



**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

**AGENDA
BOARD OF DIRECTORS MEETING**

VIRTUAL ZOOM MEETING

Please click the link below to join the webinar:

Wednesday, February 2, 2022, at 6:00 p.m.

Board Members

Jeff Lee, Chair
Karen White, Vice Chair
Caren Ray Russom, Director

Agencies

City of Grover Beach
Oceano Community Services District
City of Arroyo Grande

Alternate Board Members

Karen Bright, Director
Linda Austin, Director
Lan George, Director

City of Grover Beach
Oceano Community Services District
City of Arroyo Grande

Please click the link below to join the webinar:

[https://us02web.zoom.us/j/81538363324?pwd=RVdadDJOTEtnSEQ5ay9p
eTRzYzZRZz09](https://us02web.zoom.us/j/81538363324?pwd=RVdadDJOTEtnSEQ5ay9peTRzYzZRZz09)

Passcode: 004931

Or Telephone:

Dial(for higher quality, dial a number based on your current location):
US: +1 408 638 0968 or +1 669 900 6833 or +1 253 215 8782 or +1 346
248 7799 or +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 815 3836 3324

Passcode: 004931

International numbers available: <https://us02web.zoom.us/j/koKwPwmlc>

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**

3. AGENDA REVIEW

4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Public Participation:

In order to prevent and mitigate the effects of the COVID-19 pandemic, the District, in accordance with Executive Order N-29-20, will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:

Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the District Secretary at amy@sslocsd.us prior to the meeting and will be published on the District website. Agenda correspondence received less than 3 hours before the meeting start time may not be posted until after the meeting. Members of the public may watch the meeting either on cable Channel 20 or as streamed on SLOSPAN <https://slo-span.org/static/index.php>

Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided above. Please use the “raise hand” feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.

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 Warrants

5B. Approval of Meeting Minutes of January 19, 2022

5C. Adoption of Resolution No. 2022-439 to Continue to Allow Remote Board Meetings

6. ACTION ITEMS:

6A. REVIEW OF DISTRICT BYLAWS FOR DISCUSSION/REVISION

Recommendation: That the Board of Directors discuss and direct staff with regard to additional revisions it deems appropriate.

6B. DISTRICT ADMINISTRATOR AND PLANT OPERATIONS REPORT

Recommendation: Receive and File.

7. BOARD MEMBER COMMUNICATIONS:

8. ADJOURNMENT:

The next regularly scheduled Board Meeting will be held March 2, 2022, at 6:00 pm. This meeting will be held virtually via ZOOM.

WARRANT REGISTER
2/2/2022

VENDOR	BUDGET LINE ITEM	DETAIL	WARRANT NO.	ACCT	ACCT BRKDN	TOTAL
AGP VIDEO	PROFESSIONAL SERVICE	NOVEMBER AND DECEMBER	012622-5722	7080	920.00	920.00
ALLTECH COMPUTERS	COMPUTER EQUIPMENT	HARDWARE FOR WIFI	5723	7015	678.59	678.59
AMERICAN BUSINESS MACHINES	OFFICE SUPPLIES	600683	5724	8045	176.47	176.47
ARAMARK UNIFORMS	UNIFORMS	01/07; 01/14; 01/21	5725	7025	1,028.00	1,028.00
AT&T	COMMUNICATIONS	01/11/22-02/10/22	5726	7013	457.39	457.39
AUTOSYS, LLC	SCADA	0089; 0090	5727	20-7060	3,015.00	3,015.00
BANK NEW YORK MELLON	DEBT SERVICE	SERIES A	5728	9000	287,896.88	332,546.88
	DEBT SERVICE	SERIES B		9000	44,650.00	
BRENNTAG	PLANT CHEMICALS	BPI1209764; BPI1210658	5729	8050	13,496.74	13,496.74
ENERGY RESOURCE CORP	EMERGENCY EQUIPMENT	BOILER	5730	26-8070	27,345.00	27,345.00
ENGEL & GRAY	BIOSOLIDS HANDLING	DECEMBER	5731	7085	2,328.83	2,328.83
FGL ENVIRONMENTAL	CHEMICAL ANALYSIS	184309A	5732	7078	1,127.05	1,127.05
JAN PRO	STRUCTURE MAINTENANCE	JANUARY 2022	5733	8060	333.00	333.00
JB DEWAR	FUEL	136052	5734	8020	143.24	143.24
JONES & MAYER	LEGAL COUNSEL	DECEMBER	5735	7071	3,351.50	3,351.50
LARRY WALKER ASSOCIATES	TRUNK SEWER MAINTENANCE	PRETREATMENT PROGRAM UPDATE	5736	8015	4,893.16	4,893.16
MNS ENGINEERS	REDUNDANCY	79648	5737	20-7080	82,393.71	82,393.71
OEI, INC	CHEMICAL ANALYSIS	MULTIPLE	5738	7078	464.00	464.00
OMNI GROUP DESIGN	STRUCTURE MAINTENANCE	45027	5739	26-8065	3,500.00	3,500.00
PACE ANALYTICAL	CHEMICAL ANALYSIS	22801454022	5740	7078	615.00	615.00
PG&E	ELECTRICITY	12/09/21-01/06/22	5741	7091	20,331.38	20,331.38
POLYDYNE INC.	PLANT CHEMICALS	1581160	5742	8050	949.13	949.13
POWER FLO	EQUIPMENT MAINTENANCE	58548	5743	8030	8,917.80	8,917.80
READY REFRESH	ADMIN BUILDING SUPPLIES	12/25/21-01/24/22	5744	8035	214.92	214.92
RINCON CONSULTANTS	BIOLOGICAL MONITORING	36275	5745	20-7080	3,994.65	9,786.04
	COASTAL HAZARDS MONITORING	36207		7020	5,791.39	
ROYAL INDUSTRIAL	SCADA	7842-1004922	5746	20-7060	2,261.32	2,261.32
SOUTHERN CALIFORNIA GAS CO	UTILITY	12/02/21-01/03/22	5747	7092	5,022.43	5,022.43
SPRINT	CELL PHONES	12/04/21-01/03/22	5748	7014	145.63	145.63
STANLEY SECURITY	ALARMS	FEBRUARY 2022	5749	7011	75.55	75.55
SURFACE PUMPS INC	EQUIPMENT MAINTENANCE	145581	5750	8030	538.25	538.25
UMPQUA BANK	CREDIT CARD	DECEMBER	5751		4,138.01	4,138.01
USA BLUEBOOK	EQUIPMENT MAINTENANCE	849917	5752	8030	753.33	753.33
VWR	LAB SUPPLY'S	2021-097; 2021-098	5753	8040	741.58	741.58
WINEMA INDUSTRIAL SUPPLY	OFFICE SUPPLIES	3236	5754	8035	213.59	213.59
TOTAL					532,902.52	532,902.52

We hereby certify that the demands numbered serially from 012622-5722 to 012622-5754 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



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SUMMARY ACTION MINUTES Meeting of Wednesday, January 19, 2022

1. CALL TO ORDER AND ROLL CALL

Chair Austin called the meeting to order and recognized a quorum.

