing at any time.
5. Exempt Employee: Employees designated as exempt employees as defined by the Fair Labor Standards Act, including administrative employees and department heads. Exempt employees are expected to complete their assigned duties rather than adhere to a strict workday schedule. Consequently, no overtime, standby time, or compensatory time will be provided for working beyond a forty-hour work week, unless prior approval by the District Administrator.
6. Contract Employee: Employee hired as specified in an employment contract. Any persons employed on a substitute or temporary basis shall be employed by contract.
7. Re-employed Individuals: Those who are in good standing before they were separated from District employment as a result of a lay-off, and subsequently re-employed, pursuant to Section 2050 (2) of these policies. They are not subject to an introductory period.

8. Returning Employees: Individuals who meet all of the following conditions shall be considered returning and introductory employees.
  - A. Previously employed by the District.
  - B. Separated from the District other than by layoff.
  - C. Re-hired by the District.
  - D. Does not meet the definition of a re-employed individual.
9. Substitute Employees: A substitute employee is one who, at the request of the District Administrator or his/her designee, fills any permanent position which remains continuously unfilled by its incumbent for twenty (20) or more calendar days due to the incumbent's approved leave of absence. The appointment of a substitute shall be terminated prior to the return of the incumbent. ✓

If the incumbent does not return, the substitute employee shall have no rights to permanently fill the position, but may compete for the incumbent's position in a District recruitment that may be undertaken to permanently fill the incumbent's vacated position.

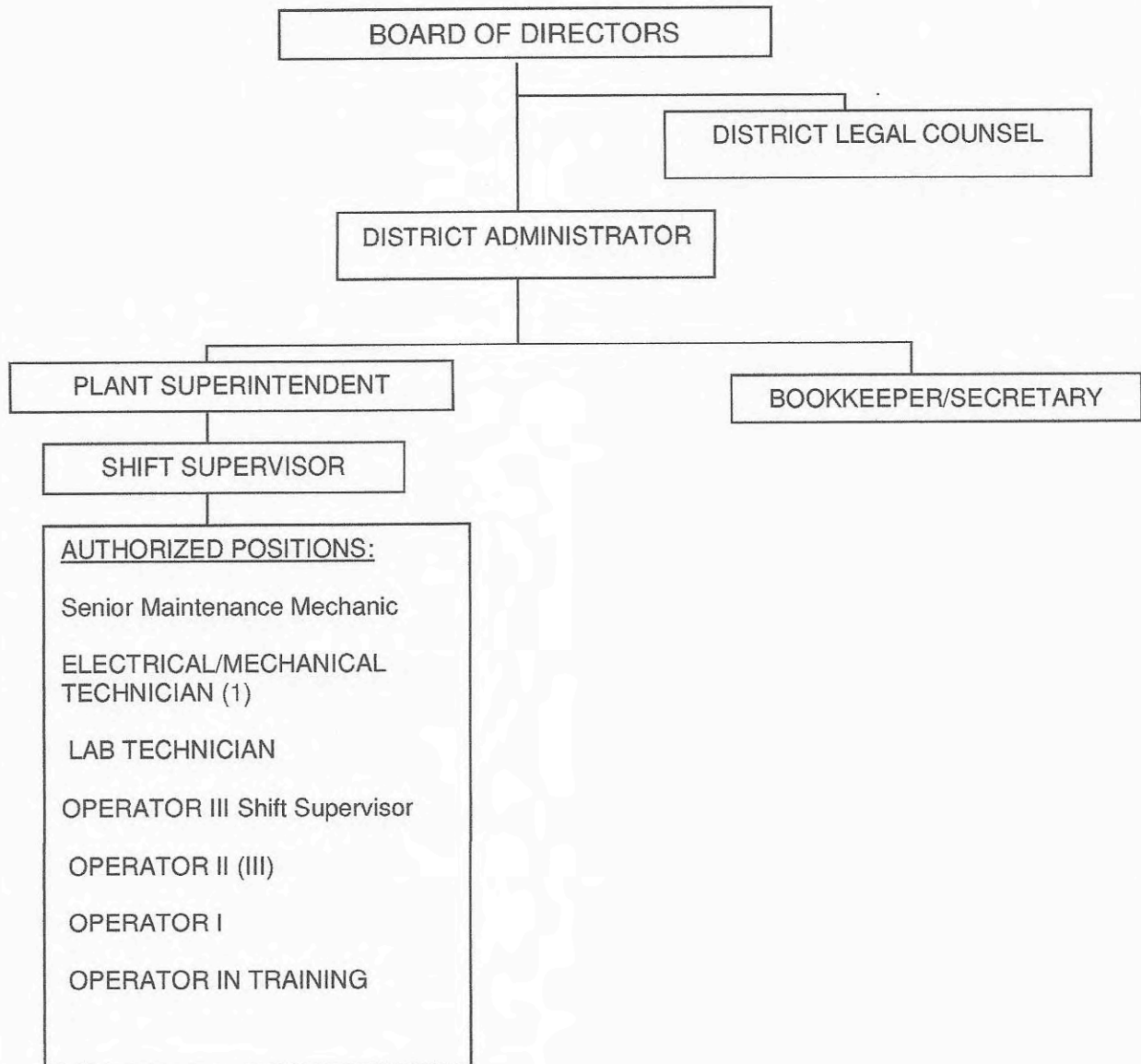


## CHAPTER TWO - EMPLOYMENT

EFFECTIVE:

FEBRUARY 2005

## 2010 – CHAIN OF COMMAND ✓



**2020 – RECRUITMENT****1. Employment – Hiring**

Applicants for employment shall be evaluated on the basis of their completed employment application (Appendix F), submitted material(s), personal interview(s) and demonstrated ability. This District shall retain all employment applications for a period of two years, whereupon they shall be discarded. The District will only solicit applications when position openings exist, when letters of resignation or retirement have been tendered by employees, or when vacancies or new position openings are anticipated. Upon completion of such evaluation, the Board will be notified of final applicants for exempt employees, and the District Administrator, or designee, shall select the applicant to be employed to fill the position opening and shall promptly notify the Board of Directors of the name of the person selected. The Board of Directors may, but need not, review and approve such selection. If two people are hired on the same day for jobs that have the same rate of pay, it must be determined who was hired first through a coin toss. If two people are hired on the same day for different rates of pay, the employee with the higher pay rate will be deemed the employee hired first.

**2. It is the philosophy of the District to promote from within the District, unless it would be in the District's best interest to hire from the outside. For this reason, most employment openings as they occur will be announced to all departments. All interested employees will be considered for the announced employment opening.****3. Employment of relatives**

The District Administrator may disqualify from competition any applicant for employment or transfer request where the result of a positive hiring or transfer decision would put an employee in direct supervision of (or under the direct supervision of) a close family relative: spouses, co-habitants, parents, children and siblings.

**4. Pre-Employment Physical Examination**

All offers of employment for introductory, regular, part-time and contract employee positions shall be made contingent upon the respective applicant's successfully passing a physician's examination and drug test, to be provided at District expense.

An applicant shall not be employed until a negative drug screen result is obtained and a qualified physician has certified the applicant is qualified to do the type of work required by the position being applied for.

Prior to conducting the exam, the physician will be supplied with a specification/description of the position for which the applicant is applying,

which shall include the description of the physical requirements and working environment of the position.

Applicants who refuse to cooperate in the examination and testing shall not be considered for employment. Applicants who have a positive drug test shall be denied employment.

Retesting of an individual who was previously employed, by the District, will be required if more than three (3) months have elapsed since said individual's last day of work for the District.

Appointments with the medical facility providing the examination and drug testing shall be made at least one day prior to testing, if possible, with the applicant provided minimal advance notice (no more than one day, if practical).

When the applicant reports to the medical facility for the scheduled examination and drug testing, identification shall be provided to said facility in the form of a photograph and verifiable signature (e.g. vehicle operator's license).

All test results shall be kept confidential. The applicant may be told he/she failed to pass the test, but only the District Administrator or designee shall have access to the actual test results.

District employment application forms shall contain a notice to applicants as follows:

District has a policy that any offer of employment shall be contingent upon the applicant successfully passing a physician's exam and a urine and blood test for illicit drugs pursuant to Section 5060. Persons who do not receive said physician's certification of qualification to do the type of work required by the position applied for, or who test positive for the presence of illicit drugs in their body will not be considered further. If you have reason to believe that you will not pass a physician's examination or will register positive on a drug test, or if you are unwilling to consent to such a test or examination, it is recommended that you not submit an application.

Immediately prior to reporting for drug testing, all applicants shall complete a Consent and Release Form to be kept on file in the District office which shall conform to the format in Appendix B.

5. DMV Record

All applicants shall submit a current Department of Motor Vehicle record and may be required to provide proof of insurance to the District. The insurance carrier of the District will be requested to verify eligibility of insurability based upon the applicant's previous driving history. Applicants



who are denied insurability by the District's insurance carrier will be disqualified.

6. **Immigration**  
The District requires satisfactory evidence prior to the commencement of introductory employment of legal authority to work in the United States.
7. **Written/Oral Examination**  
The District may conduct employment testing and interviews of job applicants.

Individuals who will require reasonable accommodation to take a test as part of the selection process must make such request when submitting the application.

### **EQUAL OPPORTUNITY EMPLOYMENT**

It is the policy of the South San Luis Obispo County Sanitation District that there shall be no discrimination based upon race, national origin, religion, sex, physical handicap, veteran's status, or age in any personnel action, including recruitment, appointment, performance evaluation, promotion, the granting of leaves and any disciplinary or grievance action.

**CHAPTER THREE - COMPENSATION****EFFECTIVE: FEBRUARY 2005****3030 - COMPENSATION**

1. This policy shall apply to all non-exempt District employees.
  - A. Probationary Employees - All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided elsewhere herein.
  - B. Advanced Step Hiring - If the District Administrator finds that qualified applicants cannot be successfully recruited at the first step of the salary range, he/she may request the Board of Directors to authorize an appointment at an advanced step of the salary range. Whenever advanced step hiring is approved an employee being paid at a lower salary step in the same range may be advanced to the step at which the new employee is appointed.
  - C. Re-employed Individuals - A person who previously held a full-time position from which the person was separated in good standing may, when re-employed in a position with the same or lower pay range than held at separation, be appointed at the same salary rate which was paid at the effective date of the person's termination, or the nearest lower applicable step for the range to which the person is appointed, provided such re-employment occurs within twelve (12) months from the date of said termination.
  - D. Substitute Employees – Subject to the following, a Substitute Employee shall be paid according to the salary schedule of the position that the employee is filling as a substitute.
    1. If the substitute employee is also an introductory employee, then the employee shall be paid at step one of the salary range.
    2. If the substitute employee is not an introductory employee, then the employee shall be paid at the lowest step of the salary range that avoids a reduction in pay for the employee.
2. Increase in compensation for non-exempt employees.
  - A. Employees may qualify for advancement to the second step after completion of 12 months of service or the introductory period if shorter, upon the recommendation of the department head and approval by the District Administrator.
  - B. Employees may qualify for advancement to the third step after the completion of 12 months of service in step two upon recommendation of the department head and approval by the District Administrator.

