INDEX: IRONHOUSE SANITARY DISTRICT POLICY AND PROCEDURE MANUAL

Policy	Description	Status	Notes
Bylaws	Rules and procedures governing District operations, including those applicable to the Board, committees, officers, and the conduct of District meetings and business.	No Action Required	- Adopted August 1, 2016
Emergency Action Plan	Policies and procedures to be followed by District Manager and personnel in the event of emergency.	No Action Required	- Adopted August 15, 2017
Purchasing Policy and Procedures	District policies and procedures for purchasing, procurement, and contracting.	No Action Required	- Formatting changes made - Adopted July 5, 2016
Operating Budget Policy	District policies and procedures for preparing and operating a yearly budget.	No Action Required	- Adopted August 15, 2017
Investment Policy	District guidelines and policies for financial investments.	No Action Required	- Adopted February 16, 2016
Restricted Financial Reserves	Policies for the funding and use of restricted District funds: capacity reserves and debt service reserves.	No Action Required	- Minor formatting changes - Adopted 10/1/13
Unrestricted Designated Financial Reserves	Policies for the funding and use of unrestricted District funds, including operating reserve, capital expenditure reserve, rate stabilization reserve, and Jersey Island use reserve.	No Action Required	- Adopted August 15, 2017
Brown Act Policy	Policies and procedures for complying with the Brown Act, including Board communications, notice requirements for meeting, public participation at meetings, and the California League of Cities full 2016 Brown Act Guide.	No Action Required	- Adopted August 15, 2017
Policy for Responding to Public Records Act Requests	Policies and procedures for responding to records requests made under the Public Records Act.	No Action Required	- Adopted August 15, 2017
Security Policy	Policies and procedures relating to visitors to District property, terrorism alerts, and other District emergency alerts.	No Action Required	- Adopted August 15, 2017
Hazardous Waste Management Plan and Policy	Policies and procedures for the handling and disposal of hazardous waste generated by District operations.	No Action Required	- Adopted August 15, 2017
Volunteer Policy	Policies and procedures relating to the hiring and use of volunteers for District business.	No Action Required	- Adopted August 15, 2017
Meeting Room Practices	Policies and procedures relating to public use of the District meeting room, including a reservation request form.	No Action Required	- Adopted August 15, 2017
Hay Crop Production, Use, and Sales Policy	Policies relating to District production, use, pricing, sale, and record retention relating its hay crops.	No Action Required	- Adopted August 15, 2017
Credit Card Sales Policy	Policy prohibiting constituents from using credit cards to pay for service connection fees.	No Action Required	- Adopted August 15, 2017
Strategic Plan	Plan and goals for the advancement of the	No Action Required	- Major revisions required

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	District and service of its constituents.		- Completion of new plan by outside consultant anticipated in 2017-2018
Records Retention Schedule	Records retention policies and time periods.	No Action Required	- Major revisions required - Completion of new schedule by outside consultant anticipated in 2017-2018
Policy on Credits and Reimbursements for Trunkline Expansion Fees and Facilities	Policy for provision of credits and reimbursements to constituents for trunkline expansion and facilities fees.	No Action Required	- Policy to be included in pending ordinance relating to water and wastewater treatment capacity fees - Ordinance to be drafted following completion of fee study by outside consultant
Terms and Conditions of Employment	Human resources manual containing policies and procedures on the following employment issues: • Ethical Standards/Conflict of Interest • Duty to Report • District Management Rights • Employment • Types of Employment • Changes in Employment Status • Employment of Relatives • Recruitment, Examination, and Hiring • Job Abandonment • Employee Performance Evaluation and Performance Based Salary Increases • Acting Pay When Assigned Full Scope of Vacant Position • Hours of Work and Overtime • Breaks and Meal Periods • “Overtime” Defined • Prior Approval and Mandatory Overtime • Option for Compensatory Time Off • Standby Duty • Call Out • Pay Period • Vacation • Sick Leave – Full-time Employees • Sick Leave – Part-time and Temporary Employees • Sick Leave – Kin Care • Holidays	No Action Required	- Adopted May 2, 2017

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IRONHOUSE

SANITARY DISTRICT

BYLAWS

As revised July 7, 2015

Contents

SECTION I

MISSION STATEMENT

ARTICLE 1 MISSION STATEMENT

We protect public health, safety and the environment through responsible wastewater collection, treatment and water reuse.

SECTION II

BOARD OF DIRECTORS

ARTICLE 2 BOARD OF DIRECTORS

2.1 Basis of Authority

The Board of Directors exercises the governing power of the District, as described in the California Health and Safety Code, Sanitary District Act of 1923 (6400 et seq). Apart from their normal function as a part of this governing Board, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act or expenditure.

Directors are a part of the elected body that represents and acts for the benefit of the entire District.

2.2 Job Description

The members of the Board of Directors have ultimate responsibility to ensure the lawful and efficient operations of the District. They are the disciplinary body for the General Manager, and may act as the administrative board in all disciplinary hearings involving all employees in compliance with the District's established personnel policies as amended. It is their responsibility to ratify annual budgets and expenditures, contracts, joint power agreements (JPA), non-financial agreements (NFA), and to participate in and/or ratify annual salaries, wages and benefits.

The members of the Board of Directors set the official policies of the District. Said policies may not, knowingly, abridge the legal and constitutional rights of all employees, are to be set with care, and in accordance with existing, applicable laws and their amendments as may occur from time to time.

The Board is entitled to enter into all contracts on behalf of the District as are within the scope of its authority and in the line of duty, and Board members are not personally liable thereon. However, any contracts which exceed the authority given to the Board may subject the Board members to joint and/or severable personal liability for the amounts due there under.

Board members are expected to be familiar with the rules of the Brown Act, incorporated by this reference into these Bylaws as Appendix I, and as may be amended from time to time, regarding open meetings, required notice therefore, and the requirements for entering into closed session. All Board members should be sensitive to any issue of personal conflict with District interests. In the event of a conflict of interest, the affected Board member must, at the introduction of said item, so state their conflict, indicate their intent to abstain from voting, and leave the meeting room until the item is concluded. Items indicating possible conflict of interest include, but are not limited to, those issues in which the member has direct or indirect personal financial interest, or which could somehow affect their tenure or benefits. For the purposes of this section, indirect interest at minimum includes any benefit that will accrue to the Board member's family (by blood or marriage).

Ironhouse Sanitary District is defined in accordance with the provisions of California law (e.g., the Sanitary District Act of 1923, California Health and Safety Code Sections 6400 et seq.). The District includes territories lying in the City of Oakley, Bethel Island and other unincorporated areas of East Contra Costa County. The District Board, by policy, shall carry out its responsibilities and the will of the people of the District, in keeping with applicable state and federal law.

2.3 Code of Ethics

The Board of Directors of the Ironhouse Sanitary District shall endeavor to provide excellence in leadership that results in the provision of the highest quality of services to the District's residents, customers, patrons and constituents. In order to assist in the government of the behavior between and among members of the Board of Directors, the following rules shall be observed:

- The dignity, style, values and opinions of each Director shall be respected.
- Responsiveness and attentive listening in communication is encouraged.
- The health, needs, highest quality services and financial interests of the District's constituents shall be the priority of the Board of Directors, consistent with the Districts Strategic Plan.

The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District will be delegated to professional staff members of the District by, and including the General Manager.

Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions. Once the Board of Directors takes action, Directors are expected to commit to supporting said action and not to create barriers to the implementation of said action.

Directors are responsible for monitoring the General Manager's progress in attaining District goals and objectives, while pursuing its mission.

Directors should practice the following procedures:

- In seeking clarification on informational items, Directors may directly approach the General Manager or with his approval, the appropriate staff to obtain information needed to supplement, upgrade, or enhance their knowledge to improve decision-making.
- Complaints from residents and property owners of the District should be referred directly to the General Manager.
- When approached by District personnel concerning specific District policy, Directors should direct inquiries to the appropriate staff supervisor if known. The General Manager should also be made aware of personnel concerns. The chain of command should be followed.

- The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the business of the District. As such, District issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.

- When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

- Directors are expected to serve on standing and ad hoc committees as established.

2.4 Attendance at Meetings

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

Pursuant to California Government Code Section 1770, a vacancy on the Board shall occur if any member ceases to discharge the duty of his/her office for the period of three (3) consecutive months except as otherwise authorized by statute and/or by the Board of Directors. In addition, a vacancy also occurs before the expiration of the term in the event of any reason stated by applicable law, including but not limited to any of the following:

1. The death, or physical or mental incapacity, of the incumbent.

2. Resignation or removal from office.

3. Place of residence moves from the District.

4. A conviction of a felony or any offense involving a violation of his or her official duties.

5. Refusal or neglect by the member to file the required oath or bond within the time prescribed.

6. The decision of a competent tribunal declaring the member's election or appointment void.

ARTICLE 3 MEMBERSHIP OF THE DISTRICT BOARD

The Board of Directors of Ironhouse Sanitary District shall consist of five (5) members serving four-year, staggered terms. A resident of the District who is a registered voter over 18 years of age shall be eligible to serve as a Board member. The election of the Board members shall be conducted as provided by applicable California law (e.g., Elections Code Section 10400 et seq).

3.1 Board Orientation

District Board Policy provides that the Board President and the General Manager are responsible for the appropriate orientation and training of new Board members.

The General Manager is responsible to oversee the Board orientation package. Toward that end, the General Manager shall schedule tours and training (as described below), shall schedule a work session for new Board members to acquaint them with District facilities, equipment, and personnel, and shall provide copies or an overview of:

1. ISD Policies
2. Board Member By Laws
3. Standard Operating Procedures and Statements of Policy
4. District territory and boundaries, including but not limited to a detailed discussion of the responsibilities of Reclamation District Number 830 – Jersey Island (RD-830), and how it is connected with ISD
5. District Rules & Regulations
6. Fair Political Practices Commission
7. A list and description of acronyms regularly used at the District
8. A copy of the latest edition of A Local Officials Reference on Ethics Laws, by the Institute for Local Governance, Special District's Handbook
9. The current Fiscal Year Budget with current "year to date" figures
10. Collection System and Plant Feasibility Expansion Master Plans
11. The Current Finance and Revenue Plan
12. Strategic Plan

The General Manager shall arrange tours of District Facilities (including the treatment works, the disposal works, and Jersey Island.

3.2 Training, Education and Conferences

Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operations. At a minimum, each Director shall attend at least one District-related educational conference per year.

To encourage Board development and excellence of performance in connection with District service, the District generally reimburses reasonable expenses incurred by Board members for tuition, travel, lodging and meals as a result of approved training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. When possible, advance notification and request for approval should be provided to the Board of Directors for meetings, travel and conferences. In the absence of time, approval for attendance at requested conferences may be deferred to the Board President. From time to time, the General Manager may make requests (including suggested benefits and attendance by other Directors) of the Board of Directors and/or of the Board President for attendance at select events/training.

The Board Secretary is responsible for making arrangements for Directors for conference and registration expenses. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the Board Secretary, together with supporting receipts, which the Secretary will pass along to the Board President for review and approval. Should some or all of the submitted expenses be denied or disputed by the Board President, both the Board President and the submitting Director shall have the option to submit l the disputed items to the full Board of Directors at the next regular Board meeting for final decision.

Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum and in accordance with the adopted budget amounts and:

A. Utilize hotel(s) recommended by the event sponsor in order to obtain discounted rates and, when economically and schedule efficient, should travel together and request reservations sufficiently in advance, when possible, to obtain discounted airfares and hotel rates.

B. A Director shall not attend a conference or training event for which there is an expense to the District if it occurs after s/he has announced her/his pending resignation, or if it occurs after an election in which it has been determined that s/he will not retain her/his seat on the Board.

Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will prepare a written report for distribution to the Board, and make a brief oral report during the next regular meeting of the Board to touch on the highlights of the event and the written report. Said written report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use by other Directors and staff.

3.3 Directors' Compensation and Reimbursement

Each member of the Board of Directors (Board) shall receive compensation in an amount not to exceed $170.00 per day for each day's attendance at meetings of the Board or for each day's service rendered as a Director by request, and prior approval, of the Board (or Board President as mentioned above in 3.2), not exceeding a total of six days in any calendar month, together with any expenses incident thereto. A "day's service" is defined as service rendered in any one day that exceeds one hour; or multiple meetings that take place during the course of a day that total more than one hour; or a combination of "like" meetings that take place over the course of a month (e.g.: the weekly review and signing of District payables) that total more than one hour. Such attendance and services rendered by request of the Board shall include the following.

A. Attendance at a regular or special meeting of the Board or at a meeting of an advisory or adhoc committee meeting, or subcommittee of the Board.
B. Attendance at a meeting of another public agency in connection with a Board Member Advisory Report on the following: Delta Science Center, LAFCO, Special District Local Chapter, City of Oakley, East County Water Management Governing Board, BIMID, BIMAC and such other matters as the Board may make Board Member Advisory Reports in the future.
C. A day's service associated with a Board Member Advisory Report on the following activities: Maintenance/Collection Facilities, Finance, Recycled Water Facility/Operations, Public Outreach, Jersey Island Management/Operations, Personnel/Human Resources, Capital Projects, and such other Board Member Advisory Report activities as the Board may create in the future.
D. A day's service in response to a subpoena or legal action.
E. A day's service at a training or educational course, a professional organization, or a local, state or national conference associated with the interests of the District.
F. A day's service visiting another sanitary sewer service provider to inspect its facilities for the purpose of making a report to the Board, when approved in advance by the President of the Board or, in the absence of the President, by the Vice President of the Board.
G. Any other day's service related to District business or for the benefit of the District at a location within 75-miles of the boundary of the District, when approved in advance by the President of the Board and/or the General Manager.