Present: Linda Austin, Director, Oceano Community Services District
Jeff Lee, Vice Chair, City of Grover Beach
Caren Ray Russom, Director, City of Arroyo Grande

District Staff: Jeremy Ghent, District Administrator
Mychal Jones, Superintendent
Amy Simpson, District Bookkeeper/Secretary
Kristi Smith, District Legal Counsel

2. PLEDGE OF ALLEGIANCE

3. AGENDA REVIEW

Action: Approved as presented.

4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

There was no public comment.

5. CONSENT AGENDA:

5A. Approval of Warrants

5B. Approval of Meeting Minutes of December 1, 2021

5C. Adoption of Resolution 2022-435 to Continue to Allow Remote Board Meetings

5D. Adoption of Resolution 2022-436 to Amend the Bylaws to Establish a Regular Rotation for Chair and Vice Chair.

There was no public comment.

Motion: Director Caren Ray Russom motioned to approve the Consent Agenda as published.

Second: Director Lee

Action: Approved unanimously by roll call vote.

ACTION ITEMS:

6A. ELECTION OF CHAIR AND VICE CHAIR FOR THE 2022 CALENDAR YEAR

Administrator Ghent presented this item. The election of Chair shall be made in accordance with the following rotation:

The Oceano Community Services District
The City of Grover Beach
The City of Arroyo Grande

The election of the Vice Chair shall be the person elected to serve as the Chair the preceding year.

The Board had a brief discussion and agreed to the presented rotation.

There was no public comment.

Motion: Director Caren Ray Russom moved to follow staff recommendation on Item 6A.

Second: Director Lee

Action: Approved unanimously by roll call vote

6B. CONSIDERATION OF FISCAL YEAR 2021/22 FIRST QUARTER (Q1) BUDGET ADJUSTMENT

Administrator Ghent introduced this item. Bookkeeper Simpson provided a PowerPoint presentation recommending an amendment to the 2021/22 FY Budget.

There was no public comment.

The Board provided comments.

Motion: Director Caren Ray Russom motioned to adopt Resolution No. 2022-437 authorizing the Budgetary Adjustment to reduce both Revenues and Expenses to \$25,446,156.

Second: Director Lee

Action: Approved unanimously by roll call vote

6C. ADOPT A RESOLUTION RATIFYING AN EMERGENCY EXPENDITURE FOR THE REPAIR OF THE DISTRICT'S HOT WATER BOILER

Superintendent Jones presented this item. The substantial corrosion of the hot water boiler requires immediate repair.

There was no public comment.

Motion: Director Lee motioned to adopt Resolution No. 2022-438 ratifying an emergency expenditure for the repair of the District's hot water boiler.

Second: Director Caren Ray Russom.

Action: Approved unanimously by roll call vote

6D. DISTRICT ADMINISTRATOR AND PLANT OPERATIONS REPORT

Superintendent Jones presented the Operations Report. He announced a correction to the dates of the monthly plant data. This is the report for December not November as listed in the report.

Administrator Ghent presented the Administrator's Report. He provided updates on Redundancy, Central Coast Blue and Covid 19 testing in the wastewater.

There was no public comment.

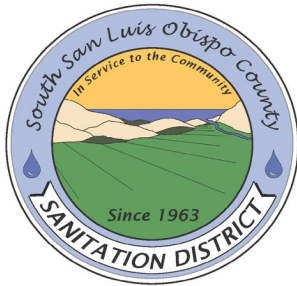
Action: The Board received and filed this report.

7. BOARD MEMBER COMMUNICATIONS

8. ADJOURNMENT:

6:50 p.m.

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



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STAFF REPORT

Date: February 02, 2022
To: Board of Directors
From: Keith F. Collins, General Counsel
Subject: **ADOPTION OF RESOLUTION 2022-439 TO CONTINUE TO ALLOW
REMOTE BOARD MEETINGS**

RECOMMENDATION:

1. That the Board adopt Resolution No. 2022-439 making the required findings for the need to continue to hold remote Board meetings.

BACKGROUND AND DISCUSSION:

On Friday, September 17, 2021, the Governor signed AB 361. Because the bill contained urgency findings, the law is now in effect. AB 361 allows local agencies to continue to conduct remote ("Zoom") meetings during a declared state of emergency, provided local agencies comply with specified requirements. Absent this legislation, local agencies would have had to return to traditional meetings beginning on October 1, 2021.

Starting October 1, and running through the end of 2023, to participate in remote meetings, public agencies must comply with the requirements of new subsection (e) of Government Code section 54953.

Initial Remote Meeting

For the first remote public meeting a legislative body on or after October 1, 2021, such meeting is only allowed if it is during a state of emergency proclaimed by the Governor, and at least one of the following is true:

- 1) "[S]tate or local officials have imposed or recommended measures to promote social distancing"; or
- 2) The legislative body is holding a meeting for the purpose of determining "whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees." That is, the legislative body will be determining whether there is such risk.

- 3) By “majority vote” the legislative body determined that “*as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.*” That is, the legislative body already determined there is such risk.

The Board of Directors adopted this initial resolution on November 3, 2021.