- C. Employees may qualify for advancement to the fourth step after completion of 12 months of service at the third step upon recommendation of the department head and approval of the District Administrator.
  - D. Employees may qualify for advancement to the fifth step after completion of 12 months of service in step four upon recommendation of the department head and approval of the District Administrator.
  - E. A report verifying satisfactory performance of each employee recommended for advancement shall be submitted to the District Administrator prior to final action on such recommendation.
3. For the purpose of determining eligibility for step advancement for non-exempt employees, the anniversary date shall be as follows:
- A. For employees entering the District service and appointed to a permanent position at the first step, the anniversary date shall be the day following the completion of 12 months of service at such step.
  - B. For employees entering the District service and appointed to a permanent position at a step other than the first step, the anniversary date shall be the day following the completion of 12 months of service at such step.
  - C. For employees who have completed six months of service at the first step and are thereafter compensated at a step other than the first step, the anniversary date shall be the date following the completion of 12 months of service at the higher step.
4. Promotion – Non-exempt employees promoted to a position with a higher pay range shall be placed on the step of the range allocated to the new classification which would grant such employee an increase in pay nearest to five percent but not less than four percent over the pay previously received by the employee; provided, however, the increase may exceed five percent at the discretion of the department head, if approved by the District Administrator, and that such increase shall not exceed the top step of the range allocated to the new classification. Such action shall require the District Administrator to establish a new anniversary date in accordance with the following criteria:
- A. For employees who are promoted to a permanent position and placed at the first step of the salary range, the anniversary date



shall be the date following the completion of 12 months of service at such step.

- B. For employees who are promoted to a permanent position and placed at a step other than the first step, the anniversary date shall be the day following the completion of 12 months of service at such step. ✓

5. Exempt employees.

The following policies apply to exempt employees:

- A. The Board of Directors, upon considering the recommendation of the District Administrator, shall establish the initial salary for exempt employees within the existing salary range.
- B. The Board of Directors, as part of the budget process, shall consider increases in compensation and cost-of-living adjustments for exempt employees.

6. Salary and compensation adjustments are outlined in Appendix C – Resolution No 2004-05

**5010 - GRIEVANCE PROCEDURE**

1. This policy shall apply to all regular employees in all classifications.
2. The purpose of this policy is to provide a procedure by which employees may formally claim that he/she has been affected by a violation, misapplication, or misinterpretation of a law, District policy, rule, regulation or instruction.
3. Specifically excluded from the grievance procedure are changes in employee relations resulting from the amendment of state or federal law; and those resolutions, ordinances or minute orders of the District's Board of Directors, not affecting wages, hours and terms and conditions of employment.
4. Grievance Procedure Steps.
  - A. Level I. Within 5 workdays following the incident that caused or led to the problem, the employee will give notice of the grievance to his/her immediate supervisor. The immediate supervisor shall hold discussions and attempt to resolve the matter within three (3) working days after receiving notice of the grievance. It is the intent of this informal meeting that at least one personal conference be held between the employee and the immediate supervisor.
  - B. Level II, – If the employee is not satisfied with the discussions and attempts to resolve the matter, the employee shall then present the evidence in writing (attached as Appendix A) to his/her immediate supervisor within five (5) working days after the conference between the employee and the immediate supervisor. The supervisor will then provide the employee with a written reply. If the reply is not satisfactory, the employee then proceeds to the next step.
  - C. Level III, District Administrator. If the grievance has not been resolved at Level II, the employee must present his/her grievance in written form provided by the District to the District Administrator within ten (10) working days after receiving the written reply from his/her immediate supervisor.

The statement shall include the following:

- I. A concise statement of the grievance including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted;
- II. The circumstances involved;
- III. The decision rendered by the immediate supervisor at Level II;
- IV. The specific remedy sought.

The District Administrator shall communicate his/her decision within five (5) workdays after receiving the grievance. Decisions will be in writing setting forth the decision and the reasons therefore and will be transmitted promptly to all parties in interest. If the District Administrator does not respond within the time limits, the employee may appeal to the next level. Time limits for appeal shall begin the day following receipt of written decision by the District Administrator. Within the above time limits either party may request a personal conference with the other.

- D. Level IV, Board of Directors. Appeals to the Board of Directors may only be made for those grievances against the District Administrator, and those not involving employee evaluations, except if the District Administrator prepares the evaluation. In the event the employee is not satisfied with the decision at Level III, the employee may appeal the decision in writing to the District's President of the Board of Directors within five (5) workdays. The statement shall include a copy of the original grievance; a copy of the written decision by the District Administrator; and a clear, concise statement of the reasons for the appeal to Level III.

The President, as soon as possible at a regular monthly meeting of the Board, shall schedule a hearing to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. The Board of Directors shall thereafter issue a written decision.

- E. Basic Rules  
If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.



By agreement in writing, the parties may extend any and all time limitations of the grievance procedure.

The District Administrator may temporarily suspend grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.

A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

5. Prior to pursuing remedies provided by law, employees must first comply with the District's grievance policies.

**CHAPTER SEVEN – JOB DESCRIPTIONS****EFFECTIVE: SEPTEMBER 2015**

Adopted by Resolution: 2015-334  
 Amended by Resolution: 2015-335

**7005 – DISTRICT ADMINISTRATOR****EMPLOYMENT STANDARDS**

Position Characteristics Under contract and general direction from the District Board of Directors responsible for the implementation of the policies established by the Board of Directors for the operation and administration of the District. Incumbent oversees, participates in and provides direction for planning, coordination, and management of the administrative affairs of the District, engineering services as well as maintenance, and operations within a framework of legal requirements, policies and established organizational values and processes, with independence of action to meet changing operational conditions.

Direct supervision is provided at various levels within the organization requiring the use of sound management skills, business management practices, professional development, and supervisory skills; performs related duties as required. This is an at-will, exempt salaried position.

Education and Experience: Graduation from an accredited college or university with a related Bachelor's Degree; and five years increasingly responsible management or administrative experience with the responsibility for the formulation and implementation of programs and services, and three years supervisory responsibilities.

Possession of: Must possess a valid California class C driver license and a satisfactory driving record to meet eligibility standards for motor vehicle insurance coverage established by the District's insurance carrier. Possession of a valid Certificate of Registration as a Civil, Mechanical, or Sanitary Engineer issued by the California State Board of Registration for professional Engineers is desired.

Knowledge of:

- Principles and practices of public administration, including administrative analysis, fiscal planning and control, record keeping/retention, and policy and program development.
- Cost estimating, construction processes, and contract administration.
- Laws, rules, ordinances, and legislative processes controlling sanitary district functions, programs, and operations.
- Organization, operations, and complexities of special districts.
- Research and evaluation methodologies.
- Budgeting principles and practices.
- Personnel and employer-employee relations.
- Principles of supervision, training and management.
- Project management.
- Recent developments, current technology and informational resources regarding



wastewater treatment and reclamation.

- Computer applications related to the work.
- Standard office practices and procedures, including the use of standard office equipment.
- Effective and diplomatic communications techniques.
- Techniques for providing a high level of customer service to the public, elected/appointed officials, and District staff, in person, electronically, and over the telephone.

Ability to:

- Plan, organize, coordinate, and direct the work of staff to achieve efficient operations and meet program goals.
- Exercise leadership, authority, and supervision tactfully and effectively.
- Administer and enforce District budgeting and fiscal controls.
- Prepare concise and comprehensive reports.
- Coordinate the preparation of Board agendas and other Board activities in conformance with the Brown Act; and attend Board meetings.
- Direct, coordinate, and implement programs to develop complex capital projects.
- Take a proactive approach to complex problem solving using a variety of techniques.
- Conduct technical research work.
- Review designs, plans and specifications.
- Provide advice and consultation to the Board of Directors on the development of ordinances, regulations, programs, policies, technical complexities, and services.
- Communicate effectively during public presentations.
- Effectively represent the District's policies, programs, and services with the public, community groups, and other government agencies.
- Establish and maintain cooperative and effective working relationships.
- Effectively interact and coordinate with regulatory agencies.

Typical Duties:

- Serves as District Administrator to implement the policies and provide services as established by the Board of Directors for the operation and administration of the District; and acts as liaison with member agencies and all regulatory agencies.
- Responsible to plan for the operation, maintenance, and expansion of the District's wastewater collection, treatment, and reclamation facilities.
- Makes recommendations regarding the long-and short-range planning of plant collection, operational and reclamation facility construction and modification activities, including plans for financing.
- Represents the Board's policies and programs with employees, community representatives, and other governmental agencies.
- Acts as appointing authority consistent with District Personnel Policy as established by the Board of Directors, relative to employee appointment, supervision, training, evaluation, discipline, dismissal, and resolution of grievances.

- Oversees and participates in the preparation of the annual and capital improvement budgets, making recommendations to the Board on final expenditure levels.
- Responsible for the administration of the District's finances ensuring District finances are performed in accordance with proper public sector accounting principles.
- Oversees, participates in, and directs the preparation and timely submission of a variety of written correspondence, reports, minutes, procedures, ordinances, bid specifications, and other materials.
- Oversees the records keeping system, pursuant to District policy.
- Monitors changes in laws, regulations and technology necessary to endeavor to keep the District in compliance with requirements of applicable State or Federal agencies; implements changes to policies and procedures, after approval.
- Oversees resolution of and responses to complaints regarding plant operations.
- Studies systems and procedures and proposes improvements and simplification.
- Performs other related duties as necessary.

Working Conditions:

The work environment characteristics described herein are representative of those an employee encounters while performing the essential functions of this job. Works in administrative office of a wastewater treatment plant, which may require working in or near wastewater collection system environments; some exposure to water, chemicals, fumes, airborne particles, hazardous materials, and noise; the noise level in the work environment is usually low to moderate. Requires sitting, standing, walking, occasional climbing, bending, stooping. May work at heights, on uneven construction surfaces and in inclement weather conditions. Must be available for evening meetings and emergency response, as required.

**Physical Demands:** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential duties of this job. Employee must possess sufficient strength to pull, push, carry or lift material, equipment or parts weighing up to 25 pounds and sufficient stamina to walk, stoop, kneel, crouch, crawl, step or climb. Employee is regularly required to stand, sit; use hands to finger, handle, or feel; arms to reach; and talk and hear, with vision abilities to include close, distance, and peripheral vision, depth perception and ability to adjust focus.