The District shall pay directly or reimburse Board members for their reasonable, as determined by the President of the Board, by District Policy, and/or by the full Board of Directors, expenses actually incurred while on District business. Such payment or reimbursement shall extend only to the bona fide expenses of a District Board member and not to the expenses of the member's spouse. Meal expenses actually incurred while on District business shall be limited to the following maximums per individual:

- Breakfast $20.00
- Lunch $25.00
- Dinner $35.00

The above meal allocations shall be kept separate from one another and shall not be combined to allow for greater purchasing power of any meal. The purchase of Alcohol shall not be reimbursable by the District, and shall not be included in the meal allocations mentioned above. Also, the above meal allocations shall not include tax and tip, which said tip shall not exceed fifteen percent (15%). Each Board member shall present a receipt, supported by appropriate documentation, (an itemized receipt/meal order) before reimbursement is made. Mileage in a private vehicle shall be reimbursed at the rate provided in the then-prevailing IRS guideline.

3.4 Board Vacancies

Filling vacancies in the office of Director shall be in accordance with California Law (Government Code Section 1780).

3.5 Board Elections

When a District election is to be held for the purpose of electing members to the District Board, the election officer shall cause to be published in accordance with California Law the following information:

1. The date of the election;

2. The Board positions to be voted upon;

3. The latest date candidates may file for office.

The County Clerk, serving as elections officer, has total responsibility for the conduct and administration of District elections.

3.6 Director Benefits

3.6.1. Retirement Benefits. Directors are not eligible to participate in the CalPers retirement program that the District provides to its employees. Directors may elect to participate in the District's Mass Mutual 457(b) Deferred Compensation Plan or such successor plan as the District may adopt ("457(b) Plan"). In that event, the District shall contribute $10 per month to the 457(b) Plan for the participating Director, and the participating Director shall contribute a minimum of $10 per month to the 457(b) Plan. The participating Director may elect to contribute more than $10 per month so long as permitted by the 457(b) Plan. A Director participating in the 457(b) Plan may also elect to no longer participate, in which event the District shall no longer contribute to the 457(b) Plan for that Director.

3.6.2. Health Benefits. Directors are eligible to participate in any one or more of health benefits provided the District's employees on the basis provided in the following provisions of this Sections 3.6 to the extent permitted by the terms of the respective health benefit, including being eligible to participate in the District's medical, dental and vision plans in effect on November 6, 2012, when this Section 3.6 was first adopted. In this Section 3.6 Directors serving on the Board on November 30, 2012 are called "Existing Directors," and Directors who are first seated on the Board after November 30, 2012 are called "New Directors".

3.6.3. Existing Directors While Serving. Existing Directors shall continue to remain eligible to participate in the health benefits provided District employees while the Existing Director is serving on the Board, including any medical, dental and vision plan. However, subject to Section 3.6.7, the District's total contribution to the cost of each Existing Director's health benefits shall not exceed the total amount actually paid by the District for the Existing Director's coverage by the District's medical, dental and vision plans during calendar 2012. Any increase in the total annual cost of the Existing Director's health benefits after 2012 shall be paid by the Existing Director. The Secretary shall maintain the amounts of the District's 2012 contributions to each Existing Director in the District's file for that Director.

3.6.4. Existing Directors After Retirement. After an Existing Director ceases his service on the Board, he will no longer be eligible to participate in the District's dental and vision plans, but will remain eligible for CalPers medical benefits if he satisfies the length of service and retirement age requirements applicable to him immediately prior to November 30, 2012. The District's annual contribution to the cost of CalPers medical benefits during the Existing Director's retirement will remain at the same amount as that contributed to the Existing Director's CalPers medical coverage during 2012. If an Existing Director is less than 100% vested in his CalPers medical benefits upon retirement, then the District's contribution will be the Director's vesting percentage on his retirement date of the District's 2012 contribution to the Director's CalPers medical coverage. The Existing Director shall pay any increase in the total annual cost of the CalPers medical benefits above the District's 2012 contribution level.

3.6.5. New Directors While Serving. While a New Director is serving on the Board, the New Director will be eligible to participate in the health benefits provided the District's employees, including any medical, dental, and vision plan. The District's total contribution to the New Director's health benefits coverage shall not exceed the total cost of covering the individual Director under the District's medical, dental and vision plans, and so will not include the cost of covering the New Director's spouse or other family. The District's total contribution to the cost of each New Director's medical, dental, vision and other health benefits during the New Director's first full calendar year in office shall not exceed the amount that the District would contribute for a full-time employee who was first hired during that same year (and whose coverage does not include any spouse or other family members). Subject to Section 3.6.7, after such first full year, the District's total contribution to the cost of the New Director's health benefits shall not exceed the total amount paid by the District during such first full year. Any increase in the total cost of the three plans after such first year shall be paid by the New Director. The New Director may elect to add members of his family to his or her coverage at the New Director's expense to the extent permitted by the terms of the respective health benefits. The Secretary shall maintain the amounts of the District's contributions to each New Director during the Director's first full calendar year in office in the District's file for that Director.

3.6.6. New Directors After Retirement. After a New Director ceases service on the Board, he will no longer be eligible to participate in the District's dental and vision plans, but will be eligible to receive CalPers medical benefits if he is eligible to retire for health benefits purposes. A New Director may "retire" for purposes of health benefits if the New Director has served on the Board for a total of at least 28 years and is age 65 or over on the date he or she ceases service as a Director.

3.6.7. Later Options In or Out of Coverage. A Director who is not covered by one or more of the medical, dental, vision or other health benefits during 2012 (if an Existing Director) or during the Director's first full calendar year in office (if a New Director) may, while still serving on the Board, elect to be covered by one or more of such health benefits. While still serving on the Board, a Director may also elect at any time or from time to time to cease and/or to resume participation in any one or more of the District's health benefits. However, in all of the events described in the preceding two sentences, the District's total contribution to the cost of a Director's health benefits shall not exceed the following.

a. If an Existing Director, the total of (i) the amount paid by the District for the medical, dental and vision plans that the Existing Director had in effect during calendar 2012, plus (ii) what the District would have paid if the Director had been receiving the later-elected health benefit during 2012.

b. If a New Director, the District's contribution to the cost of each individual health benefit provided the New Director shall not exceed the following.

i. If the New Director first receives the benefit during his or her first full calendar year of service, then the cost of the benefit during such first full year calculated on the basis provided in Section 3.6.5 above.

ii. If the New Director first elects to receive the benefit after the first full calendar year of service, then the cost of the benefit during the first year that the New Director receives the benefit, also calculated on the basis provided in Section 3.6.5 except that the measuring year is the first year that the New Director receives the health benefit, not the first full year of the New Director's service on the Board.

c. The Existing or New Director shall pay any amount owing above the District's contribution. This Section 3.6.7 prevails over anything to the contrary in Sections 3.6.3 and 3.6.5 above.

3.6.8. Interruptions in Service.

a. If an Existing Director ceases service on the Board and then later resumes service on the Board:

i. The Existing Director remains an Existing Director if he was fully vested on November 30, 2012; and

ii. If the Existing Director was not fully vested on November 30, 2012, then he remains an Existing Director if the interruption in service is two election cycles (four years) or less, and he becomes a New Director if the interruption is for more than two election cycles (four years). If the Existing Director becomes a New Director under the preceding sentence, then thereafter the Director will be subject to all the requirements applicable to a New Director, including the 28 years of service requirement in Section 3.6.6 and the requirements that the District's contributions during the New Director's first full calendar year in office set the maximum total District contribution under Section 3.6.5.

b. Subject to Section 3.6.7, a New Director who ceases service on the Board and then later resumes service on the Board remains a New Director, and may include all his or her years of service in determining whether he or she satisfies the 28 years of service requirement of Section 3.6.6, regardless of whether before or after any interruption in service.

3.6.9. Retired Directors. This Section 3.6 does not make any change in the District's total contribution to the CalPers medical benefits being received by Directors who retired from the Board prior to November 30, 2012 ("Retired Directors") or being received by their family members. Such retired Directors and their surviving family members shall continue to receive the same District contribution to their medical benefits as the District makes (or would make) to medical benefits for a full-time employee who retired at the same time as the Retired Director, including paying any increase in the cost of such medical benefits on the same basis as the increase is (or would be) paid for such retired employee.

3.6.10. Two Components. In order to differentiate between Retired, Existing and New Directors and still satisfy CalPers requirements, the District's contribution to the cost of CalPers medical benefits set forth in this Section 3.6 will consist of two components.

a. The first component will be the minimum contribution per individual permitted by CalPers, which for calendar 2013 is $115/month, and is expected to increase pursuant to CalPers requirements thereafter. (Presently, CalPers annual increases of the minimum are in accordance with the medical component of the Consumer Price Index).

b. The second component, if needed to reach the amount of the District's contribution specified in this Section 3.6 above, will be paid by the District as a supplement to the minimum contribution in subsection a above. This supplement is called the District's "Health Reimbursement Arrangement." The total expenditure of the District under subsections a and b of this Section 3.6.10 for an Existing or New Director shall equal but not exceed the amount specified for the District's contribution in Sections 3.6.2 through 3.6.9 above.

3.6.11. Director Agreement. Each Director responsible for paying any portion of the cost of a health benefit shall, as a condition of receiving the benefit, enter into an agreement with the District to pay his or her share of the cost. The agreement shall:

a. Require the Director to pay the District by the 10th of the month prior to the month that the District's payment is due;

b. Require the Director to arrange for an automatic monthly electronic payment of the Director's share of the cost out of his bank account if the Director's reasonably anticipated compensation from District will be insufficient to pay the amount in full;

c. Authorize the District to terminate the medical benefits after three successive notices and opportunities to cure if the Director fails to make two or more payments;

d. Authorize the District to offset the Director's obligation to pay against any compensation, any health reimbursement allowance or any other amount the District may owe the Director;

e. Authorize the District to require a Director to make quarterly payments in advance if the Director fails to make three or more payments in any 12 month period no later than 10 days after the date when due;

f. Include an attorneys' fees clause requiring the Director to pay the District's attorneys' fees if it sues under the agreement;

g. Include interest on overdue amounts and a late charge;

h. Include a provision implementing Section 3.6.13.f below;

i. Include the Director's agreement to be bound by the District's Director Benefits policies (this Section 3.6), the requirements of the 457(b) Plan (when participating in the 457(b) Plan), the requirements of CalPers or other provider of the health benefit (when participating in the benefit) and applicable law; and

j. Otherwise be on such terms and in such form as the General Manager shall determine on the advice of District counsel.

3.6.12. Retiring Director 457(b) Plan Requirements. A Director who under the foregoing pro-visions of this Section 3.6 is eligible for CalPers medical benefits in retirement, and who desires to receive such benefits, shall as a condition to their receipt do all of the following.

a. Elect to participate in, and be actually participating in, the District's 457(b) Plan on the date the Director ceases service on the Board or such earlier date as CalPers may require for medical benefits eligibility.

b. Have voluntarily contributed sufficient funds to the 457(b) Plan prior to commencing CalPers medical benefits in retirement (in addition to the Director's required $10/mo. contribution) that the balance in his or her 457(b) Plan account on the date the Director commences CalPers medical benefits in retirement is sufficient to avoid a mandatory lump sum distribution of the account by the 457(b) Plan provider.

c. Elect to be paid his or her 457(b) Plan retirement benefits no less frequently than annually over his remaining life and (if the Director's spouse is also covered by the CalPers medical benefits during the Director's retirement) the life of his spouse, if the Director's spouse survives the Director. (Thus, among other consequences of the preceding, the Director may not elect a lump sum distribution from the 457(b) Plan.)

d. Shall sign an agreement to timely pay the Director's share of the cost of the medical benefits during retirement on such terms and in such form as the General Manager shall determine with the approval of District counsel.

e. As of September 1, 2012, the legislation governing CalPers health benefits re-quires that a retired director or employee be receiving a retirement allowance from a retirement system provided by the employer before the retired director or employee may receive a CalPers medical benefit (Government Code Sec. 22760). The foregoing provisions of this Section 3.6.12 are intended to satisfy these requirements of such Sec. 22760. These requirements may be interpreted by CalPers to be modified by new Government Code Section 22772(a)(2), which takes effect January 1, 2013, or by other statutory, regulatory or other change after September 1, 2012, in which event the General Manager may reduce or waive the 457(b) Plan requirements of Sections 3.6.12.a through .c above to the extent the requirement is not needed to satisfy 457(b) Plan or CalPers requirements.

3.6.13. Miscellaneous.

a. Any Director, whether Retired, Existing or New, may voluntarily elect to opt out of any health benefit.

b. Any Director, whether Retired, Existing or New, may elect to reimburse the District for all or any portion of any District contribution made to a health benefit on the Director's behalf.

c. This Section 3.6 applies only to the District's Directors, and not to the District's employees, consultants, agents, volunteers or other persons.

d. This Section 3.6 is subject to the requirements of: CalPers or other health benefit provider; the 457(b) Plan; and applicable law. Thus, among other consequences of this limitation, the health benefits called for by this Section 3.6 will be provided only to the extent permitted by the terms of the respective benefit plan.

e. Length of service. For health benefit purposes a Director's service is as follows. A Director's "service" refers to a Director's service on the Board, and not to any period of participation in any health benefit. A Director's service begins on the date the Director is first seated on the Board. Subject to Section 3.6.8, a Director's service includes any period of service as a Director, whether interrupted, whether the Director was elected by the voters or appointed to fill a vacancy on the Board, etc. A Director's service ends on the last day the Director serves as a Director. In determining a Director's years of service, if the actual time served by the Director is 75 days or less than a full year (i.e. of being a 365 day period), the time served will be rounded up so that the 290 – 364 days actually served is treated as a full 365-day year.