Subsequent Remote Meetings

Any time after the first remote meeting of the legislative body, it can meet remotely if both of the following apply:

1. State/local emergency/social distancing. Either:
 - a. “a state of emergency remains active” or
 - b. “state or local officials have imposed or recommended measures to promote social distancing” and
2. 30 days. Within the last 30 days (which vote may occur at that meeting) the legislative body has made the following findings by majority vote “(A) *The legislative body has reconsidered the circumstances of the state of emergency. (B) Any of the following circumstances exist (i) The state of emergency continues to directly impact the ability of the members to meet safely in person. (ii) State or local officials continue to impose or recommend measures to promote social distancing.*”

Subsection (e)(3) states that after the legislative body makes this determination, the legislative body must make this determination “every 30 days thereafter.” That makes sense for legislative bodies which meet every 30 days – they can meet multiple times in that 30-day period without having to make the findings at every meeting. But the District only meets once a month, and some months there are no meetings.

A plain reading of the statute means that every time a legislative body meets after the first such meeting, it must have a meeting within 30 days – even if the only item on the agenda is to determine the need to meet remotely. This is the safest route, given that this complies with the letter of the law.

But some agencies are likely to find this impractical. Did the legislature truly intend to require legislative bodies to call a meeting for the sole purpose of preserving the right to future remote meetings? Courts are reluctant to attribute to the Legislature an intent to create “an illogical or confusing scheme.” If an agency is willing to accept the legal risk for these situations, it can take the position that the statute was meant to still allow remote meetings if more than 30 days had passed, provided that at the very first meeting since the last time the findings were made, the legislative body makes the requisite findings. That is, the legislature did not mean what it said, and that the 30-day language was meant to help, rather than hinder the operation of local government.

As a practical matter, if the District intends to conduct meetings remotely, it should add to every agenda a consent calendar item to reaffirm the findings described above, which are required to allow the remote meetings. Otherwise, the District runs the risk of forgetting to include the reaffirmation on any particular meeting agenda. The attached resolution makes the required findings to continue to authorize the District to hold remote meetings.

RESOLUTION NO. 2022-439

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT MAKING THE LEGALLY REQUIRED FINDINGS TO CONTINUE TO AUTHORIZE THE CONDUCT OF REMOTE “TELEPHONIC” MEETINGS DURING THE STATE OF EMERGENCY

WHEREAS, on March 4, 2020, pursuant to California Gov. Code Section 8625, the Governor declared a state of emergency stemming from the COVID-19 pandemic (“Emergency”); and

WHEREAS, on September 17, 2021, Governor Newsom signed AB 361, which went into immediate effect as urgency legislation; and

WHEREAS, AB 361 added subsection (e) to Government Code Section 54953 to authorize legislative bodies to conduct remote meetings provided the legislative body makes specified findings; and

WHEREAS, as of September 19, 2021, the COVID-19 pandemic has killed more than 67,612 Californians; and

WHEREAS, social distancing measures decrease the chance of spread of COVID-19; and

WHEREAS, this legislative body previously adopted a resolution to authorize this legislative body to conduct remote “telephonic” meetings; and

WHEREAS, Government Code 54953(e)(3) authorizes this legislative body to continue to conduct remote “telephonic” meetings provided that it has timely made the findings specified therein.

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

1. This legislative body declares that it has reconsidered the circumstances of the state of emergency declared by the Governor and at least one of the following is true: (a) the state of emergency, continues to directly impact the ability of the members of this legislative body to meet safely in person; and/or (2) state or local officials continue to impose or recommend measures to promote social distancing.

PASSED, APPROVED AND ADOPTED at a regular meeting of the South San Luis Obispo County Sanitation District Board held this _____ day of _____, 2022 by the following roll call vote:

AYES:

NOES:

ABSENT:

Chair
Board of Directors
South San Luis Obispo County Sanitation District

ATTEST:

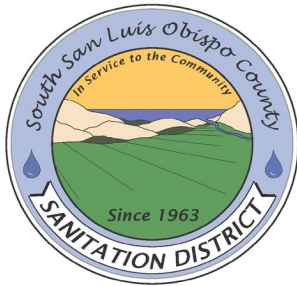
DISTRICT SECRETARY

APPROVED AS TO FORM:

BY: _____
DISTRICT COUNSEL

CONTENTS:

BY: _____
DISTRICT ADMINISTRATOR



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STAFF REPORT

Date: February 2, 2022
To: Board of Directors
From: Keith Collins, Legal Counsel; Jeremy Ghent, District Administrator
Subject: **REVIEW OF BYLAWS FOR DISCUSSION/REVISION**

RECOMMENDATION

That the Board of Directors discuss and direct staff with regard to additional revisions it deems appropriate.

BACKGROUND:

Adopted District Bylaws establishes that per *Section 16. Board Bylaws Review Policy* that the Board shall review District Bylaws annually at the first meeting in February.

Attached is a copy of the Current Update of the Bylaws for the District Board of Directors.

DISCUSSION:

After review and discussion of the Bylaws, the Directors are requested to approve by motion any additional revisions they desire to make. Staff will make the revisions and place the updated Bylaws on the Consent Calendar of a future agenda for final review and adoption.

Attachment:

1. Redlined version of the January 2022 Bylaws
2. Draft Copy of Staff Changes, Corrections, and Clarifications of Bylaws

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

1. OFFICERS OF THE BOARD OF DIRECTORS

- 1.1** The officers of the Board of Directors are the Chair and Vice Chair.
- 1.2** The Chair of the Board of Directors shall serve as Chair at all Board meetings. He/she shall have the same rights as the other Directors of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
- 1.3** In the absence of the Chair, the Vice Chair of the Board of Directors shall serve as Chair over all meetings of the Board. If the Chair and Vice Chair of the Board will both be absent, the Chair may name any member of the Board to perform the duties of the presiding officer prior to the meeting. If the Chair's absence is unexpected, the Chair shall be as specified by standing order of the Chair.
- 1.4** The Chair and Vice Chair of the Board shall be elected annually at the first meeting in January of each calendar year, or at the next regular or special meeting if Directors have not been timely designated by their respective agencies.

The election of Chair shall be made in accordance with the following rotation:

1. The Oceano Community Services District
2. The City of Grover Beach
3. The City of Arroyo Grande

The election of the Vice Chair shall be the person elected to serve as the Chair the preceding year.