**CHAPTER SEVEN – JOB DESCRIPTIONS**  
**7010 – PLANT SUPERINTENDENT**

**EFFECTIVE: MARCH 2015**

**7010 – PLANT SUPERINTENDENT**

**EMPLOYMENT STANDARDS**

Position Characteristics: This individual is responsible for wastewater treatment/water reclamation plant and District owned sewer, operations and maintenance. This includes administering all wastewater treatment, reclamation and disposal functions for the SSLOCSD Wastewater Treatment Plant, providing work oversight, review and evaluation to treatment plant personnel. Successful performance of the work; requires a high degree of technical and regulatory knowledge to ensure that all plant operations and laboratory activities are in compliance with National Pollutant Discharge Elimination System (NPDES), Regional Water Quality Control Board (RWQCB) and Air Pollution Control District (APCD) as well as other regulatory requirements.

Plans, coordinates, manages, reviews and evaluates all water reclamation facility operations, maintenance and effluent disposal activities; ensures compliance with federal, state and local water, biosolids and air-quality regulations; performs related work as assigned.

The SSLOCSD Plant Superintendent receives general direction from the contract District Manager within a framework of legal requirements, policies and established organizational values and processes, with independence of action to meet changing operational conditions. Direct supervision is provided at various levels within the organization requiring the use of sound management skills, business management practices, professional development, and supervisory skills.

Education and Experience: Equivalent to completion of two years of college or technical school training or possession of an Associate of Arts degree in chemistry, biology, wastewater treatment or a closely-related field and/or successful completion of training required by the California State Water Resources Control Board and four years experience operating and performing maintenance on facilities and equipment in a secondary wastewater treatment/reclamation plant, including two years at a supervisory level or shift lead.

Possession of: Must possess a valid California class C driver's license and a satisfactory driving record. Must possess, or obtain prior to completion of the probationary period, a Grade III Wastewater Treatment Plant Operator certificate issued by the California State Water Resources Control Board.

Knowledge of:

- The operation, cleaning and preventive maintenance of wastewater treatment and

- disposal facilities and equipment.
- The operation and preventive maintenance of piping systems, including hydraulics, telemetry, valves and related appurtenances.
- Principles of contract negotiation and administration.
- Document preparation.
- Recent developments, current technology and informational resources regarding wastewater treatment and reclamation.
- Standard chemical and physical tests of wastewater, sludge, effluent and related materials.
- Supervisory principles and practices, including work planning, assignment, review and evaluation.
- Techniques for training staff in work procedures.
- Principles and practices of public agency budget preparation, administration, and control.
- The operation and minor maintenance of a variety of hand and power tools, vehicles and equipment related to the work.
- Safety equipment and practices related to the work, including the handling of hazardous chemicals and confined space entry procedures.
- Applicable laws, codes and regulations.
- Principles and practices of public agency budget preparation, administration, and maintenance.
- Principles and practices of contract negotiation and administration.
- Computer applications related to the work.
- Standard office practices and procedures, including the use of standard office equipment.
- Effective and diplomatic communications skills.
- Techniques for providing a high level of customer service to public and District staff, in person and over the telephone.

Ability to:

- Plan, organize, supervise, coordinate, review, evaluate and personally participate in the functions and activities of a comprehensive wastewater treatment, reclamation and disposal system.
- Plan, assign, supervise, review and evaluate the work of treatment plant operations, laboratory and maintenance staff.
- Train staff in work and safety procedures.
- Recognize, correct and/or report unusual, inefficient or dangerous operating conditions.
- Read and comprehend a variety of gauges, charts and meters; record data accurately and make appropriate process adjustments.
- Conduct standard chemical and physical tests of wastewater, sludge and related



materials.

- Troubleshoot maintenance problems and determine materials and supplies required for repair.
- Read and accurately interpret construction drawings and specifications.
- Maintain accurate logs and written records of operations and work performed.
- Use tact, initiative, prudence and independent judgment within general policy, procedural and legal guidelines.
- Communicate effectively, both orally and in writing.
- Establish and maintain effective working relations with those contacted in the course of the work.
- Take a proactive approach to problem solving.
- Use good judgment, make sound decisions,
- Make recommendations on matters of policy, or complex technical and administrative problems.
- Working in a team atmosphere.

Typical Duties:

- Plans, oversees and evaluates the operation and maintenance of the District tertiary wastewater reclamation facility and the associated laboratory.
- Plans, organizes, assigns, supervises and reviews the work of staff to ensure that work is completed in a safe and appropriate manner and within regulatory requirements; develops and implements work and standby schedules.
- Trains staff in work procedures and methods; evaluates the work of staff, initiates and implements work selection and disciplinary procedures.
- Inspects the plant and reviews laboratory testing results to determine operational status; authorizes changes in activities to meet regulatory requirements and ensures the most effective and efficient processes are used.
- Assists in and makes recommendations regarding the long-and short-range planning of plant collection, operational and disposal facility construction and modification activities; assists in the development of the annual and capital improvement budgets.
- Directs the maintenance and inventory of materials, chemicals, supplies and equipment required for the effective operation of the wastewater reclamation plant.
- Oversees laboratory testing activities; prepares or directs the preparation of regulatory reports and ensures their timely submission to appropriate agencies.
- Contributes to and assists in the long-and short-range planning of water reclamation facility construction and modification projects; develops and administers the water reclamation section operating budget; assists in the development and review of requests for proposals; contacts vendors and service contractors regarding prices, delivery and services for materials, chemicals,

- supplies and equipment; negotiates and administers contracts for contractors and suppliers.
- Inspects the plant for safety violations; ensures that safety procedures are followed and that safety equipment is worn; makes periodic safety presentations to plant staff.
  - Troubleshoots operational and maintenance problems; corrects, repairs or directs the correction and repair of operational and/or equipment problems.
  - Reads and interprets plans, specifications, blueprints and schematics.
  - Responds to and resolves complaints regarding plant operations, including odors, discharge quality and permit problems.
  - Responds to emergency situations during off-hours, as required; maintains employee standby availability on a scheduled basis.
  - Directs the maintenance of treatment plant, shop areas and other facilities and equipment in a clean and orderly condition.
  - May operate valves, pumps and automated controls to regulate the flow of wastewater through the plant; may operate a variety of treatment plant equipment, such as pumps, motors, chlorinators, filters, chemical valves, digesters, bar screens and blowers.
  - Prepares and directs the preparation and timely submission of a variety of written correspondence, reports, procedures, ordinances and other materials.
  - Maintains and directs the maintenance of automated and manual files.
  - Monitors changes in laws, regulations and technology that may affect division operations; implements changes to policies and procedures, after approval.

Working Conditions: Work in wastewater treatment plant, wastewater collection system environments; some exposure to water, chemicals, hazardous materials, and noise; heavy lifting/moving, standing, climbing. May work at heights, in confined spaces, and in inclement weather conditions. Must be available for standby assignments and to work emergency overtime, as required.

Physical Demands: Must possess strength, stamina and mobility to work in a wastewater treatment plant and laboratory setting, to lift and carry materials weighing up to fifty pounds and to use specialized test equipment, hand and power tools and instrumentation; stamina to work in confined spaces around machines and to climb and descend ladders; vision to read printed materials, charts, gauges and a computer screen; hearing and speech to converse in person and over the telephone or radio.

**CHAPTER SEVEN – JOB DESCRIPTIONS**  
**7020 – SHIFT SUPERVISOR**

**EFFECTIVE: FEBRUARY 2005**

**7020 - SHIFT SUPERVISOR**

**EMPLOYMENT STANDARDS**

Education and Experience: Graduation from high school or G.E.D. Specialized training in mechanical and/or electric trades desirable; five years experience in the operation and maintenance of a wastewater treatment plant with two or more years of supervisory duties; a Grade III Wastewater Treatment Plant Operators Certificate issued by the State Water Resources Control Board is required.

Possession of: A valid California Class "A" driver's license, or the ability to obtain one within six months of hire. The Shift Supervisor will be asked to provide a D.M.V. printout.

Knowledge of:

- Maintenance and repair principles of mechanical, hydraulic, electrical, and instrumentation systems commonly used in wastewater treatment plants.
- The operation and maintenance principles of pumps, motors, valves, blowers, electrical motor control centers, and electronic instrumentation systems.
- Safety practices, rules and regulations involved in working on electrical, mechanical and hydraulic systems.
- The use of computers.

Ability to:

- Plan, organize, and communicate assignments clearly to staff.
- React quickly to emergency situations.
- Skillfully use hand and power tools, electrical testing equipment, and equipment typically used in facilities and equipment maintenance.
- Read facility system and equipment drawings and wiring diagrams.
- Operate a variety of equipment ranging from small tools to heavy equipment.
- Lift 50 lbs. in the normal course of work.

Typical Duties:

- Operates and maintains facilities in a safe, clean, and orderly manner.
- Coordinates operational activities with facilities maintenance staff.
- Operates computer system utilizing various menu driven programs.
- Operates a variety of equipment, vehicles, hand and power tools including trucks, dump truck/trailer, articulated loader, light crane, welders, presses, etc.
- Performs related duties similar to the above in scope and function as required.
- Works weekends and standby on rotating schedule.
- Required to wear personal protective equipment appropriate for job assignments.

Working Conditions: Some exposure to water, chemicals, hazardous materials, and noise; heavy lifting/moving, standing, climbing. May work at heights, in confined spaces, and in inclement weather conditions.

Physical Demands: Must possess strength, stamina and mobility to work in a wastewater treatment plant and laboratory setting, to lift and carry materials weighing up to fifty pounds and to use specialized test equipment, hand and power tools and instrumentation; stamina to work in confined spaces around machines and to climb and descend ladders; vision to read printed materials, charts, gauges and a computer screen; hearing and speech to converse in person and over the telephone or radio.



**CHAPTER SEVEN – JOB DESCRIPTIONS**  
**7030 – PLANT OPERATOR**

**EFFECTIVE: FEBRUARY 2005**

**7030 - PLANT OPERATOR**

**EMPLOYMENT STANDARDS**

Education and Experience:

Graduation from high school or G.E.D. Specialized training in mechanical and/or electric trades desirable; two years experience in the operation and maintenance of a wastewater treatment plant; a Grade II Wastewater Treatment Plant Operators Certificate issued by the State Water Resources Control Board. District will consider those applicants who possess a Grade I Certificate, and can demonstrate their ability to obtain a Grade II within one year of date of hire.

Possession of:

A valid California Class "C" driver's license. The Plant Operator may, at a future time, be required to obtain a California Class "A" driver's license, and submit to the District's Drug and Alcohol Testing Program.