3.6.14. Subsequent District Changes. The following provisions of this Section 3.6.14 are subject to the requirements of CalPers or other health benefit provider, the 457(b) Plan and applicable law.

a. Serving Directors. District, by vote of a majority of the directors present at a duly called and held Board meeting at which a quorum is present, may elect in District's sole and absolute discretion to eliminate, reduce or otherwise modify any one or more benefits of the then-serving Directors in any one or more respects at any time or from time to time, including: modifying these Policies, reducing or eliminating any District contribution to the cost of any benefit, and modifying the benefits which a then-serving Director will receive either when the Director retires or while the Director is still serving.

b. Retired Directors.

i. District may not eliminate or reduce the amount of its contribution to the benefits of a retired Director below the contribution (A) for which the Director was eligible on the date of the Director's retirement from the Board, and (B) which the Director elected to receive and received during the first full calendar year following the date of the Director's retirement from the Board. For purposes of the preceding sentence, a retired Director includes his or her surviving spouse and other family members, to the extent the spouse and other family members were included in the Director's benefits satisfying Sections b.i(A) and (B) preceding and are otherwise qualified to receive the Director's benefits.

ii. Nothing in the preceding Section b.i limits District's freedom to change the provider of a benefit plan nor the scope of the benefits offered by a plan, notwithstanding that the total cost of the plan may be increased or the scope of the plan's benefits may be reduced, provided that the changes are applicable to the District's participants in the plan generally and not solely to retired Directors.

iii. As provided in Section 3.6.13.d and the first sentence of this Section 3.6.14, the preceding provisions of this Section b are subject to the applicable requirements of CalPers or other health benefit plan provider, of the 457(b) Plan, and of applicable law. Thus (and by way of example, only) a retiring or retired Director must satisfy CalPers vesting requirements before the Director may receive CalPers medical benefits, notwithstanding anything to the contrary in Section b.i preceding. By way of further example, if applicable law is changed to require the District to reduce its contribution to a retired Director's benefits, then such law prevails over anything to the contrary in Section b.i preceding and the District's contribution will be reduced to the extent required by law.

c. Other.

i. The foregoing provisions of this Section 3.6.14: (A) apply to both Existing Directors and New Directors; and (B) do not limit the Board's or the District's freedom to increase the District's contribution, to increase the scope of a benefit or to increase the benefits provided a Director.

ii. This Section 3.6.14 may only be modified by a Board-adopted amendment to this Section 3.6.14 which expressly states that it is amending this Section 3.6.14. An amendment of Section 3.6 of the Bylaws (or Director Benefits Policies) will not modify this Section 3.6.14 unless it specially states that it is amending Section 3.6.14. This Section 3.6.14 shall not be modified by any subsequent resolution, order, ordinance or other action of the Board or District that does not specifically state that it is amending this Section 3.6.14.
(Note: Section 3.6 adopted by Board of Directors November 6, 2012; amended January 8, 2013.)

ARTICLE 4 OFFICERS OF THE DISTRICT BOARD

4.1

The ISD Board shall seat a President and a Vice-President at its first regularly scheduled meeting in December of each year, or at such times as the existing officer(s) may resign from their office or vacate membership on the Board. All officers shall be elected for a one (1) year term, with no officer serving more than two consecutive terms in any one office unless no new nomination, or acceptance of nominations is made. If no new nominations are made, or accepted, then the current member may continue to serve in his /her capacity. Officers elected to fill an unexpired term shall serve until the end of their predecessor's term.

4.2

The Board President of the Sanitary Board shall preside at all meetings of the Board and shall have the right to offer motions and amendments and to vote on motions put before the Board for action. The President shall sign on behalf of the Board such documents as may require an official signature, such as:

- Contracts
- Agreements
- Memorandums of Understanding (MOU)
- Board minutes
- Checks
- Consent Agendas
- On matters determined by majority of the Board the President shall speak to the press

4.3

The Vice-President shall perform all the duties of the Board President when acting in that capacity.

4.4 Annual Organizational Meeting

The Board of Directors shall hold an annual organizational meeting at its first regular meeting in December each year. At this meeting, the Board will elect a President and Vice President. The procedure is as follows:

Nominations may be made from the Board. When a nomination is made, no second is required. No one can nominate more than one person for a given office until every member who desires has an opportunity to nominate a person. The President will call for the nominations by saying, "Nominations are now in order for the office of Board President", etc. Member should say, "I nominate Director?" President should say, "Director? is nominated. Are there any further nominations for the office of President" etc. (Pause) "If not…, nominations are closed". Voting

Procedure is a Secret Ballot. Election to office takes place immediately. For office for which no candidate has a majority, the President announces "No Election"...

ARTICLE 5 POWERS AND DUTIES OF THE DISTRICT BOARD

It is the policy of the District Board to exercise those powers granted to it by California Law (Sanitary District Act of 1923, Health and Safety Code Sections 6400 et seq) and to carry out those duties assigned to it as may best meet the needs of the District.

5.1

Important activities of the District Board are the formulation of policies and rules regarding District programs and services. In carrying out its legislative and policy-making responsibility, the Board shall delegate the administrative and executive functions to the General Manager.

5.2

The basic manner in which members fulfill their office must be at a regular, special, committee, or workshop meeting, and may be a matter of public record. The method of participation is discussion, deliberation, debate and voting. All members including the President, are expected to participate fully in deliberation and voting.

5.3

It is understood that Board Members will not always agree. It is the policy of the Board that members respect the authority of the majority. If a member cannot support a decision made by the majority that member's actions must remain neutral and not work against the decision of the majority.

5.4

Board Members, individually and collectively, act as representatives of the rate payers of the District in maintaining and promoting the needs of the District.

5.5
Board Members' decisions and actions shall best serve the needs of District citizens in light of available resources and information available to the Board at the time such decisions or actions are made.

5.6

The District Board encourages members to participate in organizations such as the California Association of Sanitation Agencies, and others with similar benefit to the District. Membership fees shall be borne by the District and reasonable expenses incurred in attending meetings, seminars, and training sessions (as discussed in Sections 3.2 and 3.3) shall be borne/reimbursed by the District.

5.7

The District Board Members shall observe the following code of conduct, designed to guide their actions in carrying out their responsibilities. A District Board Member should strive to:

1. Understand that his/her basic function is "policy," i.e. the formulation of long-range goals and objectives for the District in the pursuit of its mission, especially those actions directed toward to the allocation and management of the District's resources and not "administration"; i.e. the day to day operations of the District, especially those directed toward the supervision and direction of staff as they perform their assigned jobs.

2. Refuse to make commitments on any matter which should come before the Board as a whole;

3. Refuse to participate in secret meetings or other irregular meetings which are not official and which all members do not have the opportunity to attend;

4. Recognize that s/he has no legal status to act for the Board outside of official meetings;

5. Respect the rights of District ratepayers to be heard at official meetings within established parameters and guidelines for public testimony;

6. Make decisions only after available facts bearing on a question have been presented and discussed;

7. Accept the principle of "majority rule" in Board decisions;

8. Recognize that the General Manager should have full administrative authority for properly discharging duties within the limits of established Board policies, and as stated in General Manager's contract;

9. Recognize that the General Manager or designee is the technical advisor to the Board;

10. Present personal criticisms, complaints or problems regarding District operation directly to the General Manager and discuss them at a regular meeting only after failure of an administrative solution, i.e. the resolution of the criticism, complaint or problem by the General Manager;

11. Declare conflicts of interest into the public record;

12. Conduct all District business in an ethical manner;

13. Refuse to use his/her position on the District Board in any way, whatsoever, for personal gain;

14. Give staff and contemporaries the respect and consideration due skilled professional personnel.

15 Nepotism is prohibited.

ARTICLE 6 ADVISORY COMMITTEES

It is the policy of the District Board to establish advisory committees when it is found to be in the best interest of the District to do so.

6.1

It is the policy of the District Board to maintain the following advisory/ad hoc committees:

- **<u>Public Outreach</u>**
- **<u>Personnel/Human Resources</u>**

It is the policy of the District Board to appoint Board member representation with the following organizations:

- **<u>LAFCO</u>**
- **<u>Special District Association Local Chapter</u>**
- **<u>City of Oakley</u>**
- **<u>East County Water Management Governing Board</u>**
- **<u>BIMID</u>**
- **<u>BIMAC</u>**

The Board President or designee shall outline the duties and responsibilities at the time of appointment. A Board member(s) should strive to serve on all standing or ad hoc committees. Ad hoc committees shall be considered dissolved upon submission of a final report unless their standing is continued by a vote of the majority of Board members.

6.2

Constructive use may be made of adhoc citizen advisory committees as a way of involving the public in the decision making process.

6.3

Committees may provide information and serve in an advisory role concerning District matters assigned to them. The District Board is responsible for setting priorities and making policy.

6.4

It shall be the responsibility of District Counsel to advise the various committees as to the requirements of the Brown Act. Legal matters, code modifications, additions, deletions, and District Law changes shall be monitored and relayed to the District Board.

6.5

The District Secretary shall be responsible for posting notices of all committee meetings and notifying the press and public as required by the Brown Act (required when two Board members are present), or when a committee with Board representation is making a specific recommendation for action to the Board of Directors.

ARTICLE 7 DELEGATION OF BOARD AUTHORITY

7.1

The Sanitary District Board has primary responsibility for the approval of District plans and procedures and for the appraisal of the ways in which these decisions are implemented and results obtained. The Board recognizes its authority to delegate specific responsibilities to the General Manager for the implementation of the programs and services of the District.

7.2

The Board will approve a position description for the General Manager as per District Policy. The Board will negotiate and enter into a contract with the General Manager which specifies the terms and conditions of employment.

7.3

The General Manager shall have responsibility for the following.

1. Preparing the agenda for each Board meeting, attending all Board meetings (unless excused) and participating in deliberations of the Board as required or as the Board may request.
2. Bringing to the attention of the Board matters requiring or deserving its consideration.
3. In cooperation with District legal counsel, reporting to the Board situations of legal risk which come to the General Manager’s attention. Such reporting shall to the maximum extent permitted by law be in closed session.
4. Keeping the Board as continuously apprised as possible on the progress of matters and programs in the District, including written monthly reports from the General Manager and the District’s department heads.
5. Executing Board decisions, and reporting back directly to the Board on progress.
6. Personnel matters under the direction of the Board, and consistent with the General Manager's employment contract.
7. Reporting to the Board employee appointments, demotions, transfers, and dismissals, which shall be in accordance with applicable policies and practices of the Board.
8. Representing the Board as the Director of Personnel for the District.
9. Contemporaneously recording the General Manager's vacation, sick leave, any administrative leave, and other time accruals/usage [and upon the Board’s request, providing such information to the Board]. If the General Manager will be absent from District business for

two or more days, he shall (in advance of the absence) advise the Board and discuss the absence with the District's President.

10. Such additional responsibilities as he may have under his employment agreement.

7.4

The District Board delegates to the General Manager the function of specifying the required actions and designing the detailed arrangements under which the District will be operated. Such administrative policies and procedures will detail the operations of the District.

7.5

When action must be taken within the District where the Board has provided no guidelines for administrative action, the General Manager shall have the power to act, but the decisions shall be subject to review by the Board at its next regular meeting. It shall be the duty of the General Manager to inform the Board promptly of such action and of the possible need for policy or rule.

SECTION III

BOARD MEETINGS

ARTICLE 8 METHODS OF OPERATION OF DISTRICT - BOARD MEETINGS

It is the policy of the District Board that all meetings be conducted in accordance with California (California Government Code Section 54950 through 54962) and federal statutes and rules, the decisions of the courts, and with proper regard to "due process" procedures. In so doing, the Board will seek information from staff and other sources as appropriate, before decisions are made on policy and procedural matters.

8.1 Meeting Location

Regular meetings of the District Board shall be held at the District Office of the Ironhouse Sanitary District, 450 Walnut Meadows Drive, Oakley, CA on the first Tuesday of each month at 7:00 p.m., and the third Tuesday of each month at 6:00 p.m. for a Planning and Programs meeting, unless by specific action of the Board a different meeting place or time is selected.

The President and the General Manager shall insure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

8.2 Regular Meetings

All meetings of the District Board are to be posted 72 hours in advance and are open to the public, except as provided for Closed Sessions. Notice of all meetings and a copy of the proposed agenda shall be sent to all persons making request in writing, and will be made available to the news media prior to the date of the meeting in accordance with the Brown Act. A nominal fee may be charged for copies of public records in accordance with rules established by the Board of Directors.

At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review, in accordance with the Brown Act, in at least three public places including, within the Ironhouse Sanitary District Office, in the ISD glass case posting box at ISD’s front gate entrance, at the Post Office public posting boards on Bethel Island and in Oakley, and posted on the District’s website at www.ironhousesanitarydistrict.com.