- 1.5** The term of office for the Chair and Vice Chair of the Board shall commence on February 1 of the year immediately following their election.
- 1.6** The Chair, or in his/her absence, the Vice Chair, are authorized to attend meetings of the San Luis Obispo County Planning Commission, meetings of the California Coastal Commission, meetings of the San Luis Obispo County Board of Supervisors, meetings between District Staff and Water Board Personnel, including either Regional Water Quality Control Staff or State Water Board Staff on behalf of the District, without compensation except reimbursement for use of his/her private vehicle to attend such meetings pursuant to District Policy 11.1(b). If the Chair is absent, the Vice Chair or Board member may attend these meetings.
- 1.7** The Chair, or in his/her absence, the Vice Chair shall meet with the District Administrator in advance of a regularly scheduled meeting to review all Warrants to be presented at the next regular Board meeting.

2. MEETINGS

- 2.1** Subject to holidays and scheduling conflicts, regular meetings of the Board of Directors shall commence at 6:00 p.m. on the first **Wednesday** of each calendar month at such meeting location within the District boundaries designated by the Board. The Board of Directors reserves

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**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS**

FEBRUARY 2022 UPDATE

the right to cancel and/or designate other dates, places and times for Director Meetings due to scheduling conflicts and holidays.

2.2 SPECIAL MEETINGS

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

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

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

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

2.5 MEETING PROTOCOL

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

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS**

FEBRUARY 2022 UPDATE

agenda item, and the meeting limitations of Section 2.1, may expand or further limit the 30-minute time allocation for public comment.

- (d) Each public commenter shall be limited to three (3) minutes unless shortened or extended by the Chair with consideration of the length of the Agenda, the nature of the agenda item, and the meeting limitations of Sections 2.1, above.

2.6 DISTURBANCE OF BOARD MEETINGS

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

- (a) No person shall address the Board of Directors without first being recognized by the Chair.
- (b) Persons addressing the Board have the option to state their name and their general place of residence.
- (c) Public comment and public testimony shall be directed to the Chair and shall be addressed to the Board of Directors as a whole. Persons addressing the Board of Directors shall not engage in a dialogue with individual Directors, District staff or members of the audience. The Chair shall determine whether, or in what manner, the District will respond to questions.
- (d) Persons addressing the Board are limited to one opportunity per Agenda item unless otherwise directed by the Chair in his/her discretion.
- (e) A person cannot defer his/her time allocation to another person.
- (f) When a group or organization wishes to address the Board on the same subject, the Chair may request that a spokesperson be chosen to speak for that group. The spokesperson's three (3) minute time allocation may be extended by the Chair in his/her discretion.
- (g) Persons addressing the Board shall confine the subject matter of their comments to the Agenda item being considered by the Board of Directors.
- (h) Each person addressing the Board of Directors shall do so in an orderly and civil manner and shall not engage in conduct which disrupts the orderly conduct of the District meeting.
- (i) The Chair may rule a speaker out of order who is unduly repetitious or extending discussion of irrelevance.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

- (j) Except as provided below, persons who reference or read from documents such as reports, exhibits, or letters ("Documents") as part of his/her comment to the Board shall lodge the Document (or a copy) with the District Secretary at the end of the comment, to allow the Document to be appropriately referenced in the meeting Minutes and to allow District staff the opportunity to review and respond to the Document. The Chair has the discretion to strike a speaker's comments from the record for failure to lodge the referenced Documents. Upon request, the lodged Documents shall be returned to the speaker after 1:00 p.m. on the day following the meeting. **Exceptions to these requirements include:**

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

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

- (a)** Warning. The Chair shall warn the person who is violating the rules of decorum.
- (b)** Expulsion. If after receiving a warning from the Chair, the person persists in violating the rules of decorum the Chair shall order the person to leave the Board meeting room for the remainder of the meeting.
- (c)** Assisted Removal. If such person does not voluntarily remove himself/herself, the Chair may order any law enforcement officer who is on duty at the meeting, or who may be summoned to the meeting, to remove the person from the Board room.
- 5.** Restoration of Order. If order cannot be restored by the removal of individuals who are disrupting the meeting, the Board meeting may be continued under the provisions of Government Code §54957.9

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

- 2.8 Limitations (Government Code §54954.3(c)). The Rules of Decorum shall not be interpreted to prohibit public criticism of the policies, procedures, programs or services of the District.
- 2.9 The Chair, or in his/her absence the Vice Chair, or if both are absent, the Chair's designee as provided by Paragraph 1.3, shall be the presiding officer at District Board meetings. He/she shall conduct all meetings in a manner consistent with the policies of the District. He/she shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/she shall announce the Board's decision on all subjects. He/she shall vote on all questions and on roll call votes his/her name shall be called last.
- 2.10 Two (2) Directors of the Board shall constitute a quorum for the transaction of business. When a quorum is lacking for a regular, adjourned, or special meeting, the Chair, Vice Chair, or any Director shall adjourn such meeting; or, if no Director is present, the District Secretary shall adjourn the meeting.
- 2.11 Except as otherwise specifically provided by law, a majority vote of the total membership of the Board of Directors is required for the Board of Directors to take action.
- 2.12 A roll call vote shall be taken upon the passage of all ordinances and resolutions and shall be entered in the Minutes of the Board, showing those Directors voting aye, those voting no, those not voting because of a conflict of interest, abstention or absent. A roll call vote shall be taken and recorded on any motion not passed unanimously by the Board. Silence shall be recorded as an affirmative vote.
- 2.13 Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without disruptive noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings.
- 2.14 All video tape recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated from behind the public speaker's podium once the meeting begins. The Chair retains the discretion to alter these guidelines, including the authority to require that all video tape recorders, still and/or motion picture cameras be located in the back of the room.

3. ETHICS TRAINING

- 3.1 Pursuant to sections 53234 et seq. of the Government Code all Directors and designated District personnel shall receive at least two (2) hours of ethics training every two years.

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**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

- 3.2** Each newly appointed Board member will receive such training from their Agency. Each newly designated District personnel shall receive ethics training no later than one year from the first day of service with the District and thereafter shall receive ethics training at least once every two years.