Knowledge of:

- Maintenance and repair principles of mechanical, hydraulic, electrical, and instrumentation systems commonly used in wastewater treatment plants. The operation and maintenance principles of pumps, motors, valves, blowers, electrical motor control centers, and electronic instrumentation systems.
- Safety practices, rules and regulations involved in working on electrical, mechanical and hydraulic systems.
- The use of computers.

Ability to:

- Skillfully use hand and power tools, electrical testing equipment, and equipment typically used in facilities and equipment maintenance.
- Read facility system and equipment drawings and wiring diagrams.
- Operate a variety of equipment ranging from small tools to heavy equipment.
- Lift 50 lbs. in the normal course of work.

Typical Duties:

- Operates and maintains facilities in a safe, clean, and orderly manner.
- Assists in operational activities with facilities staff.
- Operates computer system utilizing various menu driven programs.
- Operates a variety of equipment, vehicles, hand and power tools including trucks, dump truck/trailer, articulated loader, light crane, welders, presses, etc.
- Performs related duties similar to the above in scope and function as required.
- Works weekends and standby on rotating schedule.
- Required to wear personal protective equipment appropriate for job assignments.

Working Conditions:

Work in wastewater treatment plant, wastewater collection system environments; some exposure to water, chemicals, hazardous materials, and noise; heavy lifting/moving, standing, climbing. May work at heights, in confined spaces, and in inclement weather conditions.

Physical Demands:

Must possess strength, stamina and mobility to work in a wastewater treatment plant and laboratory setting, to lift and carry materials weighing up to fifty pounds and to use specialized test equipment, hand and power tools and instrumentation; stamina to work in confined spaces around machines and to climb and descend ladders; vision to read printed materials, charts, gauges and a computer screen; hearing and speech to converse in person and over the telephone or radio.

**CHAPTER SEVEN – JOB DESCRIPTIONS**  
**7042 – LABORATORY TECHNICIAN**

**EFFECTIVE: FEBRUARY 2005**

**7042 – LABORATORY TECHNICIAN**

**EMPLOYMENT STANDARDS:**

Under direction of Plant Superintendent, collects samples and performs a variety of routine analyses of water, wastewater, reclaimed water and sludge in support of the Plant operations.

Education and Experience: Bachelor's degree in chemistry, biochemistry, biology, microbiology environmental, sanitary or public health engineering, natural or physical science; and six months experience in the operation of water and wastewater lab equipment; or possession of a Grade II or higher certification from the California Water Environmental Agency (CWEA) or California-Nevada American Water Works Association (CA-NV/AWWA) certification as a Lab Analyst/Water Quality Analyst or any combination of education and/or experience to satisfy the job requirements.

Possession of: A valid Class "C" California Driver's License

Knowledge of:

- General principles, methods and techniques of wastewater sampling.
- Analyses and treatment processes.
- Fundamentals of laboratory chemistry and mathematics.
- Laboratory safety and equipment care.

Typical Duties:

- Performs a variety of laboratory chemical, physical and biological tests to determine Plant compliance with state and federal regulatory agencies, process control parameters and to characterize Plant and industrial waste streams.
- Analyzes and interprets routine test results.
- Assists in the maintenance of detailed written and computerized records of laboratory data. Collects water, wastewater, sludge and receiving water samples from a variety of sources including creeks, spill sites, manholes, sewer lines and storm drains and maintains automatic samplers in proper working condition.
- Prepares chemical reagents, lab supplies and glassware for use in analysis.
- Follows established laboratory Quality Assurance (QA) program and chain of custody procedures.
- Assists with conducting and evaluating of special monitoring projects.
- Recommends changes in collection, analyses, QA procedures or lab manuals.
- Follows established Chemical Hygiene Plan.
- Monitors level of laboratory supplies and recommends requisitions of supplies as needed.
- Monitors condition of analytical instruments and performs preventative maintenance of

- equipment. Observes proper safety precautions and procedures and maintains the laboratory in a safe, clean, neat and orderly condition.
- Performs a variety of laboratory chemical, physical and biological tests to determine Plant compliance with state and federal regulatory agencies, process control parameters and to characterize Plant and industrial waste streams.
  - Collects water, wastewater, sludge and receiving water samples from a variety of sources including creeks, spill sites, manholes, sewer lines and storm drains and maintains automatic samplers in proper working condition.
  - Analyzes and interprets routine test results.
  - Follows established Chemical Hygiene Plan.
  - Follows established laboratory Quality Assurance (QA) program and chain of custody procedures.
  - Performs related duties similar to above in scope and function as required.

Ability to:

- Perform accurate and precise chemical, physical and biological analyses of water, wastewater and sludge
- Learn to operate, maintain and calibrate analytical instruments and equipment
- Understand and follow verbal and written instructions
- Use computer and spread sheets
- Utilize proper sampling collection and handling techniques
- Prepare testing media and reagents
- Keep accurate and legible records
- Establish and maintain effective work relationships with those contacted in the performance of required duties
- Meet the physical requirements necessary to safely and effectively perform required duties

Working Conditions: Work in wastewater treatment plant, wastewater collection system environments; some exposure to water, chemicals, hazardous materials, and noise; heavy lifting/moving, standing, climbing. May work at heights, in confined spaces, and in inclement weather conditions.

Physical Demands: Must possess strength, stamina and mobility to work in a wastewater treatment plant and laboratory setting, to lift and carry materials weighing up to fifty pounds and to use specialized test equipment, hand and power tools and instrumentation; stamina to work in confined spaces around machines and to climb and descend ladders; vision to read printed materials, charts, gauges and a computer screen; hearing and speech to converse in person and over the telephone or radio.





## **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.us](http://www.sslocsd.us)

---

### **Staff Report**

**To:** Board of Directors  
**From:** John Clemons, Interim District Administrator  
**Date:** March 02, 2016

**Subject:** ANNUAL UPDATE TO BOARD BYLAWS

### **RECOMMENDATION**

That the Board, by motion, approve an amendment to the Bylaws providing for chairperson when the Chair is absent.

### **BACKGROUND AND DISCUSSION**

As a good housekeeping practice, the Board reviews its bylaws annually. Annual review provides an opportunity for Board members to revisit these rules for internal operation and to implement changes to provide for smooth meeting flow.

District Legal Co-Counsel has reviewed the Bylaws and they appear to be in legal order. However, in preparing agendas, it is helpful for staff to know what person will be chairing each meeting in advance of the meeting. Currently the Bylaws do not address this consideration. The City of Santa Maria assigns the Mayor the responsibility to name the chair if s/he and the Vice Mayor cannot be present. A similar provision is proposed for the District's Bylaws. If approved, the provision would require the Chair to name the chairperson for any meeting when the Chair and Vice Chair will be absent, either by designation or standing order.

### **FISCAL CONSIDERATIONS**

Knowing the chairperson in advance of the meeting helps staff to prepare the agenda efficiently.

### **OPTIONS**

Decline to adopt the proposed amendment.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT  
DIRECTOR BYLAWS  
2016 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, workloads, 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  
2016 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.



**EMPLOYMENT AGREEMENT  
BETWEEN THE  
SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT AND GERHARDT HUBNER  
FOR  
DISTRICT ADMINISTRATOR SERVICES**

This Agreement (hereinafter referred to as the "Agreement") is entered into this 24<sup>th</sup> day of March, 2016, by and between the South San Luis Obispo County Sanitation District, acting through the District Board of Directors, (hereinafter referred to as "District") and Gerhardt Hubner, (hereinafter referred to as the "Employee"), with reference to the following:

WHEREAS, the District has conducted an extensive search for a District Administrator and desires to appoint the best qualified candidate to the position; and

WHEREAS, the District is committed to developing and promoting an effective and professional Management Team, including the District Administrator; and

WHEREAS, the District Administrator shall be an "at-will" employee and shall serve at the pleasure of the District; and

WHEREAS, the District appointed Gerhardt Hubner as the District Administrator on March 16, 2016; and

WHEREAS, it is the desire of the District to provide certain benefits, establish certain conditions of employment, and set working conditions of said Employee; and

WHEREAS, it is the desire of the District to: provide inducement for Employee to remain in such employment; make possible full work productivity by assuring Employee's morale, health, and peace of mind with respect to the future security of his and his family; assist in the maintenance of the health and well-being of Employee; provide a just means for terminating the service of Employee at such time as he may be unable to discharge fully his duties or when the District desires to otherwise terminate his employment; act as a deterrent against malfeasance or dishonesty for personal gain on the part of the Employee and against morally questionable personal financial dealings; and establish a clear and mutually understood system of compensating Employee.

NOW, THEREFORE, in consideration of the promises, terms, and conditions in this Agreement, the District and Employee agree as follows:

1. TERM OF EMPLOYMENT.

- A. Employee's status shall be "at-will" and shall serve at the pleasure of the District. Nothing in this Agreement or any other existing or future District document, not specifically amending this Agreement, shall prevent, limit or otherwise interfere with the right of the District to terminate the employment of said Employee at any time and for any reason, or for no reason, subject to the provisions specified in Section 3 of this Agreement.
- B. Subject to the conditions set forth in this Agreement, the Employee shall be employed in the position of District Administrator for a thirty-six (36) month period continuing from April 18, 2016 through April 30, 2019.



- C. The term of employment may be extended at any time prior to the expiration of this Agreement by the mutual consent of District and the Employee. Such consent must be evidenced by a written Amendment to this Agreement approved by the Board and signed by the District and the Employee.

2. COMMITMENTS OF THE PARTIES.

A. Employee Commitments.

i. Duties, Responsibilities and Authority.

1. District retains Employee to perform the duties of the District Administrator and any other duties as may be required by the Board of Directors which are not inconsistent with the provisions of this Agreement or the law.
2. The Employee shall have those powers and perform all of the duties of the District Administrator as set forth in the laws of the State of California, District Ordinances, and District policies and procedures approved by the District from time to time.
3. The Employee shall be subject to all District rules, regulations and policies applicable to employees and management and to any subsequently adopted laws, regulations and policies, which do not conflict with this Agreement or the law.
4. The Employee shall, subject to the direction and control of the District Board of Directors, exercise administrative supervision over the District and its employees so that the statutory and other legal duties of the District are fully satisfied.
5. The Employee shall serve the District diligently and to the best of his abilities in all respects and shall always act in District's best interest in fulfilling its legal responsibilities as a county sanitation district organized under California Health and Safety Code Section 4700 et seq..
6. The Employee agrees to make sufficient time available to each member of the District Board of Directors each week to provide an opportunity to be briefed on District issues.
7. The Employee agrees to remain in the exclusive employment of District during the term of this Agreement and shall not accept other employment or perform other services for compensation without having first obtained written permission from the Board, which the Board may withhold at its sole discretion.

ii. Hours of Work.