It shall be the policy of the District Board to recognize itself as a policy-making body that deliberates at **regularly scheduled meetings** and each Board member shall make a diligent effort to be present and participate fully.

It is the intent of the Sanitary District Board to encourage attendance and participation at Board meetings by all interested persons and residents of the District.

8.3 Special Meetings

All special meetings are to have at least a 24-hour advance notice except in the case of an emergency. Board meeting notices are to be posted, in accordance with the Brown Act, at the Ironhouse Sanitary District Office, in the ISD glass case posting box at ISD's front gate entrance, at the Post Office public posting boards on Bethel Island and in Oakley, posted on the District's website at www.ironhousesanitarydistrict.com, and the news media notified.

Special or emergency meetings of the Board may be called by the Board President or by petition from a majority of the Board members to the Board President or the Vice President, or by request of the General Manager.

8.4 Closed Sessions

Not withstanding Section 54957 of the Brown Act, no closed session may be held during an emergency special meeting, and all other rules governing special meetings shall be observed with the exception of the twenty-four (24) hour notice. The minutes of the emergency special meeting, a list of persons the General Manager or designee notified or attempted to notify, a copy of the roll call vote(s), and any actions taken at such meeting shall be posted for a minimum of ten (10) days in the District office as soon after the meeting as possible.

8.5 Quorum

A majority of the members of the Board shall constitute a quorum. The affirmative vote of at least three (3) members present at any meeting having a quorum shall be considered sufficient for action, except for actions required otherwise by law or these policies. If only three (3) members are present, constituting a quorum, a unanimous vote is required to approve a motion.

8.6 Agendas

No less than seven (7) days prior to said regular meeting, the General Manager shall review with the Board President, the proposed agenda. The District Secretary shall compile and have available to the Board and public, via the District's website, the complete Agenda packet at least 72 hours prior to each regular meeting and in compliance with the requirements of the Brown Act.

No later than 12:00 p.m. on the Tuesday 14 days prior to the regular Tuesday Board Meeting, any Director may call the President of the Board of Directors and request an item be placed on the Agenda.

Any member of the public may request that a matter within the subject matter jurisdiction of the Board of Directors directly related to District business be placed on the Agenda of a regularly scheduled meeting of the Board of Directors, subject to all of the following conditions:

A. The Agenda Item request must be in writing and be submitted to the General Manager (or other responsible managing employee) together with supporting documents and information, if any, by 12:00 p.m. on Monday 15 days prior to the Board meeting.

B. The General Manager upon consultation with the President of the Board will determine whether the Agenda Item request is within the subject matter jurisdiction of the Board of

Directors. If the General Manager and the President of the Board determine that the Agenda Item request is within the subject matter jurisdiction of the Board, the President of the Board in his or her sole discretion shall determine: (1) whether it is in the interest of the District to schedule the Agenda Item request for a regular meeting, (2) whether the public request is or is not a "matter directly related to District business" and, (3) for which regular meeting the Agenda Item request shall be scheduled.

C. The General Manager determines whether staff is available to perform the required work required by the Agenda Item request, and are able to complete the work prior to Item A.

The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors.

8.7 Consent Agenda

Items of a routine and non-controversial nature shall be placed on the consent agenda. All items may be approved by one blanket motion upon unanimous consent. Any Board Member may request that any item be withdrawn from the consent agenda for separate consideration. Any Board Member may abstain from voting on any consent agenda item without requesting its removal from the consent agenda, and the Board Secretary shall be instructed to record such abstentions in the minutes.

8.8 Public Comments

The District Board shall provide in the agenda of its regular meeting a specific time to hear the comments, concerns, and suggestions from its citizens or from visitors with interests in the District, which time shall be known as public comments.

In order to accomplish the tasks of the Board in an orderly and expeditious manner, the Board will attempt to limit repetitious testimony and discussion whenever possible and to limit discussion to a reasonable amount of time.

Any person may address the Board on any subject pertaining to District business not listed on the agenda during the Public Comments portion of the meeting. Each person desiring to speak shall be limited to three (3) minutes unless extended by the President. Any public comments on items listed on the agenda should be addressed at the time the agenda item is up.

This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters, which are not on the agenda, which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.

8.9 Board Meeting Conduct

Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

The conduct of meetings shall, to the fullest possible extent, enable Directors to:

A. Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems; and, receive, consider and take any needed action with respect to District operations.

B. Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at regular meeting on any subject that lies within the jurisdiction of the Board of Directors shall be as followed:

    1. No oral presentation shall include charges or complaints against any District employee, regardless of whether or not the employee is identified in the presentation by name or by another reference, which tends to identify. All charges or complaints against employees shall be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic.

    2. Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President finds that there is in fact willful disruption of any meeting of the Board, the President may order the room cleared to subsequently conduct the Board's business. In such an event, only matters appearing on the agenda may be considered in such a session. After clearing the room, the President may permit those persons who, in his/her opinion, were not responsible for the willful disruption to re-enter the meeting room. Duly accredited representatives of the news media, whom the President finds not to have participated in the disruption, shall be admitted to stay for the remainder of the meeting.

    3. Law Enforcement shall be summoned for security reasons should tensions arise that could potentially bring harm to the public, Board members or staff.

8.10 Adjourned Meetings

A majority vote by the Board of Directors may terminate any Board meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the General Manager may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given to those specified above.

ARTICLE 9 MEETING MINUTES, PUBLIC RECORDS

9.1

The minutes of the meetings of the District Board shall be maintained on the District's website and shall provide information as required by law and Board policies.

9.2

The Board Secretary or staff designee shall record all proceedings of the District Board meetings and file these in chronological order.

9.3

The official minutes of Board meetings, including supporting documents, shall be open to inspection by the public at the District office during regular business hours. Minutes of closed sessions are not subject to this provision in accordance with Brown Act.

9.4

The District recognizes the right of any member of the public to inspect nonexempt public records, limited only by rules of reasonableness, and in accordance with guidelines established by California State Law. When access to District records is granted, examination will be made in the presence of the record custodian regularly responsible for maintenance of the files, or by a staff member designated by the General Manager.

9.5

In accordance with the Public Records Law (Government Code Section 6250 et seq.), certain records, such as closed session minutes and personnel records, are not included in the category of records to which the right of access is to be granted by the District.

The Secretary of the Board of Directors shall keep minutes of all regular and special meetings.

Copies of District meeting minutes shall be distributed to Directors with the agenda for the next regular Board meeting.

The official typed minutes of the regular and special meetings of the Board shall be kept in a secured office with easy access for the public review during normal business hours.

The official records of the meetings are the District Board approved typed minutes.

Motions, resolutions or ordinances shall be recorded as having passed or failed and individual votes will be recorded.

All resolutions and ordinances adopted by the Board shall be numbered consecutively starting new at the beginning of each calendar year.

The approved minutes of Board meetings shall be maintained as hereinafter outlined:

1. Date, place and type of each meeting;
2. Directors present and absent by name;
3. Call to order;

Board Actions:

1. Approval or amended approval of the minutes of preceding meetings;
2. Complete information as to each subject of the Board's deliberation;
3. Brief summary identifying each subject including the roll call record of the vote;
4. All Board resolutions and ordinances in complete context, numbered serially for each fiscal year;
5. A record of all contracts entered into;
6. A record of all new-hire decisions, as well as resignations or terminations of employment within the District;
7. A record of all bid procedures, including calls for bids authorized, bids received and other action taken;
8. A record by number of all warrants approved for payment;
9. Adoption of the annual budget;
10. A record of all important correspondence from, to and with the Board;
11. Approval of all policies and Board-adopted regulations.

ARTICLE 10 RULES OF ORDER DURING MEETINGS

The Board President is responsible for the maintenance of order and decorum at all times.

10.1 Points of Order

The Board President shall determine all Points of Order subject to the right of any member to appeal to the entire Board. If any appeal is taken, the question shall be, "Shall the decision of the Board President be sustained?" In the event of such appeal, a majority vote shall govern and conclusively determine such question of order.

10.2 Decorum and Order - Board Members

Any Board Member desiring to speak shall address the President and, upon recognition by the President, shall confine himself/herself to the question under debate.

A. A Board Member desiring to question the staff shall address his/her question to the General Manager who shall either answer the inquiry himself or designate some member of his/her staff for that purpose.

B. A Board Member, once recognized, shall not be interrupted while speaking

unless: i) called to order by the President; ii) unless a Point of Order is raised by another
Board Member; or iii) unless the speaker chooses to yield to questions from another Board Member.

C. Any Board Member called to order while he is speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, s/he shall be permitted to proceed. If ruled to be not in order, s/he shall remain silent or shall alter his/her remarks so as to comply with rules of the Board.

D. Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings and public sessions.

10.3 Decorum and Order – Employees

Members of the administrative staff and employees of the District shall observe the same rules of procedure and decorum applicable to Board Members.

10.4 Conflict of Interest

All Board Members are subject to all provisions of California law relative to conflicts of interest and to conflict of interest codes adopted by the Board. Any Board Member prevented from voting because of a conflict of interest shall refrain from debate, shall not influence the discussion or vote in any manner, and shall not vote. Depending on the particulars of the conflict, the affected Board Member should/must leave the Board chambers during debate, deliberation, and voting on the issue/item.

10.5 Limitation of Debate

No Board Member normally should speak more than once upon any one subject until every other member choosing to speak thereon has spoken.

10.6 Dissents, Protests, and Comments

Any member shall have the right to express dissent from or protest to or comment upon any action of the Board and shall have the right to request to include this in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, the Board member should make this clear by stating, e.g.: "I would like the minutes to show that I am opposed to this action for the following reason…"

10.7 Rulings of President Final Unless Overruled

In presiding over meetings, the Board President, or Vice President in the absence of the President, shall decide all questions or interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Board Members present and voting, and shall be binding and legally effective for purposes of the matter under consideration.

10.8 Actions Not Invalidated

Failure to strictly comply with these Rules of Procedure shall not invalidate any action taken by the District Board.

10.9 Actions

The Board may act only by ordinance, resolution, order or motion. For example: Board actions setting rules for long-term application are taken by ordinance, whereas more routine business and administrative matters (usually more temporary in nature) are accomplished by "resolutions."

A "motion" is a Board action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it (unless the Board requests or orders such memorialization).

10.10 Processing of Motions

When a motion is made and seconded, it shall be stated by the Board President before debate. A motion so stated and seconded shall not be withdrawn by the mover without the consent of the person seconding it.

10.11 Motions Out of Order

The Board President may at any time, by majority consent of the Board, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.

10.12 Division of Question

If the question contains two or more divisional propositions, the Board President may, and upon request of a member shall, divide the same.

10.13 Precedence of Motions

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

a. Adjourn
b. Fix hour of adjournment
c. Table
d. Limit or terminate discussion
e. Substitute
f. Reconsider
g. Amend
h. Postpone

10.14 Motion to Adjourn – Not debatable

A motion to adjourn shall be in order at any time, except as follows:

a. When repeated without intervening business or discussion
b. When made as an interruption of a Member
c. When discussion has been ended and vote on motion is pending
d. When a vote is being taken

A motion to adjourn "to another time" shall be debatable **only** as to the time to which the meeting is adjourned.

10.15 Motion to Fix Hour of Adjournment–Not debatable

Such a motion shall be to set a definite time at which to adjourn and shall not be debatable and amendable except by unanimous vote.

10.16 Motion to Table–Not debatable

A motion to table shall be used to temporarily by-pass the subject. A motion to table shall not be debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the meeting.

10.17 Motion to Limit or Terminate Discussion – Not debatable

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall not be debatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

10.18 Motion to Amend – Debatable

A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted first, then the main motion as amended.

10.19 Motion to Continue – Debatable

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

10.20 Reconsideration – Debatable

Any Board Member who voted with the majority may move a reconsideration of any action at the same or next meeting. After a motion for reconsideration has once been acted upon, no other motion for a reconsideration thereof shall be made without unanimous consent to the Board.

10.21 Voting Procedure

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Board Member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record.

10.22 Tie Votes

Tie votes shall be considered a no vote or denial.

ARTICLE 11 PROCEDURE FOR ADOPTING A RESOLUTION

Resolutions are to be prepared in advance. The procedure shall be:

A. Staff Presentation
B. Public Comment
C. Motion
D. Second
E. Discussion by the Board
F. Vote, pursuant to the methods set out for motions, as per section 10.21
G. Result declared

When a resolution has not been prepared in advance, the general counsel or staff shall prepare a resolution for presentation at the next meeting.

ARTICLE 12 PROCEDURE FOR ADOPTING AN ORDINANCE

All ordinances shall be placed on the agenda for regular meetings by title and brief description of content. (An exception is an urgency ordinance, which may be adopted at a special meeting.)

A. Public Hearing

B. Discussion

C. Reading/Introduce the Ordinance

    1. Motion to waive reading of entire ordinance and read by title and number only. Must be carried unanimously.
    2. Reading by title by the President

3. Motion to introduce:
   (a) Moved by:
   (b) Seconded:
   (c) Carried by:

D. Publication

A summary of the ordinance should be prepared by the officer designated by the Board and published once in a newspaper published within the District, together with the names of the Board members who voted in favor of or against the order. (H&S Code Sec. 6490.) In addition, a certified copy of the full text of the order, again with the names of the members who voted for or against the ordinance, should be posted in the office of the Clerk of the Board for one week. No particular time is specified for the publication and positing. However, the order cannot become effective until one week after the publication and posting.