4. AGENDAS

- 4.1** The District Administrator, in cooperation with the Board Chair, shall prepare the agenda for each regular and special meeting of the Board of Directors. Any Director may call the District Administrator and request an item to be placed on the regular meeting agenda no later than 5 p.m. eleven (11) calendar days prior to the meeting date. Such a request must also be submitted in writing either at the time of communication with the District Administrator or delivered to the office within the next working day.
- 4.2** A block of thirty (30) minutes time shall be set aside to receive general public comment. Comments on agenda items should be held until the appropriate item is called. Unless otherwise directed by the Chair, public comment shall be presented from the podium. The person giving public comment may choose to state his/her name and whether or not he/she lives within the District boundary prior to giving his/her comment. Public comment shall be directed to the Chair of the Board and limited to three (3) minutes unless extended or shortened by the Chair at his/her discretion.
- 4.3** Those items on the District Agenda which are considered to be of a routine and non-controversial nature are placed on the "Consent Agenda". These items shall be approved, adopted, and accepted by one motion of the Board of Directors; examples of routine items include approval of Minutes, approval of Warrants, various Resolutions accepting developer improvements, minor budgetary items, status reports, and routine District operations.
- (a)** Directors may request that any item listed under "Consent Agenda" be removed from the "Consent Agenda", and the Board will then take action separately on that item. Members of the public will be given an opportunity to comment on the "Consent Agenda"; however, only a member of the Board of Directors can remove an item from the "Consent Agenda". Items which are removed ("pulled") by Directors of the Board for discussion will typically be heard after other "Consent Agenda" items are approved unless a majority of the Board chooses an earlier or later time.
- (b)** A Director may ask questions on any item on the "Consent Agenda." When a Director has a minor question for clarification concerning a consent item which will not involve extended discussion, the item may be discussed for clarification and the questions will be addressed along with the rest of the "Consent Agenda". Directors are encouraged to seek clarifications prior to the meeting if possible.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

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

5. PREPARATION OF MINUTES AND MAINTENANCE OF TAPES

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

6. DIRECTORS

- 6.1** Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors.
- 6.2** Members of the Board of Directors shall exercise their independent judgment **on** behalf of the interest of the entire District, including the residents, property owners and the public as a whole.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

- 6.3** Information may be requested from staff before meetings, within such limitations as required by the Brown Act. Information that is requested or exchanged shall be distributed through the District Administrator, and all Directors will receive a copy of all information being distributed.
- 6.4** Directors should at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.
- 6.5** Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions. Civil discourse is encouraged. Once the Board of Directors takes action, dissenting Directors should not create barriers to the implementation of said action.
- 6.6** Except during open and public meetings the use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the Directors to develop a collective concurrence as to action to be taken on an item by the Board of Directors is prohibited.
- 6.7** Directors shall not be prohibited by action of the Board of Directors from citing his or her District affiliation or title in any endorsement or publication, so long as no misrepresentation is made, or implied, about the District's position on the issue.
- 6.8** Directors are cautioned when using e-mail communications. Any communication from the District Administrator, or the District's legal counsel, or from other members of the Board of Directors, in each case the Director in responding to that e-mail shall not respond to "all", as that could constitute a violation of the Brown Act for a serial meeting or other provisions.
- 6.9** Any Director may complain to the District about another Director's conduct.

The complaint shall be made in writing and forwarded to the District Administrator and District Counsel along with supporting information. Within five days, the District will notify the accused Director in writing the substance of the complaint and supporting information. The notice shall also specify that the accused Director has five days to respond with supporting information.

The District Administrator and Counsel shall review the submitted information, investigate further as needed, and forward a preliminary report to the District Board.

The District Board may:

- Do nothing;
- Direct staff to place the matter on a regular meeting agenda;
- Take action in open session at a regular meeting concerning the complaint. Any action taken shall be by resolution and shall be consistent with elected officials' right to free speech.
- Potential actions include, but are not limited to: finding the complaint unfounded, expressing a legislative opinion concerning behavior, and

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

issuing an official reprimand (censure) concerning inappropriate behavior.

7. AUTHORITY OF DIRECTORS

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

The District Administrator 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 District Administrator, 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 District Administrator cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, workloads, and priorities, then the District Administrator 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

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

other members of the public, Directors are encouraged to listen carefully to the

concerns, but the complaint should be referred to the District Administrator 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 District Administrator.
- 9.4** When approached by District personnel concerning specific District policy, Directors should direct inquiries to the District Administrator. The chain of command should be followed.
- 9.5** Directors and District Administrator 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 District Administrator.
- 9.7** Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.
- 9.8** No Board 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.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

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.

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

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

11.2 All expenses that do not fall within the reimbursement policy set forth in 11.1, above, shall be approved by the Board of Directors, at a public meeting, before the expense is incurred.

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

11.4 Members of the Board of Directors shall provide brief reports on meetings attended

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**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS**

FEBRUARY 2022 UPDATE

at the expense of the District at the next regular meeting of the Board of Directors
and as required by AB 1234.

12. CORRESPONDENCE DISTRIBUTION POLICY

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

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

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

13. CONFLICTS AND RELATED POLICY

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

13.1 Conflict of Interest

Each Director is encouraged to review the District Conflict Code on an annual basis. The general rule is that an official may not participate in the making of a governmental decision if it is reasonably foreseeable that the decision will have a material financial effect on the official or a member of his or her immediate family or on an economic interest of the official, and the effect is distinguishable from the effect on the public generally. Additionally, the FPPC regulations relating to interests in real property have recently been changed. If the real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by the decision, that interest is now deemed to be materially affected by the decision. The existing Regulation found in 2 CCR § 18702.2 eliminated a prior bright-line 500-foot rule. Determining materiality when a property is more than 500 feet from the property subject to the decision is more complicated and subjective, and requires a comprehensive review of all factors that potentially affect the value of the property.

13.2 Interest in Contracts, Government Codes Section 1090

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

13.3 Incompatible Office

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**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS**

FEBRUARY 2022 UPDATE

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

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14. EVALUATION OF CONSULTANTS

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

15. CONTINUING EDUCATION

Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Subject to budgetary constraints, there is no limit to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

16. BOARD BYLAWS REVIEW POLICY

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

17. RESTRICTIONS ON RULES

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

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

1. OFFICERS OF THE BOARD OF DIRECTORS

- 1.1** The officers of the Board of Directors are the Chair and Vice Chair.
- 1.2** The Chair of the Board of Directors shall serve as Chair at all Board meetings. He/she shall have the same rights as the other Directors of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
- 1.3** In the absence of the Chair, the Vice Chair of the Board of Directors shall serve as Chair over all meetings of the Board. If the Chair and Vice Chair of the Board will both be absent, the Chair may name any member of the Board to perform the duties of the presiding officer prior to the meeting. If the Chair's absence is unexpected, the Chair shall be as specified by standing order of the Chair.
- 1.4** The Chair and Vice Chair of the Board shall be elected annually at the first meeting in January of each calendar year, or at the next regular or special meeting if Directors have not been timely designated by their respective agencies.