1. The Employee is an FLSA exempt, at-will employee but is expected to engage in the hours of work that are necessary to fulfill the obligations of the District Administrator's position. The Employee is a full-time employee expected to work the normal business hours of the District and

- RESOLUTION NO. 215 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT HONORING BILL SENNA FOR HIS SERVICE TO THE CITIZENS OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT. (3/3/04)
- RESOLUTION NO. 216 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT RECOGNIZING COMPOST AWARENESS WEEK. (5/5/04)
- RESOLUTION NO. 217 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT ADOPTING AN EMPLOYEE COMPENSATION PACKAGE INCLUDING A SALARY SCHEDULE, POSITION CLASSIFICATIONS AND SALARY STEPS WITHIN THE PERSPECTIVE RANGES FOR THE 2004-04 FISCAL YEAR. (7/21/ 04)
- RESOLUTION NO. 218 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT ADOPTING THE 2004-03 FISCAL YEAR BUDGET. (7/21/04)
- RESOLUTION NO. 219 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT APPROVING CONTRACT WITH TRIMAX RESIDUALS TO CLEAN DIGESTER NO. 1. (9/13/04)
- ✓ RESOLUTION NO. 220 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT ADOPTION OF REVISED PERSONNEL POLICIES. (4/6/05)
- RESOLUTION NO. 221 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT ADOPTING THE 2005-06 FISCAL YEAR BUDGET. (7/6/05)
- RESOLUTION NO. 222 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT ADOPTING AN EMPLOYEE COMPENSATION PACKAGE INCLUDING A SALARY SCHEDULE, POSITION CLASSIFICATIONS AND SALARY STEPS WITHING THE PERSPECTIVE RANGES FOR THE 2005-06 FISCAL YEAR. (7/6/05)
- RESOLUTION NO. 223 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT ADOPTING THE POLICIES AND PROCEDURES FOR THE EXPENDITURE OF DISTRICT FUNDS FOR SUPPLIES, EQUIPMENT CONSTRUCTION AND SERVICES.
- RESOLUTION NO. 224 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT FOR THE ELECTION OF SEVEN DIRECTORS TO THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS. (9/7/05)

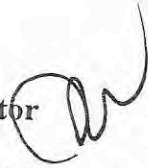
# **SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT**

---

*Operations Address:*  
1600 Aloha  
Oceano, California 93445  
(805) 489-6666

*Business Address:*  
Post Office Box 339  
Oceano, California 93445  
(805) 481-6903

## **MEMORANDUM**

**DATE:** April 6, 2005  
**TO:** Board of Directors  
**FROM:** John L. Wallace, District Administrator   
**SUBJECT:** District Personnel Policy Manual Revisions

---

### **RECOMMENDATION:**

Staff recommends the Board:

1. Provide Staff with any comments on the revised Personnel Policy Manual and adopt the attached resolution approving the manual with recommended changes; or
2. Direct staff to make the necessary changes and return to the Board for adoption at a future Board meeting.
3. Provide additional direction to Staff

### **FUNDING:**

Not applicable.

### **DISCUSSION:**

The District Personnel Policy Manual was last revised in 2000. Due to changes in State and Federal Labor law as well as changes in the operation of the facility, the personnel manual has been reviewed and updated by District Staff and District Counsel. These changes have included a variety of other refinements including the addition of a Catastrophic Leave Policy as well as updated position descriptions and an employment application.

The existing Personnel Policy requires that "proposed modifications or deletions to these policies shall first be introduced at one meeting of the Board of Directors, at which meeting the Board may provide direction to Staff on the proposed modifications or deletions after receiving public comment. The proposed modifications or deletions shall then, at a second meeting of the Board of Directors, be presented for final adoption."

Based upon this policy, the revised Personnel Policy was presented to the Board on March 16<sup>th</sup> for review and comment. At the April 6<sup>th</sup> meeting the Personnel Manual could be adopted with any changes recommended by the Board or continued for further modifications.

Staff is recommending that work to complete contract specifications to purchase a replacement FFR distribution arm and speed reducing automatic flushing mechanism begin immediately. It is estimated that the cost to develop the bid specifications will be \$26,000, funding would be allocated to account 7077 Engineering Services. The actual procurement of the unit would be included in and occur as part of the FY 05/06 budget.

Counsel Seitz clarified for the Board that Professional Services are not required to be obtained through bid process. The District may award this work to the Wallace Group through their current contract or to an outside engineering firm.

**It was moved by Director Ekbom, seconded by Director Mann to direct Staff to complete Contract Specifications to purchase a replacement FFR distribution arm and speed reducing automatic flushing mechanism in stainless steel materials. Motion carried.**

B. Personnel Policy Manual Update.

Administrator Wallace informed the Board that the District Personnel Policy Manual was last revised in 2000. Due to changes in State and Federal labor law as well as changes in the operation of the facility, the personnel manual has been reviewed and updated by District Staff and District Counsel. These changes have included a variety of other refinements including the addition of a Catastrophic Leave Policy as well as updated position descriptions and an employee application.

District Counsel Seitz gave a brief summary of changes and updates to the current policy which included:

“At Will Employees” Clarification of the District’s current policy.

“Return to Work of Key Employees” The District retains the right to replace Key Employees who are legitimately out on leave.

“Overtime” Addition of additional overtime requirements as required by updated Labor Codes.

District Counsel Seitz answered Board Member questions regarding specific changes in the policy.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT  
RESOLUTION NO. 2005 -**

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

**WHEREAS**, the Board of Directors of the South San Luis Obispo County Sanitation District previously adopted an Employee Policy and Procedure Manual; and

**WHEREAS**, the Board of Directors desire to insure that said Employee Policy and Procedure Manual accurately reflects the practices of the District; and

**WHEREAS**, District staff has prepared a complete revision of present District Employee Policy and Procedure Manual; and

**WHEREAS**, the Board of Directors desires to adopt the revised Employee Policy and Procedure Manual which reflects changes in the law as well as up to date District practices.

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

1. The Revised Employee Policy and Procedure Manual, attached as exhibit "A", is hereby adopted.

Upon motion of Board Member \_\_\_\_\_, seconded by Board Member \_\_\_\_\_ on the following roll call vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINING:**

The foregoing resolution is hereby passed and adopted this \_\_\_\_\_  
day of April, 2005.

\_\_\_\_\_  
Tony Ferrara  
Chairman

ATTEST:

JOHN WALLACE

\_\_\_\_\_  
Secretary to the Board

APPROVED:

\_\_\_\_\_  
MICHAEL W. SEITZ, District Legal Counsel



**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT  
RESOLUTION NO. 2010 - 281**

**A RESOLUTION AMENDING RESOLUTION NO. 2010-280, A RESOLUTION  
ADOPTING AN EMPLOYEE COMPENSATION PACKAGE INCLUDING A SALARY  
SCHEDULE, POSITION CLASSIFICATIONS AND SALARY STEPS WITHIN THE  
PERSPECTIVE RANGES FOR THE 2010-11 FISCAL YEAR**

**THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY  
SANITATION DISTRICT DOES RESOLVE AS FOLLOWS:**

**WHEREAS**, this Board deems it to be in the best interests of the South San Luis Obispo County Sanitation District and its various employees that various classifications of employment in the District be adjusted as hereinafter provided.

**NOW, THEREFORE, BE IT RESOLVED** that the terms of this amending resolution shall be effective July 1, 2010.

**BE IT FURTHER RESOLVED** this resolution shall amend the positions of Shift Supervisor and Operator 3 as shown on Exhibit A to fund the position of Shift Supervisor and unfund the position of Operator 3 for FY 2010-11.

On motion of Board Member \_\_\_\_\_, seconded by Board Member \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted this \_\_\_\_\_ day of October, 2010.

\_\_\_\_\_  
Tony Ferrara, Chairman

ATTEST:

\_\_\_\_\_  
John L. Wallace  
District Administrator



RESOLUTION 2010-280  
EXHIBIT "A"

2009-10 FISCAL YEAR  
SALARY/RANGE MONTHLY COMPENSATION  
AS AMENDED BY 09/14/10 BOARD MOTION

FULL TIME EMPLOYEES

<i>Level Authorized</i>	<i>Step 1</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 4</i>	<i>Step 5</i>
1 Plant Superintendent	5684	5969	6268	6582	6912
1 Operator 3 (Shift Supervisor) (FUND)	4644	4877	5121	5377	5646
0 Operator 3 (UNFUND)	4123	4330	4547	4775	5014
1 Senior Maintenance Mechanic	4123	4330	4547	4775	5014
1 Lead Operator	3938	4135	4342	4560	4788
0 Lab Tech/Operator	3938	4135	4342	4560	4788
2 Operator 2	3825	4017	4218	4429	4651
1 Operator 1	3552	3730	3917	4113	4319
0 Operator In Training	3212	3373	3542	3719	3905
1 Maintenance Assistant	3212	3373	3542	3719	3905
1 Bookkeeper/Secretary	3484	3659	3842	4034	4236
<b>9 TOTAL STAFF</b>					

PART TIME EMPLOYEES - MONTHLY RATE

Board Member or Alternate

\$100 per meeting attended  
(Resolution 1995-150)

Administrator

Per Contract

Attorney

Per Contract

Volunteers

See Resolution No. 76

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT  
RESOLUTION NO. 2011-289

A RESOLUTION ADOPTING AN EMPLOYEE COMPENSATION PACKAGE  
INCLUDING A SALARY SCHEDULE, POSITION CLASSIFICATIONS  
AND SALARY STEPS WITHIN THE PERSPECTIVE RANGES  
FOR THE 2011-12 FISCAL YEAR

THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY  
SANITATION DISTRICT DOES RESOLVE AS FOLLOWS:

WHEREAS, this Board deems it to be in the best interests of the South San Luis Obispo County Sanitation District and its various employees that minimum and maximum compensation be fixed as well as any District contribution to medical, dental, vision and retirement plans on behalf of the employee for various classifications of employment in the District as hereinafter provided.

NOW, THEREFORE, BE IT RESOLVED that the terms of this resolution shall be effective July 1, 2011 and shall apply through June 30, 2012.

BE IT FURTHER RESOLVED this resolution shall supersede and repeal any position classifications.