E. Proof of Publication

At the next regular meeting after adoption of the order, the Board should issue an order concluding that the foregoing publication and posting has been properly made, in accordance with Health and Safety Code Section 6490. (H&S Code Sec. 6490 (c).)

ARTICLE 13 DISTRICT LEGAL COUNSEL

It shall be the responsibility of the District Board to select, hire and terminate legal counsel to represent the legal needs of the District. It is understood that legal counsel will be working day-to-day with the General Manager and other District management. However, legal counsel shall report directly to the Board.

The Board shall recognize its responsibility to seek the advice of legal counsel whenever it is unclear regarding legal questions or whenever an action being considered by the Board may result in placing the District in legal jeopardy.

Legal counsel for the District shall be in attendance for Regular ISD Board Meetings unless otherwise directed by the Board President or the General Manager.

In keeping with District Policy and fiscal responsibility, all contact with legal counsel for matters requiring a legal interpretation shall have prior approval by the Board President and/or General Manager.

APPENDIX I

THE RALPH M. BROWN ACT

EMERGENCY ACTION PLAN

ARTICLE 1 INTRODUCTION

Major disasters must be anticipated and procedures must be developed and mastered if the well-being of our personnel is to be protected and if we are ready to serve our community.

The following pages detail the organizational structure of our plan and outlines emergency measures to be taken in the event of fire, earthquake, toxic/chemical spill, other major disaster or other emergency which threatens personnel safety, equipment safety, or general public safety.

It is intended to be used as a guide. All possible situations cannot be reasonably addressed, as all emergencies vary in degree and nature. It is important to always remain calm and make sure that all actions taken are safe to yourself and to others, in order to avoid creating a more serious situation than already exists.

Remember, your conduct and actions during the first few minutes of any emergency may not only save your life, but the lives of your fellow workers and other members of the community as well.

It is also important to note that the Action Plan is divided into two main sections, the general response for all disasters and the specific disaster types and correct responses for each. It is also extremely important to note that the general response pian is a step procedure and must be followed in the correct order of events if possible. This will insure that immediate needs are addressed first, and will also facilitate a smoother and more efficient response, since it is anticipated that there will be some degree of s

hock and confusion following a major disaster.

The Emergency Coordinator will be the General Manager or his designate. The General Manager shall review this Emergency Action Plan with all employees on a yearly basis.

ARTICLE 2 EMERGENCY COORDINATOR EMERGENCY “QUICK CHECK”

Completed	Task
	Perform rendezvous/headcount
	Call necessary emergency services.
	Determine if Water Recycling Facility, Jersey Island and/or District Office evacuation is necessary. If so, direct everyone to a safe area.
	Ensure all needed first aid is administered.
	Organize search & rescue operations.
	Assign someone to go to the Main Street entrance at the rail road under crossing to direct emergency personnel to the emergency situation, and to keep unauthorized personnel out. If the emergency is on Jersey Island, assign someone to go to the bridge to direct emergency personnel to the emergency situation.
	Check Water Recycling Facility laboratory for spills and shut all doors.
	Notify District personnel.
	Organize WRF, shop, and office safety checks using the most qualified people available.
	Organize WRF operational and equipment checks. Maintain WRF operation in the most efficient manner possible.
	Organize a Jersey Island safety check, levee inspection and equipment check.

ARTICLE 3 EVACUATION

3.1 Rendezvous/Headcount

Activate the building fire alarm system to alert all personnel to evacuate the building.

Following any major plant emergency or disaster GO IMMEDIATELY to the PRIMARY EVACUATION ASSEMBLY AREA in front of the District Office, by the flagpole. The secondary assembly area is in the parking lot of the Maintenance Shop. The third assembly area is the Main Entrance Gate on Main Street. DO NOT WAIT around or try to restart equipment or processes. Personnel safety is the number one priority, and a quick headcount insures quicker response to personnel and plant needs. All employees working on Jersey Island at the time of an emergency or disaster should contact the District Office immediately for instructions. Jersey Island's PRIMARY EVACUATION ASSEMBLY AREA is in front of the Office. The secondary assembly area is in front of the shop roll-up doors. The third assembly area is the South Side of the Jersey Island Bridge.

All District employees need to be accounted for, in addition, there may be temporary employees and visitors on site. All visitors are required to sign in at the Office. Any or all may be at the Plant, Shop, Jersey Island, on lSD property, or within the District at any given time. See page 8 for names of employees and a headcount checklist. In addition to lSD employees there is a caretaker living on Jersey Island. If the disaster threatens the integrity of the island, employees should notify the family immediately.

THE PLANT WARNING SYSTEM: To inform/announce District personnel of a major plant emergency use the two-way radio system and/or the Nextel radio/phones. Verbal warnings can also be given to personnel in the immediate vicinity.

DISTRICT OFFICE PERSONNEL MUST BE NOTIFIED BY FIELD PERSONNEL!

The General Manager or his/her designee will be the ON SCENE EMERGENCY COORDINATOR. No one is allowed back in the buildings until a building status inspection is performed. Following the building status inspection and if the all clear signal is given, all personnel should move indoors and set up an emergency station. If the District Office is deemed safe this should be used. If this office is not safe another building will be designated for emergency procedures.

The EMERGENCY COORDINATOR will now initiate the response plan by using this guide to make all necessary assignments.

3.2 Emergency Notification Phone List

Once the immediate first aid needs have been taken care of, contact the necessary EMERGENCY SERVICES. The following is a list of EMERGENCY SERVICES TO CONTACT:

Nature of Emergency	Emergency Agency	Phone Number

Medical	Police Dispatch - Paramedics	911
Fire	Police Dispatch - Fire Dept.	911
Electrical Emergency	Police Dispatch – PG&E	911
Earthquake, Flood, and/or Civil Defense	Police Dispatch	911
	Oakley Police	925 625 8060
	Contra Costa County Emergency Services	925 646 4461
	Calilfornia OES	800 852 7550

3.3 Search and Rescue

Once the head count is performed use the personnel list to identify which employees are "missing". The Emergency Coordinator or designee shall assign specific employees to try and locate missing employees where they were last seen. Once the list is complete, the Emergency Coordinator or designee shall use the plant disaster map to assign search and rescue locations. Start with the potentially hazardous areas first as these pose greater potential for life threatening injuries.

The Search and Rescue teams (S&R) should include people who are most familiar with the plant or Jersey Island and who are familiar with safety policies and equipment.

For life threatening situations use common sense and all the manpower available. Expect the worst.

DO NOT OVER REACT AND CREATE A WORSE SITUATION. PROTECT EVERYONE FROM FURTHER HAZARDS.

Administer necessary first aid or CPR to all seriously injured personnel. District personnel are trained in First Aid/CPR, or paramedics will perform this duty when they arrive on scene.

3.4 Water Recycling Facility Safety Checks

IF AT ANY TIME IT IS DETERMINED TO BE TOO HAZARDOUS TO PERFORM ALL OR PART OF THE FOLLOWING TASKS DO NOT ATTEMPT TO DO IT!

REMEMBER: YOUR PERSONAL SAFETY COMES FIRST. IF THE SITUATION IS SERIOUS ENOUGH, EVACUATE THE IMMEDIATE AREA OR THE PLANT IF NECESSARY. PERFORM THE SAFETY CHECKS ONLY IF IT SAFE TO ENTER THE AREA.

When performing plant safety checks the most qualified persons should be used. The following safety checks should be used as a reminder to check and secure equipment. It is not inclusive and close inspection and common sense needs to prevail.

A. Sodium Hypochlorite Storage Tank Area

i. Check for evidence of a sodium hypochlorite leak. Is there liquid leaking from the tank? Is the tank secure?

ii. If the answer is yes, evacuate the area and stabilize the tank by shutting off the pumps and closing all the valves on the tank.

iii. Clean the area after all other safety checks has been performed.

iv. Check for liquid leaks in the chemical room. Do not enter the room if the caution light outside building is on. Remember that Citric Acid combined with sodium hypochlorite = chlorine gas.

B. Electric Power Status

i. Is commercial electricity available or are the back-up generators running?

ii. If the back-up generators are operating, check the level of diesel fuel in the storage tank and arrange for a delivery if needed. The generators have approximately 24 hours run time on a full tank of diesel.

iii. After all other safety checks have been performed, call PG&E to check on commercial power availability: 800 743 5002.

C. Natural Gas: Check for any natural gas leaks and if any are found shut off supply at the gas meter by the headworks building.

D. Levees and Ponds

i. Walk all levees and check for cracks or leaks in any levees or ponds.

ii. Inspect the force main irrigation/river discharge line for failures.

3.5 Jersey Island Safety Checks

IF AT ANY TIME IT IS DETERMINED TO BE TOO HAZARDOUS TO PERFORM ALL OR PART OF THE FOLLOWING TASKS DO NOT ATTEMPT TO DO IT!

REMEMBER: YOUR PERSONAL SAFETY COMES FIRST. IF THE SITUATION IS SERIOUS ENOUGH, EVACUATE THE IMMEDIATE AREA OR JERSEY ISLAND IF NECESSARY. PERFORM THE SAFETY CHECKS ONLY IF IT IS SAFE TO ENTER THE

AREA.

When performing Jersey Island safety checks the most qualified persons should be used. The following safety checks should be used as a reminder to check and secure levees, buildings and equipment. It is not inclusive and close inspection and common sense need to prevail.

A. Levees

i. Drive the entire levee and check the water side and land side for cracks, leaks, slip outs, boils or any other visible damage.

ii. Stake any damaged areas that need repairs.

iii. Notify a supervisor immediately of any damaged areas.

B. Electric Power and Propane Status

i. Is commercial electricity available? If no, notify PG&E. If yes, check the dewatering pumps. Assure that both pumps are operational.

ii. Is the diesel dewatering pump running? Check the oil and diesel fuel levels and fill as needed.

iii. Check propane tank for soundness and leaks.

C. Buildings

i. Check for fire in any building.

ii. Check shop, office, and barns for structural damage.

iii. Check for equipment damage or unsafe condition in all buildings.

D. Cattle and Pastures

i. As manpower is available and Island levee integrity is secure, check the cattle herds.

ii. Are any cattle injured or stuck in ditches or cracks?

iii. While inspecting cattle, check pastures for new cracks, fences, ditches or any damage that may have occurred.

E. Disposal Area

i. Inspect pipeline and ditches for cracking or leaking.

ii. Notify Oakley personnel to shut off supply pumps from Oakley until irrigated fields can be inspected for damage to beams.

3.6 Oakley Office and Shop Safety Checks

IF AT ANY TIME IT IS DETERMINED TO BE TOO HAZARDOUS TO PERFORM ALL OR PART OF THE FOLLOWING TASKS DO NOT ATTEMPT TO DO IT!

REMEMBER: YOUR PERSONAL SAFETY COMES FIRST. IF THE SITUATION IS SERIOUS ENOUGH, EVACUATE THE IMMEDIATE AREA OR THE OFFICE/SHOP IF NECESSARY. PERFORM THE SAFETY CHECKS ONLY IF IT SAFE TO ENTER THE AREA.

When performing office I shop safety checks the most qualified person should be used. The following safety checks should be used as a reminder to check and secure buildings and equipment. It is not inclusive and close inspection and common sense needs to prevail.

A. Buildings

i. Are buildings safe to enter? Check for structural damage before entering buildings.

ii. Inspect equipment and machinery for damage.

iii. Shut down any equipment or machinery that may be hazardous due to the disaster.

iv. Inspect fire sprinkler system in the shop for damage. Test the system, is it operational? If not, repair as soon as possible.

v. Is commercial electricity available? If no, notify PG&E. If yes, check alarm system status.

vi. Check for natural gas leaks and turn off supply on the south side of the kitchen if necessary.

B. Lift Stations

i. Check all lift stations on the computer system.

ii. Are they operating normally? Are amps and levels normal?

iii. Make a visual inspection of any lift stations that are not functioning properly.

iv. Inspect any force mains suspected of failure including the Bethel Island Bridge and the force main over Marsh Creek.

C. Grounds

i. Inspect grounds for hazards.

ii. Inspect water lines for leaks. Shut off and repair any damaged water lines.

ARTICLE 4 REACTION PLANS

4.1 Fuel/Chemical Spill Reaction Plan

The District has various chemicals, fuels, and petroleum products throughout the plant. Each of these has a Material Safety Data Sheet (MSDS) or a Safety Data Sheet (SDS) available.

All other chemicals and fuels will only pose a hazard under spill conditions. The following steps should be taken:

A. Emergency Procedures

i. If a Chemical emergency or spill occurs, the Operations Superintendent, Maintenance Superintendent, Collection Supervisor, or Plant Supervisor, should be notified immediately. Only attempt to contain or clean-up a minor spill within your abilities and training. The District does not have a Hazardous Response Team. Appropriate contractors will be notified to respond to a hazardous material spill to clean-up the site.

ii. Determine if evacuation is necessary. If so, the "Disaster Plan Rendezvous Procedure", page 6 of the Emergency Action Plan is to be initiated to evacuate all personnel.

iii. During “off-shifts” the on call person will notify the appropriate people.

iv. Most spills will only require assembling the necessary protective clothing and safety equipment and begin containment and/or clean up procedures.

v. If decontamination procedures are necessary, all affected personnel are to use the plant safety showers. All plant drains return to the headworks and environmental contamination is not a concern.