The election of Chair shall be made in accordance with the following rotation:

1. The Oceano Community Services District
2. The City of Grover Beach
3. The City of Arroyo Grande

The election of the Vice Chair shall be the person elected to serve as the Chair the preceding year.

- 1.5** The term of office for the Chair and Vice Chair of the Board shall commence on February 1 of the year immediately following their election.
- 1.6** The Chair, or in his/her absence, the Vice Chair, are authorized to attend meetings of the San Luis Obispo County Planning Commission, meetings of the California Coastal Commission, meetings of the San Luis Obispo County Board of Supervisors, meetings between District Staff and Water Board Personnel, including either Regional Water Quality Control Staff or State Water Board Staff on behalf of the District, without compensation except reimbursement for use of his/her private vehicle to attend such meetings pursuant to District Policy 11.1(b). If the Chair is absent, the Vice Chair or Board member may attend these meetings.
- 1.7** The Chair, or in his/her absence, the Vice Chair shall meet with the District Administrator in advance of a regularly scheduled meeting to review all Warrants to be presented at the next regular Board meeting.

2. MEETINGS

- 2.1** Subject to holidays and scheduling conflicts, regular meetings of the Board of Directors shall commence at 6:00 p.m. on the first Wednesday of each calendar month at such meeting location within the District boundaries designated by the

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

Board. The Board of Directors reserves

the right to cancel and/or designate other dates, places and times for Director Meetings due to scheduling conflicts and holidays.

2.2 SPECIAL MEETINGS

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

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

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

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

2.5 MEETING PROTOCOL

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

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

- (c) The Chair, after consideration of the length of the Agenda, the nature of the agenda item, and the meeting limitations of Section 2.1, may expand or further limit the 30-minute time allocation for public comment.
- (d) Each public commenter shall be limited to three (3) minutes unless shortened or extended by the Chair with consideration of the length of the Agenda, the nature of the agenda item, and the meeting limitations of Sections 2.1, above.

2.6 DISTURBANCE OF BOARD MEETINGS

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

- (a) No person shall address the Board of Directors without first being recognized by the Chair.
- (b) Persons addressing the Board have the option to state their name and their general place of residence.
- (c) Public comment and public testimony shall be directed to the Chair and shall be addressed to the Board of Directors as a whole. Persons addressing the Board of Directors shall not engage in a dialogue with individual Directors, District staff or members of the audience. The Chair shall determine whether, or in what manner, the District will respond to questions.
- (d) Persons addressing the Board are limited to one opportunity per Agenda item unless otherwise directed by the Chair in his/her discretion.
- (e) A person cannot defer his/her time allocation to another person.
- (f) When a group or organization wishes to address the Board on the same subject, the Chair may request that a spokesperson be chosen to speak for that group. The spokesperson's three (3) minute time allocation may be extended by the Chair in his/her discretion.
- (g) Persons addressing the Board shall confine the subject matter of their comments to the Agenda item being considered by the Board of Directors.
- (h) Each person addressing the Board of Directors shall do so in an orderly and civil manner and shall not engage in conduct which disrupts the orderly conduct of the District meeting.
- (i) The Chair may rule a speaker out of order who is unduly repetitious or extending discussion of irrelevance.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

- (j)** Except as provided below, persons who reference or read from documents such as reports, exhibits, or letters ("Documents") as part of his/her comment to the Board shall lodge the Document (or a copy) with the District Secretary at the end of the comment, to allow the Document to be appropriately referenced in the meeting Minutes and to allow District staff the opportunity to review and respond to the Document. The Chair has the discretion to strike a speaker's comments from the record for failure to lodge the referenced Documents. Upon request, the lodged Documents shall be returned to the speaker after 1:00 p.m. on the day following the meeting. Exceptions to these requirements include:
- a)** Speaker's presentation outline. However, documents referenced in the outline shall be lodged.
 - b)** Documents that are in the Agenda packet.
 - c)** Documents that have been previously published by the District, so long as the speaker identifies the Document by date, author and the pages referenced or read from.
 - d)** For voluminous Documents the speaker need only lodge the cover sheet that identifies the author and date and the pages read from or referenced.

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

- a)** Warning. The Chair shall warn the person who is violating the rules of decorum.
- b)** Expulsion. If after receiving a warning from the Chair, the person persists in violating the rules of decorum the Chair shall order the person to leave the Board meeting room for the remainder of the meeting.
- c)** Assisted Removal. If such person does not voluntarily remove himself/herself, the Chair may order any law enforcement officer who is on duty at the meeting, or who may be summoned to the meeting, to remove the person from the Board room.
- d)** Restoration of Order. If order cannot be restored by the removal of individuals who are disrupting the meeting, the Board meeting may be continued under the provisions of Government Code §54957.9

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

- 2.8** Limitations (Government Code §54954.3(c)). The Rules of Decorum shall not be interpreted to prohibit public criticism of the policies, procedures, programs or services of the District.
- 2.9** The Chair, or in his/her absence the Vice Chair, or if both are absent, the Chair's designee as provided by Paragraph 1.3, shall be the presiding officer at District Board meetings. He/she shall conduct all meetings in a manner consistent with the policies of the District. He/she shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/she shall announce the Board's decision on all subjects. He/she shall vote on all questions and on roll call votes his/her name shall be called last.
- 2.10** Two (2) Directors of the Board shall constitute a quorum for the transaction of business. When a quorum is lacking for a regular, adjourned, or special meeting, the Chair, Vice Chair, or any Director shall adjourn such meeting; or, if no Director is present, the District Secretary shall adjourn the meeting.
- 2.11** Except as otherwise specifically provided by law, a majority vote of the total membership of the Board of Directors is required for the Board of Directors to take action.
- 2.12** A roll call vote shall be taken upon the passage of all ordinances and resolutions and shall be entered in the Minutes of the Board, showing those Directors voting aye, those voting no, those not voting because of a conflict of interest, abstention or absent. A roll call vote shall be taken and recorded on any motion not passed unanimously by the Board. Silence shall be recorded as an affirmative vote.
- 2.13** Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without disruptive noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings.
- 2.14** All video tape recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated from behind the public speaker's podium once the meeting begins. The Chair retains the discretion to alter these guidelines, including the authority to require that all video tape recorders, still and/or motion picture cameras be located in the back of the room.