BE IT FURTHER RESOLVED that the minimum compensation as of date of employment and the intermediate and maximum compensation for such employment shall be as hereinafter enumerated, effective July 1, 2011, and that said employees shall be assigned to salary steps within the respective pay range of the position classification as set forth in Exhibit A, and further, that any contributions made by the District on behalf of the employee to medical and/or retirement programs shall be set forth in Exhibit A, and further, that Exhibit A attached hereto is made a part hereof by reference, all of which are hereby adopted as follows:

#### ADMINISTRATION OF THE COMPENSATION PLAN

All full-time employees entering the employ of the District shall be paid at the first step of the salary range established for their classification unless authorized by the District Administrator and/or the Board of Directors. The District Administrator shall have the authority to place an individual at step 2 upon reviewing their experience and making a determination that said step 2 salary was in the best interest of the District to provide at the time of employment. The Board of Directors shall make the decision to hire any employee at step 3 and would only do so after reviewing recommendations made by the District Administrator with respect to the employee's experience and value to the District.

Salary step increase, as provided herein, are not automatic, but based on performance and merit. Employees shall be placed on a salary step and qualify for increase in compensation for advancement to the next higher step of the pay ranges in the manner following:

1. Employees may qualify for advancement to the second step, after completion of six months service, upon the recommendation of the Superintendent and approval by the District Administrator.
2. Employees may qualify for advancement to the third step, after the completion of one year of service in step two upon recommendation of the Superintendent and approval by the District Administrator.

RESO 2011-289

EXHIBIT "A"

2011-12 FISCAL YEAR  
SALARY/RANGE MONTHLY COMPENSATION

FULL TIME EMPLOYEES

<i>Level Authorized</i>	<i>Step 1</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 4</i>	<i>Step 5</i>
1 Plant Superintendent	5855	6148	6456	6779	7119
0 Operator 3 (Shift Supervisor)	4783	5023	5275	5538	5815
1 Operator 3	4247	4460	4683	4918	5164
1 Senior Maintenance Mechanic (vacant)	4247	4460	4683	4918	5164
1 Lead Operator	4056	4259	4472	4697	4932
1 Lab Tech/Operator	4056	4259	4472	4697	4932
2 Operator 2	3940	4138	4345	452	4791 4792
1 Operator 1 *** *** Grade II 2.5% increase	3659	3842	4035	4236	4449 4559
0 Operator In Training	3308	3474	3648	3831	4022
1 Maintenance Assistant	3308	3474	3648	3831	4022
1 Bookkeeper/Secretary	3589	3769	3957	4155	4363
<b>10 TOTAL STAFF</b>					

3% Class Adjustment

PART TIME EMPLOYEES - MONTHLY RATE

Board Member or Alternate

\$100 per meeting attended  
(Resolution 1995-150)

Administrator

Per Contract

Attorney

Per Contract

Volunteers

See Resolution No. 76

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT  
RESOLUTION NO. 2012-299

A RESOLUTION ADOPTING AN EMPLOYEE COMPENSATION PACKAGE  
INCLUDING A SALARY SCHEDULE, POSITION CLASSIFICATIONS  
AND SALARY STEPS WITHIN THE PERSPECTIVE RANGES  
FOR THE 2012-13 FISCAL YEAR

THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY  
SANITATION DISTRICT DOES RESOLVE AS FOLLOWS:

WHEREAS, this Board deems it to be in the best interests of the South San Luis Obispo County Sanitation District and its various employees that minimum and maximum compensation be fixed as well as any District contribution to medical, dental, vision and retirement plans on behalf of the employee for various classifications of employment in the District as hereinafter provided.

NOW, THEREFORE, BE IT RESOLVED that the terms of this resolution shall be effective July 1, 2012 and shall apply through June 30, 2013.

BE IT FURTHER RESOLVED this resolution shall supersede and repeal any position classifications.

BE IT FURTHER RESOLVED that the minimum compensation as of date of employment and the intermediate and maximum compensation for such employment shall be as hereinafter enumerated, effective July 1, 2012, and that said employees shall be assigned to salary steps within the respective pay range of the position classification as set forth in Exhibit A, and further, that any contributions made by the District on behalf of the employee to medical and/or retirement programs shall be set forth in Exhibit A, and further, that Exhibit A attached hereto is made a part hereof by reference, all of which are hereby adopted as follows:

ADMINISTRATION OF THE COMPENSATION PLAN

All full-time employees entering the employ of the District shall be paid at the first step of the salary range established for their classification unless authorized by the District Administrator and/or the Board of Directors. The District Administrator shall have the authority to place an individual at step 2 upon reviewing their experience and making a determination that said step 2 salary was in the best interest of the District to provide at the time of employment. The Board of Directors shall make the decision to hire any employee at step 3 and would only do so after reviewing recommendations made by the District Administrator with respect to the employee's experience and value to the District.

Salary step increase, as provided herein, are not automatic, but based on performance and merit. Employees shall be placed on a salary step and qualify for increase in compensation for advancement to the next higher step of the pay ranges in the manner following:

1. Employees may qualify for advancement to the second step, after completion of six months service, upon the recommendation of the Superintendent and approval by the District Administrator.
2. Employees may qualify for advancement to the third step, after the completion of one year of service in step two upon recommendation of the Superintendent and approval by the District Administrator.

3. Employees may qualify for advancement to the fourth step, after the completion of one year of service at the third step, upon recommendation of the Superintendent and approval by the District Administrator.
4. Employees may qualify for advancement to the fifth step, after completion of one year of service in step four, upon recommendation of the Superintendent and approval by the District Administrator.
5. A performance report on each employee recommended for advancement shall be submitted to the District Administrator, prior to final action on such recommendation.

All part-time employees shall be paid without benefit of salary range and at a rate or rates as specified in Exhibit A of this resolution.

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

AYES:

NOES:

ABSENT:

the foregoing resolution was passed and adopted this twenty-seventh day of June 2012.

\_\_\_\_\_  
Bill Nicolls  
Chairman

ATTEST:

\_\_\_\_\_  
John L. Wallace  
District Administrator



# EXHIBIT "A"

## 2012-13 FISCAL YEAR SALARY/RANGE MONTHLY COMPENSATION

### FULL TIME EMPLOYEES

Level Authorized	Step 1	Step 2	Step 3	Step 4	Step 5
1 Plant Superintendent	5855	6148	6456	6779	7119
0 Operator 3 (Shift Supervisor)	4783	5023	5275	5538	5815
1 Operator 3	4247	4460	4683	4918	5164
1 Senior Maintenance Mechanic (vacant)	4247	4460	4683	4918	5164
1 Lead Operator	4056	4259	4472	4697	4932
1 Lab Tech/Operator	4056	4259	4472	4697	4932
2 Operator 2	3940	4138	4345	452	4791 4792
1 Operator 1 ***	3659	3842	4035	4236	4449
*** Grade II 2.5% increase					4559
0 Operator In Training	3308	3474	3648	3831	4022
1 Maintenance Assistant	3308	3474	3648	3831	4022
1 Bookkeeper/Secretary	3589	3769	3957	4155	4363
<b>10 TOTAL STAFF</b>					

Any Adjustments TBD

### PART TIME EMPLOYEES - MONTHLY RATE

Board Member or Alternate

\$100 per meeting attended  
(Resolution 1995-150)

Administrator

Per Contract

Attorney

Per Contract

Volunteers

See Resolution No. 76

N = 60

89,700 / yr

43.125 / hr.

73,272 / yr

35.227 / hr.

VAC

59,004 / yr

35.459 / hr.

VAC

VAC

60,384 / yr

29.031 / hr.

57,444 / yr

27.617 / hr.

VAC

50,676 / yr

24.363 / hr.

47,484 / yr

22.824 / hr.

41,200 / yr

20.097 / hr.

49,857.20

23.97 / hr.



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT  
RESOLUTION NO. 2013-305

A RESOLUTION ADOPTING AN EMPLOYEE COMPENSATION PACKAGE  
INCLUDING A SALARY SCHEDULE, POSITION CLASSIFICATIONS  
AND SALARY STEPS WITHIN THE PERSPECTIVE RANGES  
FOR THE 2012-13 FISCAL YEAR

THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY  
SANITATION DISTRICT DOES RESOLVE AS FOLLOWS:

WHEREAS, this Board deems it to be in the best interests of the South San Luis Obispo County Sanitation District and its various employees that minimum and maximum compensation be fixed as well as any District contribution to medical, dental, vision and retirement plans on behalf of the employee for various classifications of employment in the District as hereinafter provided.

NOW, THEREFORE, BE IT RESOLVED that the terms of this resolution shall be effective January 1, 2013 and shall apply through June 30, 2013.

BE IT FURTHER RESOLVED this resolution shall supersede and repeal any position classifications.

BE IT FURTHER RESOLVED that the minimum compensation as of date of employment and the intermediate and maximum compensation for such employment shall be as hereinafter enumerated, effective January 1, 2013, and that said employees shall be assigned to salary steps within the respective pay range of the position classification as set forth in Exhibit A, and further, that any contributions made by the District on behalf of the employee to medical and/or retirement programs shall be set forth in Exhibit A, and further, that Exhibit A attached hereto is made a part hereof by reference, all of which are hereby adopted as follows:

ADMINISTRATION OF THE COMPENSATION PLAN

All full-time employees entering the employ of the District shall be paid at the first step of the salary range established for their classification unless authorized by the District Administrator and/or the Board of Directors. The District Administrator shall have the authority to place an individual at step 2 upon reviewing their experience and making a determination that said step 2 salary was in the best interest of the District to provide at the time of employment. The Board of Directors shall make the decision to hire any employee at step 3 and would only do so after reviewing recommendations made by the District Administrator with respect to the employee's experience and value to the District.

Salary step increase, as provided herein, are not automatic, but based on performance and merit. Employees shall be placed on a salary step and qualify for increase in compensation for advancement to the next higher step of the pay ranges in the manner following:

1. Employees may qualify for advancement to the second step, after completion of six months service, upon the recommendation of the Superintendent and approval by the District Administrator.
2. Employees may qualify for advancement to the third step, after the completion of one year of service instep two upon recommendation of the Superintendent and approval by the District Administrator.

3. Employees may qualify for advancement to the fourth step, after the completion of one year of service at the third step, upon recommendation of the Superintendent and approval by the District Administrator.
4. Employees may qualify for advancement to the fifth step, after completion of one year of service in step four, upon recommendation of the Superintendent and approval by the District Administrator.
5. A performance report on each employee recommended for advancement shall be submitted to the District Administrator, prior to final action on such recommendation.

All part-time employees shall be paid without benefit of salary range and at a rate or rates as specified in Exhibit A of this resolution.

On motion of Guerrero, seconded by Petersen, and on the following roll call vote, to wit:

AYES: Guerrero, Petersen, Ferrara


NOES: None

ABSENT: None

the foregoing resolution was passed and adopted this twentieth day of February 2013.