B. Regulatory Follow-Up Procedures

i. When the spill or emergency has been contained, or when reasonably possible the District Manager and Safety Coordinator shall be notified.

ii. Certain Federal, State, and County agencies may also need to be notified. There are specific criteria to determine who is to be notified, the District Manager, District Engineer and Safety Coordinator will make that determination.

iii. Ensure a written follow-up spill notification is submitted to State Emergency Management Agency (EMA) and Contra Costa Health Services/HazMat.

4.2 Fire Reaction Plan

“KEEP CALM … REPORT ALL FIRES AND SMOKE”

In the event of a fire, either a building or ground fire, the following steps should be taken:

A. Call the Fire Department. IMMEDIATELY, Dial 911. Do not assume that District personnel can control the fire. Fire Departments would rather respond to a fire that is extinguished than to get the call after the fire is out of control.

B. Assign an employee to meet the Fire Department at the main entrance in order to direct them to the fire area.

C. Evacuate all personnel from affected buildings. Working away from the involved area, clear all areas of personnel and visitors.

D. If safe to do so, use plant fire extinguishers to extinguish or control the fire. The extinguishers on site are for wood/paper, liquids, and electrical fires. Do not use water on electrical, solvent, or chemical fires. Water can be used for building or grass/ground fires.

E. If a fire is in a "high risk" area such as the flammable storage area, try to keep the flames from entering the building. If the flames get within 20 feet of a high risk area, evacuate the area and let the Fire Department control the fire.

F. If there is a major grass fire the immediate danger is smoke inhalation. Use extra caution if attempts are made to extinguish the fire. Insure that evacuation is possible by keeping one exit from the area open. If there is any possibility that evacuation will not be possible do not wait- evacuate immediately.

G. Re-entry onto the property will not be permitted until it is declared safe to do so by someone with Executive authority or by the local fire/law enforcement officials.

4.3 Explosion Reaction Plan

There are several areas throughout the Water Recycling Facility, Shop, and Jersey Island that have explosion potential. These are the flammable storage areas, the laboratory, and the diesel/gas storage tanks. In the event of ANY type of explosion the following steps should be followed:

A. Call the Fire Department immediately, CALL 911.

B. Evacuate the immediate area.

C. Rendezvous at the main office or shop and perform the standard headcount procedure to determine if any personnel are missing. Begin search and rescue if safely possible.

D. When calling the Fire Department give them as much information as possible. The following should be included:

   i. Fire location.

   ii. Fire and/or explosion type: Building involved Chemical storage Flammable storage area.

   iii. Any known taxies released (fuel, lab chemicals, etc.)

   iv. Wind direction and speed- any facility downwind of a smoke/chemical cloud d. Any personnel known to be missing

4.4 Earthquake Reaction Plan

The Oakley and adjacent communities have many active and inactive earthquake faults throughout the area. This means that there is a potential for an earthquake at any time. The degree of seriousness of any earthquake is unpredictable; therefore everyone should be aware of the correct response in order to reduce the risk of injuries.

The following steps should be taken in the event of a noticeable earthquake (observable movement of buildings and/or grounds):

A. <u>During the shaking</u>:

   i. IF YOU ARE INSIDE A BUILDING- DO NOT go outside the building unless the building itself poses a dangerous situation.

   ii. DROP TO THE GROUND, take cover under a sturdy desk, table, or door frame. Stay near the center of the building, away from glass doors and windows. If there isn't a table or desk near you, cover your face and head with your arms and crouch in an inside corner of the building. STAY THERE UNTIL THE SHAKING STOPS ENTIRELY. Be aware that the electricity may go out or the sprinkler system or fire alarms may turn on.

   iii. IF YOU ARE IN THE LAB -GET OUT! The glass and chemicals pose a serious hazard.

   iv. CLOSE THE LAB DOOR to contain any spilled chemical vapors.

v. IF YOU ARE ALREADY OUTSIDE- Stay There. Move away from buildings, streetlights and utility wires. Once in the open, stay there until the shaking stops. The greatest danger exists directly outside buildings, at exits and alongside exterior walls. Most earthquake related casualties result from collapsing walls, flying glass and falling objects.

vi. F YOU ARE IN A MOVING VEHICLE stop as quickly as safety permits and stay in the vehicle. Avoid stopping near or under buildings, trees, overpasses, and utility wires. Proceed cautiously once the earthquake has stopped. Avoid roads, bridges, or ramps that might have been damaged by the earthquake.

B. After the shaking:

i. EXPECT AFTERSHOCKS. The secondary shockwaves are usually less violent than the main quake but can be strong enough to do additional damage to weakened structures.

ii. HELP INJURED OR TRAPPED PERSONS.

iii. RENDEZVOUS at the District Office main entrance or Jersey Island Headquarters and follow the step procedures in the Disaster Response Plan.

iv. NOTE: STAY OUT of weakened structures- if the designated Emergency Station appears structurally unsound, the Emergency Coordinator should have an alternate building inspected and set up as the Emergency Station.

4.5 Flood Reaction Plan: Oakley

Safety of employees and visitors is the primary concern in the event of flooding. Once everyone is safe the following guide lines may be followed.

Flooding affects people and property in many ways:

A. Flooding presents a safety hazard to people and animals. Flooding causes health problems, both physical and emotional. Flooding damages building and landscaping.

B. Flooding damages the contents of buildings.

C. Moving water causes more safety problems than standing water. Anything that is stored outside, and not securely anchored to the ground, can be carried away by floodwaters. Floods become much more forceful as they accumulate debris.

D. Floodwaters can conduct electrical current and hide debris. Look for potential electrical sources and stay away from any water in contact with them.

E. More people are killed trying to drive on flooded streets or bridges than in any other single flood situation. Cars can float in as little as 18 inches of water, and flooding may hide a washed out road with what appears to be only a few inches of water.

IN THE EVENT OF A MAJOR FLOOD SITUATION the following are the immediate concerns and the steps to be taken:

A. Major Equipment Submersion

i. If the flood level increases to a point that major equipment, especially motors and other electrical components may become submerged begin sandbagging and/or using auxiliary pumps to prevent damage.

ii. If any motors, electrical outlets, etc. are already submerged ASSUME THAT THE AFFECTED AREA IS HOT. Shut off all affected equipment at the MAIN BREAKERS AND LOCK OUT!

iii. Check the flooded area for electrical hazards- enter the area wearing rubber boots only after checking for all possible electrical hazards.

B. Chemical/Fuel Storage Areas

i. Most storage areas in the plant would not be affected by flooded conditions as they are stored in above ground water tight tanks and/or containers.

ii. In the event that the lab becomes flooded and chemicals are on the floor wear protective gear (boots and rubber gloves) as many of the concentrated acids and caustics are clear liquids and could be mistaken for water.

C. Pumping Stations

i. If a pumping station becomes flooded due to high wet weather flows, the major concern is to reduce unsafe conditions caused by raw sewage spills and overflows.

ii. Follow Standard Procedures for any Sanitary Sewer Overflows that may occur.

D. Office and Shop

i. Shut off all electrical equipment and turn off main breaker and Lock out Tag out.

ii. If possible, place any equipment or data on a desk or table above the level of the flood waters.

ARTICLE 5 RECLAMATION DISTRICT 830 JERSEY ISLAND FLOOD REACTION PLAN

During the flood season high water must be monitored and the levees of Jersey Island must be inspected regularly for potential flooding.

The Department of Water Resources (DWR) is responsible for coordinating local, State, and federal flood operations. The State-Federal Flood Operations Center, located in the DWR headquarters building in Sacramento, is the focal point of this effort.

The State-Federal Flood Operations Center monitors river stages and weather conditions from about October 15 to May 1. When a severe storm pattern or flood potential develops and a Flood Alert is declared the Flood Center is activated on extended hours. Reclamation District 830 will be notified if a Flood Alert is activated.

Reclamation District 830 has local responsibility for Jersey Island.

5.1 Flood Alert Procedure

When a Flood Alert is received RD830 should take the following action:

A. Notify personnel and Jersey Island residents of potential danger.

B. Activate levee patrols: The area assigned should not be larger than what can be covered every two hours. A patrol should have two (2) people in each vehicle with communication equipment and lights for night patrol.

C. Inventory emergency resources.

5.2 Imminent/Actual Flooding

If it appears that there will be a break in the levee or if water tops the levee, the following actions should be taken:

A. Evacuate families that live on Jersey Island.

B. Notify the State-Federal Flood Operations Center (800) 952-5530.

C. Begin Flood Fighting Procedures.

5.3 RD 830 Flood Fighting

If the threat of flooding occurs, the Emergency Coordinator will initiate emergency action. The Emergency Coordinator will be a Reclamation District 830 officer or his designee.

Flood fighting may include:

A. Filling and placing sandbags;

B. Controlling boils;

C. Wave wash protection;

D. Controlling levee overtopping;

E. Protecting structures; and/or

F. Repairing levee breaks.

Man power for flood fighting may be obtained from several sources:

A. Employees of the District;

B. Oakley Fire Department;

C. California OES;

D. Contra Costa County OES;

E. Dutra Materials; and

F. Stephens Construction Company.

See emergency phone numbers on the following page.

Flood fighting supplies, sandbags, plastic sheeting, etc., are stored on Jersey Island.

The Emergency Coordinator will assess the situation and organize the appropriate emergency response for the threatened or actual flood situation.

If the levee is broken and major flooding occurs, a construction company must be contacted to provide heavy equipment and materials to repair the damaged area.

District construction equipment will also be available for emergency use.

The Contra Costa County Office of Emergency Services may also provide emergency equipment and materials.

5.4 RD 830 Emergency Numbers

NAME	HOME NUMBER	CELL NUMBER
SHERIFF/ FIRE DEPT/ PGE	911	
DWR Flood Operations Center, Sacrament	800 952 5530	
California Office of Emergency Services OES	800 852 7550	
US Army Corp. of Engineers, Sacramento	916 557 5100	
Contra Costa County Emergency Services	925 228 5000	
Dutra Materials Co.	415 258 6876	
A.M. Stephens Construction Co.	209 333 0136	

ARTICLE 6 WORKPLACE VIOLENCE

The District has a Policy against Violence in the Workplace. This policy is aimed to preserve a violence-free workplace for all employees.

The following behavior will not be tolerated on District property or during the course of District business:

A. Threats;

B. Threatening behavior; or

C. Acts of violence toward fellow employees, visitors, guests, or other individuals.

Violations of this policy will lead to disciplinary action. Every District employee is obligated to report immediately any violence or threat of violence to the General Manager, Superintendent, or a Supervisor.

Early warning signs of possible impending violence:

A. Any explicit or implicit threat to or about a co-worker, a supervisor or manager, or the District, especially threats of bodily injury or death.

B. Any statement expressing identification with, support, or endorsement of, or commenting favorably upon a recent event or perpetrator of violence

C. Any employee expressing overwhelming concern that he or she is being persecuted by a supervisor, manager, co-worker, or the District.

D. Any employee who is involved in a physically abusive relationship with another person, or who has made threats of violence.

E. Anyone carrying a weapon on District premises, or in the course of doing business with the District.

In the event of a threat or act of violence, take immediate action to prevent injury. Call the police if necessary to prevent injury.

Report the situation immediately to the General Manager, Superintendent, or a Supervisor.

ARTICLE 7 VEHICLE AND EQUIPMENT ACCIDENTS

In the event of an accident the following post-accident procedures will be followed:

A. Call 911 if anyone is seriously injured and requires emergency medical attention. Fill out the Accident Report located in each vehicle.

B. Take pictures, if possible, with the disposable camera supplied in each vehicle.

All employees in the vehicle that are not injured must go as soon as practical to an approved facility for controlled substance testing if any of the following situations apply:

A. Loss of human life;

B. The employee driving, receives a moving traffic violation;

C. Injuries requiring medical treatment away from the scene of the accident; and/or

D. Damage to a vehicle that requires towing from the scene.

Fill out the District Accident Report as soon as possible and report the accident to the General Manager, Safety Coordinator or Supervisor.

The General Manager shall report all accidents to the District insurance carrier as soon as possible.

An accident investigation will be initiated by the affected employee's supervisor.

ARTICLE 8 LOCAL/ STATE/ NATIONAL AGENCY NOTIFICATION

THE DISTRICT MANAGER OR HIS ALTERNATE WILL HAVE SOLE RESPONSIBILITY FOR AUTHORIZING CONTACT, NOTIFICATION, OR COMMUNICATION WITH ANY OF THE FOLLOWING AGENCIES:

8.1 Contra Costa County Department of Health Services

Office of Emergency Services, Hazardous Materials Division

4333 Pacheco Blvd. Martinez, CA 94553

925 335 3200 Fax: 925 646 2073

Criteria for Notifying: Immediate verbal report of any release or threatened release of hazardous material or waste.

8.2 California Governor's Office of Emergency Services OES

2800 Meadowview Road

Sacramento, CA 95832

800 852 7550

Criteria for Notifying: Immediate verbal report of any release or threatened release of a hazardous material or waste, fire or explosion which could threaten human health or the environment.

8.3 National Response Center

2100 2nd Street, Southwest, Room 2611

Washington, D.C. 20593

800 424 8802

Criteria for Notifying: Immediate verbal report of any release of hazardous materials equal to or exceeding the reportable quantity (See 40 CFR, part 302). Record the Case File Number provided by the National Response Center. They will notify any other agencies that must be notified.

8.4 Chemtrec

2501M Street, Northwest

Washington, D.C. 20037

800 424 9300

Criteria for Notifying: For emergency assistance or information in the event of a release or accident of hazardous materials, substance, or waste.