3. ETHICS TRAINING

- 3.1** Pursuant to sections 53234 et seq. of the Government Code all Directors and designated District personnel shall receive at least two (2) hours of ethics training every two years.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

- 3.2** Each newly appointed Board member will receive such training from their Agency. Each newly designated District personnel shall receive ethics training no later than one year from the first day of service with the District and thereafter shall receive ethics training at least once every two years.

4. AGENDAS

- 4.1** The District Administrator, in cooperation with the Board Chair, shall prepare the agenda for each regular and special meeting of the Board of Directors. Any Director may call the District Administrator and request an item to be placed on the regular meeting agenda no later than 5 p.m. eleven (11) calendar days prior to the meeting date. Such a request must also be submitted in writing either at the time of communication with the District Administrator or delivered to the office within the next working day.
- 4.2** A block of thirty (30) minutes time shall be set aside to receive general public comment. Comments on agendized items should be held until the appropriate item is called. Unless otherwise directed by the Chair, public comment shall be presented from the podium. The person giving public comment may choose to state his/her name and whether or not he/she lives within the District boundary prior to giving his/her comment. Public comment shall be directed to the Chair of the Board and limited to three (3) minutes unless extended or shortened by the Chair at his/her discretion.
- 4.3** Those items on the District Agenda which are considered to be of a routine and non-controversial nature are placed on the "Consent Agenda". These items shall be approved, adopted, and accepted by one motion of the Board of Directors; examples of routine items include approval of Minutes, approval of Warrants, various Resolutions accepting developer improvements, minor budgetary items, status reports, and routine District operations.
- (a)** Directors may request that any item listed under "Consent Agenda" be removed from the "Consent Agenda", and the Board will then take action separately on that item. Members of the public will be given an opportunity to comment on the "Consent Agenda"; however, only a member of the Board of Directors can remove an item from the "Consent Agenda". Items which are removed ("pulled") by Directors of the Board for discussion will typically be heard after other "Consent Agenda" items are approved unless a majority of the Board chooses an earlier or later time.
- (b)** A Director may ask questions on any item on the "Consent Agenda." When a Director has a minor question for clarification concerning a consent item which will not involve extended discussion, the item may be discussed for clarification and the questions will be addressed along with the rest of the "Consent Agenda". Directors are encouraged to seek clarifications prior to the meeting if possible.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

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

5. PREPARATION OF MINUTES AND MAINTENANCE OF TAPES

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

6. DIRECTORS

- 6.1** Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors.
- 6.2** Members of the Board of Directors shall exercise their independent judgment **on** behalf of the interest of the entire District, including the residents, property owners and the public as a whole.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

- 6.3** Information may be requested from staff before meetings, within such limitations as required by the Brown Act. Information that is requested or exchanged shall be distributed through the District Administrator, and all Directors will receive a copy of all information being distributed.
- 6.4** Directors should at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.
- 6.5** Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions. Civil discourse is encouraged. Once the Board of Directors takes action, dissenting Directors should not create barriers to the implementation of said action.
- 6.6** Except during open and public meetings the use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the Directors to develop a collective concurrence as to action to be taken on an item by the Board of Directors is prohibited.
- 6.7** Directors shall not be prohibited by action of the Board of Directors from citing his or her District affiliation or title in any endorsement or publication, so long as no misrepresentation is made, or implied, about the District's position on the issue.
- 6.8** Directors are cautioned when using e-mail communications. Any communication from the District Administrator, or the District's legal counsel, or from other members of the Board of Directors, in each case the Director in responding to that e-mail shall not respond to "all", as that could constitute a violation of the Brown Act for a serial meeting or other provisions.
- 6.9** Any Director may complain to the District about another Director's conduct.

The complaint shall be made in writing and forwarded to the District Administrator and District Counsel along with supporting information. Within five days, the District will notify the accused Director in writing the substance of the complaint and supporting information. The notice shall also specify that the accused Director has five days to respond with supporting information.

The District Administrator and Counsel shall review the submitted information, investigate further as needed, and forward a preliminary report to the District Board.

The District Board may:

- Do nothing;
- Direct staff to place the matter on a regular meeting agenda;
- Take action in open session at a regular meeting concerning the complaint. Any action taken shall be by resolution and shall be consistent with elected officials' right to free speech.
- Potential actions include, but are not limited to: finding the complaint unfounded, expressing a legislative opinion concerning behavior, and

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

issuing an official reprimand (censure) concerning inappropriate behavior.

7. AUTHORITY OF DIRECTORS

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

The District Administrator 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 District Administrator, 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 District Administrator cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, workloads, and priorities, then the District Administrator 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

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

concerns, but the complaint should be referred to the District Administrator 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 District Administrator.
- 9.4** When approached by District personnel concerning specific District policy, Directors should direct inquiries to the District Administrator. The chain of command should be followed.
- 9.5** Directors and District Administrator 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 District Administrator.
- 9.7** Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.
- 9.8** No Board 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.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

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.
- If lodging is in connection with a conference or organized education activity, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of the Board of Directors at the time of booking. If the group rate is not available, the Director shall use lodging that is comparable with the group rate. Personal phone calls, room service, and other discretionary expenditures are not reimbursable.
- (b) Members of the Board of Directors shall use government and group rates offered by a provider of transportation for travel when available. Directors using his/her private vehicle on District business, shall be compensated at the prevailing IRS per diem mileage rate.
- (c) Any Director traveling on District business shall receive in addition to transportation and lodging expenses, a per diem allowance to cover ordinary expenses such as meals, refreshments and tips. The amount set for per diem shall be considered fair reimbursement. The per diem shall include breakfast, lunch, and dinner. The per diem rate shall be pursuant to current General Services Administration annually published rates for San Luis Obispo County at: gsa.gov.
- (d) All travel and other expenses for District business, conferences, or seminars outside of the State of California shall require separate Board authorization, with specific accountability as to how the District shall benefit by such expenditure.
- 11.2** All expenses that do not fall within the reimbursement policy set forth in 11.1, above, shall be approved by the Board of Directors, at a public meeting, before the expense is incurred.
- 11.3** Board members shall submit an expense report on the District form within ten (10) calendar days after incurring the expense. The expense report shall be accompanied by receipts documenting each expense except for per diem allowances.
- 11.4** Members of the Board of Directors shall provide brief reports on meetings attended

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

at the expense of the District at the next regular meeting of the Board of Directors and as required by AB 1234.