  
\_\_\_\_\_  
Tony Ferrara  
Chairman

ATTEST:

  
\_\_\_\_\_  
John L. Wallace  
District Administrator

# EXHIBIT "A"

## 2012-13 FISCAL YEAR SALARY/RANGE MONTHLY COMPENSATION EFFECTIVE JANUARY 1, 2013

### FULL TIME EMPLOYEES

<i>Level Authorized</i>	<i>Step 1</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 4</i>	<i>Step 5</i>
1 Plant Superintendent	6148	6455	6779	7118	7475
0 Operator 3 (Shift Supervisor)	5022	5274	5539	5815	6106
1 Operator 3	4459	4683	4917	5164	5422
1 Senior Maintenance Mechanic (vacant)	4459	4683	4917	5164	5422
1 Lead Operator	4259	4472	4696	4932	5179
1 Lab Tech/Operator	4259	4472	4696	4932	5179
2 Operator 2	4137	4345	4562	4790	5031
1 Operator 1 ***					4671
*** Grade II 2.5% increase	3842	4034	4237	4448	4787
0 Operator In Training	3473	3648	3830	4023	4223
1 Maintenance Assistant	3473	3648	3830	4023	4223
1 Bookkeeper/Secretary	3768	3957	4155	4363	4581
<b>10 TOTAL STAFF</b>					

### PART TIME EMPLOYEES - MONTHLY RATE

Board Member or Alternate

\$100 per meeting attended  
(Resolution 1995-150)

Administrator

Per Contract

Attorney

Per Contract

Volunteers

See Resolution No. 76

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT  
RESOLUTION NO. 2014-311

A RESOLUTION ADOPTING AN EMPLOYEE COMPENSATION PACKAGE  
INCLUDING A SALARY SCHEDULE, POSITION CLASSIFICATIONS  
AND SALARY STEPS WITHIN THE PERSPECTIVE RANGES  
FOR THE 2013-14 FISCAL YEAR

THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY  
SANITATION DISTRICT DOES RESOLVE AS FOLLOWS:

WHEREAS, this Board deems it to be in the best interests of the South San Luis Obispo County Sanitation District and its various employees that minimum and maximum compensation be fixed as well as any District contribution to medical, dental, vision and retirement plans on behalf of the employee for various classifications of employment in the District as hereinafter provided.

NOW, THEREFORE, BE IT RESOLVED that the terms of this resolution shall be effective July 1, 2013 and shall apply through June 30, 2014.

BE IT FURTHER RESOLVED this resolution shall supersede and repeal any position classifications.

BE IT FURTHER RESOLVED that the minimum compensation as of date of employment and the intermediate and maximum compensation for such employment shall be as hereinafter enumerated, effective July 1, 2013, and that said employees shall be assigned to salary steps within the respective pay range of the position classification as set forth in Exhibit A, and further, that any contributions made by the District on behalf of the employee to medical and/or retirement programs shall be set forth in Exhibit A, and further, that Exhibit A attached hereto is made a part hereof by reference, all of which are hereby adopted as follows:

ADMINISTRATION OF THE COMPENSATION PLAN

All full-time employees entering the employ of the District shall be paid at the first step of the salary range established for their classification unless authorized by the District Manager and/or the Board of Directors. The District Manager shall have the authority to place an individual at step 2 upon reviewing their experience and making a determination that said step 2 salary was in the best interest of the District to provide at the time of employment. The Board of Directors shall make the decision to hire any employee at step 3 and would only do so after reviewing recommendations made by the District Manager with respect to the employee's experience and value to the District.

Salary step increases, as provided herein, are not automatic but based on performance and merit. Employees shall be placed on a salary step and qualify for increase in compensation for advancement to the next higher step of the pay ranges in the manner following:

1. Employees may qualify for advancement to the second step, after completion of six months service, upon the recommendation of the Superintendent and approval by the District Manager.
2. Employees may qualify for advancement to the third step, after the completion of one year of service in step two upon recommendation of the Superintendent and approval by the District Manager.
3. Employees may qualify for advancement to the fourth step, after the completion of one year of

service at the third step, upon recommendation of the Superintendent and approval by the District Manager.

4. Employees may qualify for advancement to the fifth step, after completion of one year of service in step four, upon recommendation of the Superintendent and approval by the District Manager.
5. A performance report on each employee recommended for advancement shall be submitted to the District Manager, prior to final action on such recommendation.

All part-time employees shall be paid without benefit of salary range and at a rate or rates as specified in Exhibit A of this resolution.


On motion of Board Member \_\_\_\_\_, seconded by Board Member \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

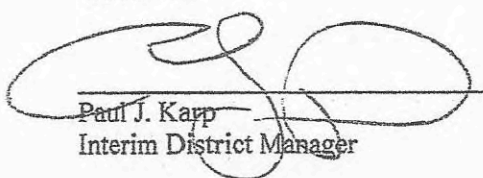
NOES:

ABSENT:

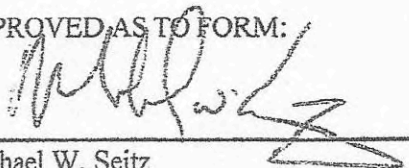
the foregoing resolution was passed and adopted this 17<sup>th</sup> day of July 2013.

  
\_\_\_\_\_  
Matthew Guerrero  
Chair

ATTEST:

  
\_\_\_\_\_  
Paul J. Kapp  
Interim District Manager

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael W. Seitz  
District Legal Counsel



# EXHIBIT "A"

## 2013-14 FISCAL YEAR SALARY/RANGE MONTHLY COMPENSATION

### FULL TIME EMPLOYEES

<i>Level Authorized</i>	<i>Step 1</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 4</i>	<i>Step 5</i>
1 Plant Superintendent	6148	6455	6779	7118	7475
1 Shift Supervisor	5022	5274	5539	5815	6106
0 Operator 3	4459	4683	4917	5164	5422
1 Senior Maintenance Mechanic	4459	4683	4917	5164	5422
0 Lead Operator	4259	4472	4696	4932	5179
1 Lab Tech/Operator	4259	4472	4696	4932	5179
3 Operator 2	4137	4345	4562	4790	5031 5032
0 Operator 1 *** *** Grade II 2.5% increase	3842	4034	4237	4448	4671 4787
1 Operator In Training Intern	3473	3648	3830	4023	4223
1 Maintenance Assistant	3473	3648	3830	4023	4223
1 Bookkeeper/Secretary	3768	3957	4155	4363	4581
<b>10 TOTAL STAFF</b>					

*COLA to be determined*

### PART TIME EMPLOYEES - MONTHLY RATE

Board Member or Alternate

\$100 per meeting attended  
(Resolution 1995-150)

District Manager

Per Contract

District Legal Counsel

Per Contract

Volunteers

See Resolution No. 76



## RESOLUTION 2015-325

A RESOLUTION OF THE SOUTH SAN LUIS OBISPO  
COUNTY SANITATION DISTRICT BOARD  
OF DIRECTORS APPROVING A RESOLUTION GRANTING  
A COST OF LIVING ADJUSTMENT TO DISTRICT STAFF  
OF ONE PERCENT RETROACTIVE TO FEBRUARY 1, 2015

**WHEREAS**, the South San Luis Obispo County Sanitation District (District) desires to remain competitive in salary and benefits that it provides to its employees; and

**WHEREAS**, the Consumer Price Index (CPI) for the Los Angeles area for the twelve months prior to December of 2014 was 0.7 percent which represented a 0.5 decrease from the prior month; and

**WHEREAS**, the cost of living adjustment (COLA) provided to Social Security recipients for this year is 1.7 percent; and

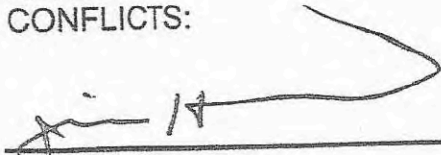
**WHEREAS**, in 2014 District granted employees a 2.93 percent COLA effective on February 1<sup>st</sup>;

**THEREFORE, BE IT RESOLVED THAT**, the District hereby grants employees a one percent COLA increase retroactive to February 1, 2015

**PASSED AND ADOPTED** at a regular meeting of the South San Luis County Sanitation District Board of Directors held this 18th day of February 2015.

On the motion of John Shoals seconded by Mary Lucey  
and of the following roll call vote, to wit:

AYES: John Shoals, Mary Lucey, Jim Hill  
NOES:  
ABSENT:  
CONFLICTS:

  
\_\_\_\_\_  
Jim Hill, Chairman  
Board of Directors  
South San Luis Obispo County Sanitation District


Revised as to Form  
  
Michael Seitz

EXHIBIT "A"

2014-15 FISCAL YEAR  
SALARY/RANGE MONTHLY COMPENSATION  
COLA INCREASE AT 1.0%

FULL TIME EMPLOYEES

Level Authorized	Step 1	Step 2	Step 3	Step 4	Step 5
1 Plant Superintendent	6575	6709	7045	7398	7769
1 Shift Supervisor	5371	5481	5757	6043	6346
0 Operator 3	4769	4867	5110	5367	5635
1 Senior Maintenance Mechanic	4634	4867	5110	5367	5635
0 Lead Operator	4426	4648	4881	5126	5382
1 Lab Tech/ Operator	4426	4648	4881	5126	5382
3 Operator 2	4300	4516	4741	4978	5230
0 Operator 1 *** *** Grade II 2.5% increase	3993	4192	4403	4623	4975
1 Operator In Training Intern	3609	3791	3980	4181	4389
1 Maintenance Assistant	3609	3791	3980	4181	4389
1 Bookkeeper/Secretary	3916	4112	4318	4534	4761
10 TOTAL STAFF					

PART TIME EMPLOYEES - MONTHLY RATE

Board Member or Alternate

\$100 per meeting attended  
(Resolution 1995-150)

Administrator

Per Contract

Attorney

Per Contract

Volunteers

See Resolution No. 76

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

**WHEREAS**, the Plant Superintendent for the South San Luis Obispo County Sanitation District (District) has roles that exceed that of what is typically expected of a Chief Plant Operator (CPO).

**WHEREAS**, the Plant Superintendent for SSLOCSD is required to perform the duties of CPO as well as manage a sewage collection system, manage all District owned systems, supervise District employees and define budgetary needs.

**WHEREAS**, the Plant Superintendent also plays a major role in defining the long-term vision for the District.

**WHEREAS**, the District attempts to keep Employment Standards and Compensation Schedules current.

**BE IT RESOLVED** that the South San Luis Obispo County Sanitation Board of Directors adopt the revised Plant Superintendent Employment Standard Exhibit "A", and Monthly Compensation Schedule Exhibit "B" for the Plant Superintendent.

**PASSED AND ADOPTED** at a regular meeting of the South San Luis County Sanitation District Board of Directors held this 18th day of March 2015.