8.5 California Regional Water Quality Control Board

3443 Routier Road Suite A Sacramento, CA 95827-3003

916 464 3291

Criteria for Notifying: Immediate verbal notification of the release of any hazardous substance to the waters of the state which could affect the chemical, physical, biological, bacteriological, or radiological characteristics of its use.

8.6 Bay Area Air Quality Management District (BAAQMD)

939 Ellis Street

San Francisco, CA 94109

415 7716000 415 749 4990 FAX 415 749 5030

Criteria for notifying: Immediate verbal notification of the accidental release of toxic air contaminants which may cause or contribute to an increase in mortality or serious illness or which may pose a present or potential hazard to human health.

ISD PURCHASING POLICY AND PROCEDURES

ARTICLE 1 BACKGROUND

Government Code Section 54202 requires local agencies to formally adopt policies and procedures governing the purchases of supplies and equipment. Currently, a number of business processes and procedures have been modified and improved to better support District activities. This Policy incorporates these changes, establishes the authorities and responsibilities of the departments, and serves as the administrative policies and procedures. Future revisions and amendments to the policy will be submitted periodically to the Board for approval as required.

ARTICLE 2 MISSION STATEMENT

The mission of the District Purchasing and Procurement Policy is to meet the needs of the District through the consistent supply of materials, goods, services, equipment, and support processes performed in a responsible, cost-effective, and equitable manner.

ARTICLE 3 PURPOSE

The Department Head Executive Management Team is a centralized unit of the District to which authority is vested to purchase supplies, materials, equipment and services on behalf of the District in accordance with applicable public laws, codes, and regulations.

The Board empowered the General Manager, or his/her authorized representative with certain duties and responsibilities that are essential for the day-to-day operation of the District. The General Manager has delegated the purchase of goods, materials and services to specific staff within the centralized department. All references to the "General Manager" used in this Policy for purchasing functions shall include the Department Head staff and other District employees specifically delegated to purchase supplies, material, equipment and services on behalf of the District.

The purpose of this Policy is to define the practices and procedures governing the purchase of supplies, materials, equipment and services for District use and to relate the policies and principals to applicable provisions of governing law and to District administrative policies. Further, this document complies with the public law requirement (California Government Code Section 54202) that all local agencies adopt Board approved policies and procedures governing procurement activities.

ARTICLE 4 POLICY STATEMENT

Public law requires all local agencies to formally adopt policies and procedures governing the acquisition of materials, supplies, equipment and services.

Government Code Section 54202 provides: "Every local agency shall adopt policies and procedures, including bidding regulations, governing purchases of supplies and equipment by the local agency. Purchases of supplies and equipment by the local agency shall be in accordance with said duly adopted policies and in accordance with all provisions of law governing same. No policy, procedure, or regulation shall be adopted which is inconsistent or in conflict with statute."

This Policy is the written rule and regulation required by Government Code Section 54202 and also serves as the administrative policies and procedures.

Purchasing authority for the acquisition of materials, supplies, equipment and services shall be centralized under one department and in such persons who are officially designated within this Policy.

The General Manager will ensure performance within the guidelines prescribed by law, by legal opinions, and in accordance with established District policies and procedures.

Any employee/individual effecting any procurement action outside of the policies and procedures established within this Policy and without Board authorization to do so, may be personally responsible for any liabilities or responsibilities incurred.

ARTICLE 5 PURCHASING AUTHORIZATION POLICY

5.1 General Manager Authority

The General Manager is authorized to:

A. Enter into contractual obligations on behalf of the District for the acquisition of supplies, materials, equipment, and services necessary to support District functions in accordance with this Policy.

B. Obtain full and open competition in accordance with prescribed policies and procedures in a manner that presents the best overall value to the District.

C. Provide for the fair and equitable treatment of vendors, suppliers, and contractors.

D. Revise and amend procurement rules and requirements governing the purchase of materials, supplies, equipment and services.

E. Supervise the receipt and inspection of all materials, supplies, equipment and services purchased to ensure conformance with specifications.

F. Recommend the disposition of surplus or unused supplies, materials, equipment, and scrap through sale or other means.

G. Maintain a bidder's list, vendor catalogues, and necessary records for the efficient operation of the purchasing and contracting functions of the district.

H. Operate a centralized warehouse, as determined necessary, to efficiently manage commonly used supplies and materials as required to support District functions.

I. Periodically create and implement policy revisions and amendments.

5.2 Delegation of Purchasing Authority to Others

The General Manager has been granted the authority and the responsibility for procurement of all materials, equipment, supplies, and services necessary to support the day-to-day operation of the District. Within this authority, the General Manager may delegate certain individuals the responsibility for the performance of specific procurement activities. Only those persons so delegated are authorized to contractually obligate the District for the purchase of materials, equipment, supplies, and services. All such purchases will be made in conformity with the policies and procedures prescribed within this Policy.

5.3 Exceptions from Centralized Purchasing

Any purchase for supplies, materials, equipment and/or services, other than those exceptions listed below, shall not be made outside of the centralized purchasing process without the approval of the General Manager. Any unauthorized purchase may be deemed void and of no effect and will be subject to non-payment of invoicing.

Those purchases that are exempt from the centralized purchasing process are limited to the following:

A. Advertisements

B. Agency Contributions

C. Annexation Expenses

D. Application Fees

E. Association Fees

F. Bank Charges and Fees

G. Board Member Fees

H. Board Lunches

I. Bond Transactions

J. Bond Transactions

K. Conferences

L. Court Reporting

M. Credit Card Purchases

N. Easements

O. Environmental Fees & Permits

P. Fees & Permits (City, County, State & Agency)

Q. Insurance

R. Legal Fees

S. Medical Services

T. Memberships

U. Newspaper Ads

V. Notices

W. Payroll

X. Petty Cash

Y. Postage

Z. Refunds (Construction & Billing)

AA. Seminars

BB. Subscriptions

CC. Temporary Employment Agencies

DD. Training (Offsite)

EE. Travel

FF. Utilities

ARTICLE 6 COMPETITION POLICY

6.1 General Manager Authority

As a statement of policy and in accordance with the criteria specified within this Policy, all purchases or contracts for materials, supplies, equipment and services will be based, whenever possible and practicable, on competitive solicitation. The General Manager may grant exceptions to the competitive process for emergency conditions, supply limitation, or other circumstances with justification for such waiver being documented with the acquisition.

Examples of exceptions to the competitive process may include:

A. Emergency Conditions as defined in Section II of this Policy ;

B. When the dollar amount of a purchase is less than established competitive limits set forth in the Table below;

C. Sole source limitations; time constraints; or other circumstances where the General Manager is satisfied that the best price, terms and conditions for the procurement have been negotiated;

D. Cooperative purchasing arrangements with other entities;

E. When the goods, services, material or equipment required are of such a nature that specifications are not readily available and cannot be developed in a timely manner to meet the needs of the District, in which case the General Manager shall be authorized to negotiate the procurement upon the price, terms and conditions deemed to be in the best interest of the District.

6.2 Quote Requirement Table

$0 - $999	One Quote Minimum
$1,000 - $4,999	Two Quote Minimum
$5,000 - $9,999	Three Quotes
$10,000 - $34,999	Three Quotes **
$35,000 +	RFP/Bid Process

**Must comply with public procurement and contracting requirements.

ARTICLE 7 PROFESSIONAL SERVICES

7.1 Definition

Professional services are defined as any specially trained and experienced person, firm, or corporation specializing in financial, economic, accounting, engineering, technical, legal, architectural, or other specialized disciplines. Technical and maintenance services (e.g. janitorial services, landscape maintenance, etc.) differs from professional services in that they involve limited discretionary judgment and are primarily Policy in nature.

7.2 Examples

Although there is no one absolute definition for professional services, the following elements shall be used as a guideline to determine whether or not a trade or occupation qualifies as a professional service:

A. Is a license indicating sufficient qualification for a trade or occupation required?

B. Are there general standards established and widely accepted for performance of this trade or occupation?

C. Is advanced and prolonged academic study a prerequisite for practicing this trade or occupation?

D. Does the trade or occupation involve specialized knowledge and experience beyond mere skill?

7.3 Policy

Due to the nature of these services, California law does not require competitive bidding for acquisition of professional services. However, as a matter of policy, competitive proposals will be solicited where practical and possible from more than one service provider.

ARTICLE 8 CONFLICT OF INTEREST POLICY STATEMENT

The Political Reform Act of 1974 (Government Code Section 81000 et seq.) requires state and local government agencies to adopt Conflict of Interest Codes. The purpose of the Reform Act was to restore public confidence in elected officials of state and local government.

The District's Conflict of Interest Code incorporates the terms of the Standard Conflict of Interest Code adopted by the Fair Political Practices Commission (Regulation 2 Cal. Adm. Code Section 18730) and designates which District employees are required to file statements of economic interests with Contra Costa County Board of Supervisors. The purpose of such reporting is to promulgate that the public employees are performing their duties in an impartial manner, free from bias caused by their own financial interests.

In addition to elected officials, the General Manager, senior management personnel, and staff members generally responsible for the purchase of supplies, materials, equipment and services for the District, are required to report investments and positions in entities, real property, and income from sources that are located or doing business in the District's jurisdiction.

ARTICLE 9 VENDOR GIFTS AND GRATUITIES POLICY:

9.1 General

The receiving of gifts and/or other symbols of appreciation may compromise the integrity of professional relationships and can lead to inappropriate business practices.

9.2 Permitted Gifts and Gratuities

No officer, or employee, shall receive or agree to receive, directly or indirectly, any compensation, reward, or gift from any source except from his or her appointing authority or employer, for any action related to the conduct of the District's business, except as set forth below:

A. Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a breakfast, luncheon or dinner meeting or other meeting or on an inspection tour where the arrangements are consistent with the transaction of official business. Nominal value will be determined based on the meal involved using the District's established guidelines for reimbursement contained in the

Travel Policy and Procedure as a standard.

B. Acceptance of transportation, lodging, meals or refreshment, in connection with attendance at widely attended gatherings sponsored by industrial, technical or professional organizations; or in connection with attendance at public ceremonies or similar activities financed by non-governmental sources where the officer's or employee's participation on behalf of the District is the result of an invitation addressed to him or her in his or her official capacity, and the transportation, lodging, meals or refreshment accepted is related to, and is in keeping with, his or her official participation.

C. Purchase of articles or admissions at advantageous rates where such rates are offered to the District personnel as a class.

D. Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, or other items of nominal value.

E. Acceptance of incidental transportation from a private organization, provided it is furnished in connection with the performance of the officer's or employee's official duties and is of a type customarily provided by the private organization.

F. Acceptance of commendations, certificates or plaques for outstanding individual service or work on the District projects.

ARTICLE 10 ETHICAL PROCUREMENT PRACTICES

10.1 General

It is the policy of the District to maintain good working relationships with its vendors and suppliers, as well as the community at large. Every employee has the ability to influence the opinions of others through daily interaction with the business community. In personal contacts with vendors and suppliers, employees shall represent the best interests of the District by conducting business in a fair, equitable, and ethical manner.

10.2 Principles and Standards of Ethical Supply Management Conduct

The following are the Principles and Standards of Ethical Supply Management Conduct as recommended by the Institute for Supply Management (ISM):

A. Avoid the intent and appearance of unethical or compromising practice in relationships, actions, and communications.

B. Demonstrate loyalty to the employer by diligently following the lawful instructions of the employer, using reasonable care and granted authority.

C. Avoid any personal business or professional activity that would create a conflict between personal interests and the interests of the employer.

D. Avoid soliciting or accepting money, loans, credits or preferential discounts and the acceptance of gifts, entertainment, favors or services from present or potential suppliers that might influence, or appear to influence, supply management decisions.

E. Handle confidential or proprietary information with due care and proper consideration of ethical and legal ramifications and governmental regulations.

F. Promote positive supplier relationships through courtesy and impartiality.

G. Avoid improper reciprocal agreements.

H. Know and obey the letter and spirit of laws applicable to supply management.

I. Encourage support for socially diverse practices.

J. Conduct supply management activities in accordance with national and international laws, customs and practices, your organization's policies and these ethical principles and standards of conduct.

K. Develop and maintain professional competence.

L. Enhance the stature of the supply management profession.

ARTICLE 11 PURCHASE REQUEST AUTHORIZATION TABLE

11.1 Policy

All purchase requests must be submitted via a Purchase Requisition (PR) and authorized by the appropriate signatory level as indicated in the table below.

STANDARD AUTHORIZATION TABLE

Dollar Amount	**Supervisor/ Lead**	**Dept. Head**	**Assistant General Manager**	**General Manager**	**Board**
$0-$499.00	X				
$500.00-$4,999		X			
$5,000-$9,999			X		
$10,000-$34,999				X	
$35,000+					X

11.2 Notes and Exceptions

A. With the exception of the General Manager, in the absence of an approver for a given request, authorization will be obtained by the next highest authority in accordance with the Authorization Table.

B. Purchasing authorized releases to be made against certain blanket/contract agreements may be approved at the Requestor level.

C. Those requests for purchases specifically identified and approved by the Board in the annual budget require up to the General Manager's authorization only.

D. With the exception of Board authorized purchases; requirements exceeding Requisition approval by 5% or $1,000 (whichever is greater) may be permitted under purchasing authority, provided the increase is within the previous approver's limits.

E. Computer hardware and software maintenance agreements for existing systems and applications may be authorized up to the General Manager level only, regardless of the dollar amount.