12. CORRESPONDENCE DISTRIBUTION POLICY

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

- 12.1** All letters approved by the Board of Directors and/or signed by the Chair on behalf of the District; and
- 12.2** All letters and other documents received by the District that are of District-wide concern, as determined by District staff.

13. CONFLICTS AND RELATED POLICY

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

13.1 Conflict of Interest

Each Director is encouraged to review the District Conflict Code on an annual basis. The general rule is that an official may not participate in the making of a governmental decision if it is reasonably foreseeable that the decision will have a material financial effect on the official or a member of his or her immediate family or on an economic interest of the official, and the effect is distinguishable from the effect on the public generally. Additionally, the FPPC regulations relating to interests in real property have recently been changed. If the real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by the decision, that interest is now deemed to be materially affected by the decision. The existing Regulation found in 2 CCR § 18702.2 eliminated a prior bright-line 500-foot rule. Determining materiality when a property is more than 500 feet from the property subject to the decision is more complicated and subjective and requires a comprehensive review of all factors that potentially affect the value of the property.

13.2 Interest in Contracts, Government Codes Section 1090

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

13.3 Incompatible Office

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
FEBRUARY 2022 UPDATE**

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

14. EVALUATION OF CONSULTANTS

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

15. CONTINUING EDUCATION

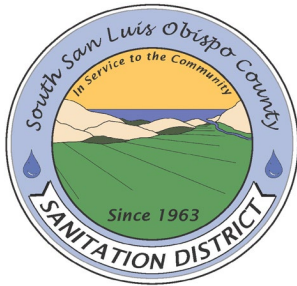
Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Subject to budgetary constraints, there is no limit to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

16. BOARD BYLAWS REVIEW POLICY

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

17. RESTRICTIONS ON RULES

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



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

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STAFF REPORT

To: Board of Directors

From: Jeremy Ghent, District Administrator; Mychal Jones, Plant Superintendent

Date: February 2, 2022

Subject: **DISTRICT ADMINISTRATOR AND PLANT OPERATIONS REPORT**

This report represents ongoing information on the latest District staff activities on major capital projects and studies, programmatic initiatives, regional collaboration, miscellaneous activities, and Plant Operations. *Updates since the last report are provided in italics below:*

Capital Projects:

Redundancy Project:

- *1 year has elapsed since construction commenced.*
- *Project continues on schedule with no major change orders.*

Central Coast Blue:

- *No Update*

Misc:

- *Staff continues to sample and test for COVID-19 concentrations in the District's wastewater.*
- *District has completed the upgrade of our phone system.*

Plant Tours:

None

Tentative Items:

- *Redundancy Quarterly Update 3/2/2022*

Plant Operations Report

During this reporting period (January 1st – January 28th) the District's facility met its Permit limitations as required under the State of California's National Pollutant Discharge Elimination System (NPDES) Permit issued to the District.

Monthly Plant Data for January 2021

January 2022	INF Flow MGD	INF Peak Flow MGD	INF BOD mg/L	EFF BOD mg/L	BOD % Removal	INF TSS mg/L	EFF TSS mg/L	TSS % Removal	Fecal Coliform MPN/100 mL	Chlorine Usage lbs/day
Low	2.09	3	441	19.8		443	14.2		2	94
High	2.39	4	534	28.1		603	26.5		49	188
Jan. 2022 AVG	2.21	3.45	468	22.3	95.2	528	20.6	96.1	19.9	139
Jan. 2021 AVG	2.41	3.83	486	25.7	94.7	510	25.7	95	403	112
Limit	5.0			40/60/90	>80		40/60/90	>80	2000	

Operation and Maintenance Tasks

- Opened, inspected, and cleared blockage in digester heat exchanger
- Removed influent pump No. 3 volute in preparation for repair
- Rinsed out spill containments
- Cleared and cleaned centrifuge plug
- Troubleshoot splitter box polymer injection system
- San Luis Powerhouse troubleshoot emergency bypass pump error messages
- Troubleshoot fixed film reactor Supervisory Control and Data Acquisition (SCADA) communication issues
- Repaired broken sludge bed hose reel

Work Orders Completed

- Inspected and marked Underground Service Alerts
- Rinse down all surfaces of clarifiers
- De-ragged primary sludge pumps
- Inspected and cleaned fixed film reactor orifices
- Test ran emergency generator and emergency bypass pump
- Preventative Maintenance:
 - Plant carts
 - Vacuum/pressure relief valves
 - Mechanical bar screens
 - Digester mixing pump
 - Water Champ
 - Wacker 6-inch trash pump
 - Clarifier drives and AMP draws

Training

- Operations staff began training in the District's laboratory to show demonstration of capabilities. This training is required as part of the District's Environmental Laboratory Accreditation Program Permit.
- Operations staff took delivery of a new street sweeper and received training on operation.

Call Outs

No Call Outs this reporting period

Emergency Boiler Repair

Energy Resources Corporation began the installation of the new boiler internal pressurized heat exchanger. This work is scheduled to be complete by the end of the first week in February. Staff will continue to update the Board as this work continues and is completed. The District's digester has returned to optimal operation and continues to maintain while repair services are being performed.



Newly Installed Internal Pressurized Heat Exchanger

Dechlorination System Assessment

On January 20th, Michael K. Nunley & Associates (MKN) completed and submitted the Technical Memorandum for the SSLOCSD WWTP Dechlorination System Evaluation. Based on MKN's review and recommended changes, the District would be provided the following benefits:

1. The entire volume of the dechlorination chamber will be available for reaction time.
2. The entire effluent flow stream will be contacted by the bisulfite stream.
3. Mixing energy will be substantially increased, providing improved mixing and contact.
4. All modifications would be done inside the dechlorination chamber. No major structure modifications would be necessary. Modifications will consist of replacing 2' PVC piping, which (with the exception of pipe anchors) can mostly be done ahead of time outside the chamber.

Constructing a new bisulfite diffuser should be a relatively easy and inexpensive fix. However, should it not provide the expected result, Staff has other options available to explore if necessary.