On the motion of John Shoals seconded by Matt Guerrero  
and of the following roll call vote, to wit:

AYES: Shoals, Guerrero, Hill  
NOES:  
ABSENT :  
CONFLICTS:

---

Jim Hill, Chairman  
Board of Directors  
South San Luis Obispo County Sanitation District



2014-15 FISCAL YEAR  
SALARY/RANGE MONTHLY COMPENSATION  
Resolution 2015-326

FULL TIME EMPLOYEES

<i>Level Authorized</i>	<i>Step 1</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 4</i>	<i>Step 5</i>
1 Plant Superintendent	7768	8157	8565	8993	9443
1 Shift Supervisor	5371	5481	5757	6043	6346
0 Operator 3	4769	4867	5110	5367	5635
1 Senior Maintenance Mechanic	4634	4867	5110	5367	5635
0 Lead Operator	4426	4648	4881	5126	5382
1 Lab Tech/ Operator	4426	4648	4881	5126	5382
3 Operator 2	4300	4516	4741	4978	5230
0 Operator 1 *** *** Grade II 2.5% increase	3993	4192	4403	4623	4975
1 Operator In Training Intern	3609	3791	3980	4181	4389
1 Maintenance Assistant	3609	3791	3980	4181	4389
1 Bookkeeper/Secretary	3916	4112	4318	4534	4761
10 TOTAL STAFF					

PART TIME EMPLOYEES - MONTHLY RATE

Board Member or Alternate

\$100 per meeting attended  
(Resolution 1995-150)

Administrator

Per Contract

Attorney

Per Contract

Volunteers

See Resolution No. 76

**RESOLUTION 2016-340**

**A RESOLUTION OF THE BOARD OF SOUTH SAN LUIS OBISPO  
COUNTY SANITATION DISTRICT GRANTING  
A COST OF LIVING ADJUSTMENT TO SALARIES OF DISTRICT STAFF,  
APPROVING A NEW PART-TIME CLASSIFICATION,  
APPROVING A SUMMER INTERN PROGRAM, AND APPROVING ALL  
OPERATORS AS ELIGIBLE FOR THE HIGHER OPERATOR GRADE  
PROGRAM**

**WHEREAS**, the South San Luis Obispo County Sanitation District (District) desires to remain competitive in salary and benefits that it provides to its employees and to staff its plant in an effective and economical manner; and

**WHEREAS**, the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the Los Angeles area November 2014 to November 2015 was 1.4; and

**WHEREAS**, in January 2015 the District granted employees a cost of living adjustment (COLA) raising their salaries by one percent (1%); and

**WHEREAS**, staff has proposed a new part-time classification of Plant Worker to relieve full-time staff of general maintenance duties, as well as serve to fill temporary long term vacancies; and

**WHEREAS**, the District desires to bring back the Summer Intern program, to attract local youth to the wastewater industry, and provide summer work for high school age youth; and

**WHEREAS**, the District desires that all operators be eligible for the Higher Operator Grade Program, which carries a salary stipend of two and a half percent (2.5%); and

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Board of South San Luis Obispo County Sanitation District hereby approves Exhibit A, which:

1. Grants employees a COLA adjustment increasing their salaries by one and a half percent (1.5%) effective January 23, 2016;
2. Approves the part-time classification of Plant Worker; and
3. Authorizes the Summer Intern program for local youth; and
4. Authorizes that all operators are eligible for the Higher Operator Grade Program.

The Interim District Administrator, or his/her designee, is hereby authorized and directed to take all steps necessary to implement this resolution.

**PASSED AND ADOPTED** at a regular meeting of the South San Luis County Sanitation District Board of Directors held this 20th day of January 2016.

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

AYES:

NOES:

ABSENT:

CONFLICTS:

\_\_\_\_\_  
John Shoals,  
Board of Directors  
South San Luis Obispo County Sanitation District

Chairman

ATTEST:

\_\_\_\_\_  
DISTRICT SECRETARY

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
DISTRICT COUNSEL

CONTENTS:

BY: \_\_\_\_\_  
DISTRICT ADMINISTRATOR



2015-16 FISCAL YEAR  
SALARY RANGE MONTHLY COMPENSATION  
RESOLUTION 2016-340 EXHIBIT "A"  
(1.5% COLA)

FULL TIME EMPLOYEES

Classifications	Authorized Number	Step 1	Step 2	Step 3	Step 4	Step 5
District Administrator	1	Range To Be Determined				
Plant Superintendent*	1	7885	8279	8693	9127	9584
Shift Supervisor*	1	5452	5724	6010	6311	6626
Plant Operator 3*	2	4841	5083	5337	5604	5884
Senior Maintenance Mechanic	0	4704	4939	5186	5445	5717
Lead Operator*	0	4492	4717	4953	5201	5461
Lab Tech/Operator*	1	4492	4717	4953	5201	5461
Plant Operator 2*	3	4365	4583	4812	5052	5305
Plant Operator 1*	0	4053	4256	4468	4692	4926
Operator In Training Intern	1	3663	3846	4039	4241	4453
Maintenance Assistant	0	3663	3846	4039	4241	4453
Bookkeeper/Secretary	1	3975	4173	4382	4601	4831

11

\*Higher Operator Grade Program 2.5%

PART-TIME EMPLOYEES RATES

Board Member or Alternate	\$100 per meeting attended (Resolution 1995-150)
Attorney	Per Contract
Plant Worker	Hourly rate of equiv position (Resolution 2016- 340)
Summer Intern	\$12.00/hour
Volunteers	See Resolution No. 76

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT  
RESOLUTION NO. 2016-349**

**A RESOLUTION ADOPTING AN EMPLOYEE COMPENSATION PACKAGE  
INCLUDING A SALARY SCHEDULE, POSITION CLASSIFICATIONS  
AND SALARY STEPS WITHIN RANGES  
FOR THE 2016-17 FISCAL YEAR**

**THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY  
SANITATION DISTRICT DOES RESOLVE AS FOLLOWS:**

**WHEREAS**, this Board deems it to be in the best interests of the South San Luis Obispo County Sanitation District and its various employees that minimum and maximum compensation be fixed as well as any District contribution to medical, dental, vision and retirement plans on behalf of the employee for various classifications of employment in the District as hereinafter provided.

**NOW, THEREFORE, BE IT RESOLVED** that the terms of this resolution shall be effective July 1, 2016 and shall apply through June 30, 2017.

**BE IT FURTHER RESOLVED** this resolution shall supersede and repeal any position classifications insofar as inconsistent.

**BE IT FURTHER RESOLVED** that the minimum compensation as of date of employment and the intermediate and maximum compensation for such employment shall be as hereinafter enumerated, effective July 1, 2016, and that said employees shall be assigned to salary steps within the respective pay range of the position classification as set forth in Exhibit A, and further, that any contributions made by the District on behalf of the employee to medical and/or retirement programs shall be set forth in Exhibit A, and further, that Exhibit A attached hereto is made a part hereof by reference, all of which are hereby adopted as follows:

**ADMINISTRATION OF THE COMPENSATION PLAN**

All full-time employees entering the employ of the District shall be paid at the first or Step A of the salary range established for their classification unless authorized by the District Administrator. The District Manager shall have the authority to place an individual at Step B or C upon reviewing their experience and making a determination that said step B or C salary is in the best interest of the District to provide at the time of employment. The Chair of the Board of Directors shall make the decision to hire any employee at Step D or higher and would only do so after reviewing recommendations made by the District Administrator with respect to the employee's experience and value to the District.

Salary step increases, as provided herein, are not automatic but based on performance and merit. Employees shall be placed on a salary step and qualify for increase in compensation for advancement to the next higher step of the pay ranges in the manner following:

1. Employees may qualify for advancement to the Step B, after completion of one year of service, upon the recommendation of the Superintendent and approval by the District Administrator.
2. Employees may qualify for advancement to the Step C, after the completion of one year of service in Step B upon recommendation of the Superintendent and approval by the District Administrator.

3. Employees may qualify for advancement to the Step D, after the completion of one year of service at the Step C, upon recommendation of the Superintendent and approval by the District Administrator.
4. Employees may qualify for advancement to the Step E, after completion of one year of service in Step D, upon recommendation of the Superintendent and approval by the District Administrator.
5. A performance report on each employee recommended for advancement shall be submitted to the District Administrator, prior to final action on such recommendation.

All Board Members, District Legal Counsel and Student Assistants/Interns shall be paid without benefit of salary range and at a rate or rates as specified in Exhibit A of this resolution.

On motion of Board Member \_\_\_\_\_, seconded by Board Member \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing resolution was passed and adopted this 1st day of June 2016.

\_\_\_\_\_  
John Shoals  
Chair

ATTEST:

\_\_\_\_\_  
Gerhardt J. Hubner  
District Administrator

APPROVED AS TO FORM:

\_\_\_\_\_  
Gilbert Trujillo  
District Legal Counsel



2016-17 FISCAL YEAR  
SALARY RANGE MONTHLY COMPENSATION  
RESOLUTION 2016-340  
1.5% COLA

FULL TIME EMPLOYEES

Classifications	Authorized Number	Step A	Step B	Step C	Step D	Step E
District Administrator	1	Range To Be Determined				
Plant Superintendent*	1	7885	8279	8693	9127	9584
2.5% stipend for cert above grade		8082	8486	8910	9356	9823
Shift Supervisor*	1	5452	5724	6010	6311	6626
2.5% stipend for cert above grade		5588	5867	6161	6469	6792
Plant Operator III*	2	4841	5083	5337	5604	5884
2.5% stipend for cert above grade		4962	5210	5470	5744	6031
Senior Maintenance Mechanic	0	4704	4939	5186	5445	5717
Lead Operator*	0	4492	4717	4953	5201	5461
2.5% stipend for cert above grade		4605	4835	5077	5331	5597
Lab Tech/Operator*	1	4492	4717	4953	5201	5461
2.5% stipend for cert above grade		4605	4835	5077	5331	5597
Plant Operator II*	2	4365	4583	4812	5052	5305
2.5% stipend for cert above grade		4474	4697	4932	5179	5438
Plant Operator I*	0	4053	4256	4468	4692	4926
2.5% stipend for cert above grade		4154	4362	4580	4809	5049
Operator In Training Intern	0.5	3663	3846	4039	4241	4453
Maintenance Assistant	0.5	3663	3846	4039	4241	4453
Bookkeeper/Secretary	1	3975	4173	4382	4601	4831

10

\*Higher Operator Grade Program 2.5%

OTHERS

Board Member or Alternate

\$100 per meeting attended

(Resolution No. 1995-150)

District Legal Counsel

Per Contract

Student Assistant/Intern

Resolution No. 76 & \$15.00