F. In year one of a multiple year agreement, requests will be approved in accordance with the Standard Authorization Table above. Subsequent yearly renewals, if required (and not meeting Change Order criteria), may then be authorized up to the General Manager level only, regardless of the dollar amount.

G. Example: A five-year contract for chemicals estimated at $125,000 in the first year, with escalation terms included in the agreement. This would require Board authorization to initiate the first year of the contract. Renewals in years two through five, if required, would be approved up to the General Manager's level only, provided the terms and conditions of the original approval were met.

ARTICLE 12 ANNUAL AGREEMENTS

12.1 Purpose

Annual agreements are established to facilitate the execution of professional service work and to provide timely response to emergency and operationally urgent requirements.

12.2 Policy

Annual agreements for a select and limited number of professional and construction related services may be established without competitive practices to expedite certain types of work.

Except as provided herein, nothing in this section shall imply any authorization to avoid competitive practices and authorization procedures required by law or otherwise approved by the

Board of Directors in accordance with this Policy. Requests for work under such agreements shall be approved in accordance with the authorization limits for purchase requests.

12.3 List of Annual Contractors

The General Manager will submit to the Board of Directors a proposed list of firms with estimated annual expenditures. The list will include a sufficient number of contractors and service providers to meet anticipated demands for urgent, non-competitive work or to facilitate the timely execution of professional service agreements.

12.4 Annual Agreements for Professional Services

Due to the nature of work performed against professional service contracts (as defined above); releases/task orders against annual agreements may be let without competition based on the technical skills, knowledge, and expertise present in the work required. Annual agreements may be used to facilitate these services within established limits.

A. Annual Agreements for Construction Contractors and Related Services. Releases/task orders against annual agreements for construction contractors and related services shall be issued based on competitive practices except for the following:

   i. Urgent/emergency work requiring immediate action

   ii. Conditions of such a nature that specifications cannot be reasonably developed in a timely manner to meet the needs of the District

   iii. Other conditions whereby competitive practices may not be warranted

   All such awards shall be authorized in accordance with existing procedures for non-competitive purchases

ARTICLE 13 PURCHASE REQUISITIONS POLICY

13.1 General

The purpose of a Purchase Request is to communicate, in clear and explicit terms, the needs of the requestor. The requisitioning process, whether written or electronic, also provides a mechanism for obtaining the approvals necessary to proceed with the acquisition.

13.2 Procedure

Except as may be otherwise provided, a completed Purchase Request will be routed for authorization by the requestor and submitted prior to attempting to obtain any goods, services, materials or equipment. Any pricing, or price estimates obtained by the requestor shall be forwarded to the Department Head with the requisition.

Requisitions should be prepared and submitted far enough in advance of the need to enable the

District to meet the competition requirement specified in this Policy and to properly prepare the contractual obligation. Additionally, no purchase request will be broken into smaller units to avoid any provision of this Policy or District policy.

ARTICLE 14 SPECIFICATIONS

14.1 Purpose

Before a contractual arrangement is made, the needed item or service must be clearly defined. Purchase specifications serve this purpose by identifying characteristics of the item or service with definitions and descriptions. Specification should describe the attributes of the item or service in such a way that the requirements can be clearly understood both internally and externally by vendors or contractors.

14.2 Procedure

Generally, it is the responsibility of the requesting department to formulate specifications and submit them to the Department Head prior to, or with, their request to initiate the acquisition process. Development of detailed or complex specifications should be a joint effort of the requesting department and purchasing staff. The level of detail associated with the specification will often depend on the complexity of the purchase itself.

14.3 Specifications

Specifications used for District purchases will:

A. Identify, when possible, an established standard or brand.

B. Provide identifiable characteristics capable of being checked. These measurement criteria will facilitate acceptance or rejection of the product or service based on inspection.

C. Provide for full and open competition with the capability of being met by several vendors or contractors.

D. Be as fair to the purchaser and the seller as possible.

E. Be sufficiently comprehensive to meet the District's needs.

F. Utilize District standards to the fullest extent possible.

Inappropriate specifications may be those which are overly restrictive; discourage competition; are unclear; or otherwise hinder the acquisition process. Such specifications may be returned to the requestor for justification or changes.

ARTICLE 15 NON-COMPETITIVE PROCUREMENT REQUESTS

15.1 Purpose

To define the processes and conditions for submitting non-competitive procurement requests.

15.2 Procedure

District policy is to base the purchase of materials, supplies, equipment and services on competitive solicitation whenever possible and practicable.

Consideration of non-competitive procurement requires documenting the need to exempt the purchase from free and open competition. Such request should be authorized by the next highest signature authority for the dollar value of the acquisition, up to the General Manager.

Examples:

Example 1: A non-competitive request for an item within the signature authority of a Department Head would require authorization by the Assistant General Manager.

Example 2: A standardization request for a purchase within the signature authority of an Assistant General Manager would require approval by the General Manager.

ARTICLE 16 CHANGE ORDER REQUESTS

16.1 Purpose

To define the processes and conditions necessary to request a change to an existing contract or blanket agreement.

16.2 Procedure

All change order requests will be submitted for authorization via a Purchase Request (PR).

Requests for monetary changes to purchases, contracts and agreements that do not exceed the greater of $25,000 or 10% of the original authorization may be authorized within established signature levels up to the General Manager. Change orders that do not meet this criterion require Board approval.

Exception - Change orders which exceed the greater of $25,000 or 10% in which the total contract sum remains less than $100,000 do not require Board approval.

Change orders to purchases, contracts and agreements having an original authorization of $100,000 or less that result in an increase to the total price to more than $100,000 require Board approval.

Change orders that affect the scope, terms, or duration of a contract or purchase, whether or not they affect the agreement price, will be authorized by the original approval authority. Such changes to contracts originally approved by the Board will be authorized by the General

Manager.

Example 1: A change to an $18,000 purchase order which increases the total cost to $21,000. This Change Order request would require authorization at the AGM level in accordance with the Standard Authorization Table.

Example 2: A change order of $30,000 to a $60,000 agreement. This Change Order Request is greater than $25,000 or 10%, but with a combined total of $90,000 remains less than $100,000 and within the General Manager's authority.

Example 3: A change to a blanket purchase agreement from $125,000 to $140,000 that was initially approved by the Board. This request would require authorization by the General Manger. The $15,000 Change Order does not meet the criteria of the greater of $25,000 or 10% which would require Board approval.

Example 4: A change to a contract purchase agreement from $300,000 to $327,000. This request would require authorization by the General Manager. While the Change Order exceeds $25,000 it is less than 10% of the original authorization, therefore, does not require Board approval.

Example 5: A change to a purchase from $300,000 to $350,000. This request would require Board approval. The $50,000 Change Order is both greater than $25,000 and 10% of the initially approved purchase.

Example 6: A change to the contract term of an $80,000 agreement extending it from one year to two years with no increase to the approved funds. This would require authorization up to the General Manager as being the last highest authority to approve the request.

ARTICLE 17 METHODS USED TO SOLICIT PRICING FOR GOODS AND SERVICES PURPOSE

17.1 Purpose

The purpose of this policy is to define the primary methods to be used for obtaining competition in accordance with District policies.

17.2 Methods

The District shall utilize four basic methods by which to obtain pricing for goods and services: Request for Quotation, Invitation for Bid, Request for Proposal, and Negotiated Procurement. The choice of which method to use is based on the following general criteria and will be made at the discretion of the General Manager:

A. Request for Quotation (RFQ). The RFQ is a flexible and expeditious method for acquiring goods and services having a value of no more than $35,000. This is a simplified process that reduces both paperwork and administrative time and effort. RFQ's are generally not used for purchases greater than $35,000.

B. Invitation for Bid (IFB). IFB's are used when detailed specifications are available and contracts are to be awarded based primarily on the price. The IFB process is rigid in that bids must be received on or before a specified date and time for receipt, negotiation discussions are not allowed, and award is given to the lowest, responsive, responsible bidder.

C. Request for Proposal (RFP). The RFP is used when the importance of technical or performance merit dictates the contract award be based on other factors in addition to cost. An RFP is generally expressed in terms of performance or required outcome. Evaluations are completed based on criterion specified in the RFP. Contracts are awarded to the best overall proposal after considering many areas, including price.

D. Negotiated Procurement. Negotiated procurements are used in unique circumstances whereby competitive practices may not be practical; or where competition has led to the selection of a range of suppliers where negotiation techniques may be used to finalize a contract. Negotiated procurements may involve complex contractual discussions and bargaining. In conducting this type of procurement a team of participants with defined roles and strategies may be assembled for the acquisition.

ARTICLE 18 OFFSITE RECEIVING OF GOODS

18.1 Purpose

The purpose of this policy is to define the process and procedures for off-site receiving of goods and materials.

18.2 Procedure

In instances where goods are delivered to an alternate District facility, the following procedure will be followed:

A. Goods are received at the off-site located with enclosed packing slip.

B. Goods are to be inspected for damage and compared to merchandise and quantities listed on the packing slip.

C. The quantity received, and any discrepancies between the packing slip and actual shipment are to be noted on the packing slip.

D. The packing slip is forwarded to the Department Head for receiving.

E. After the invoice is received, the Department Head matches the invoice to the receiving data and payment is then made.

Exceptions to this procedure may be granted by the General Manager.

ARTICLE 19 RECEIVING OF SERVICES

19.1 Purpose

The District frequently contracts with outside vendors to perform professional type (e.g. engineering design, survey, and computer programming) and non-professional type (construction, landscape maintenance, and custodial) services necessary for the continued operation of District facilities and services. Payment for contracted services may be based on a lump-sum fee or may be based on a time and materials charge in accordance with a set hourly rate and reimbursement fee schedule. The purpose of this procedure, therefore, is to establish the process whereby work is acknowledged and payment is authorized.

19.2 Procedure

The method of approving payment to a vendor for completion of services is to approve the invoice submitted by the vendor. This procedure is accomplished in the following manner:

A. Services are performed.

B. Work is inspected and accepted by the requesting department (Requestor).

C. Vendor invoices District for services rendered.

D. Invoice forwarded to Requestor for approval.

E. Requestor approves invoice and returns invoice to Finance for payment.

F. Payment processed.

ARTICLE 20 DISTRICT CREDIT CARDS

20.1 Purpose

The District Credit Card Program was developed to allow designated full-time regular employees the capability to purchase, within predefined spending limits, certain types of items directly from the merchant thus reducing the costs associated with low-value purchasing activity. The purpose of this procedure, therefore, is to identify the guidelines, terms, and conditions in which employees will be issued a District Credit Card and the rules and processes for its use.

20.2 General Guidelines

In order to obtain a District Credit Card, applicants must make the request to their Department Head for consideration. If approved, the Department Head sets the transaction amounts and monthly dollar limits and forwards the request, with justification, to the AGM for final approval. Once approved, the Department Head will order a card for the employee and arrange for any required training and orientation.

Each District Credit Card issued is assigned to an individual employee. No employee is to share the use of his/her card.

Misuse of the District Credit Card and/or violations of the District Credit Card Policy and Procedure may result in one or more of the following actions: revocation of the card; restricted use of the card; card use probation; or employment termination.

20.3 Exceptions

Any approved exceptions or modifications of a permanent nature to any Policy or Procedure shall be set forth, in writing, and forwarded to the Department Head.

20.4 Credit Card Receipts

All invoices/receipts for purchases made with the District Credit Card shall be provided as back-up documentation to the credit card statement. Failure to adhere to this policy may result in one or more of the penalties described above.

20.5 Limitations

District Credit Cards shall not be used for the following items without prior authorization from the Department Head:

A. Capital item purchases;

B. Cash advances;

C. Computer hardware/software;

D. Fuel/lubricants;

E. Furniture;

F. Hotel/motels;

G. Inventory;

H. Non Will-call items (e.g. items that require shipping);

I. Office Equipment;

J. Office Supplies (unless under office supply purchasing program);

K. Personal Use Items;

L. Repairs;

M. Services of any kind;

N. Tools

20.6 Lost/Stolen Cards

If an employee's card is lost or stolen during normal business hours, it shall be reported to the Department Head and Credit Card Administrator immediately. If an employee's card is lost or stolen after hours, the employee must contact their supervisor ask them to provide the telephone number to report the lost or stolen card. The employee shall immediately report the loss to US Bank card and advise the Department Head on the next business day following the incident.

20.7 Audits

Finance staff upon receipt of credit card receipts will verify information required under District Credit Card Receipts section above. Finance staff may alert an employee and their supervisor by e-mail of any deficiencies regarding credit card receipts.

The Department Head or designee, shall review receipts and monthly transaction reports will be provided to each department for their review to ensure compliance with policy.

ARTICLE 21 LVP/RELEASE BUYER PROGRAM

21.1 Purpose

The Low-Value Purchase (LVP)/Release Buyer program is designed to provide requesting departments with a method of acquiring needed goods and materials in an expedient and cost effective manner. This objective is achieved through delegation of purchasing authority to non-Department Head personnel.

The Department Head authorizes using departments, through the LVP/Release Buyer program, to place individual purchases (LVP's) for goods and materials that do not exceed $2,500; and to issue releases against established blanket purchase agreements within the terms and conditions defined. All LVP/Release Buyers will receive detailed training and be given procurement authorization under the

21.2 General Conditions

A. LVP purchases are not to exceed $2,500 per day/per vendor excluding sales tax and freight charges.

   Purchases to the same vendor which might exceed the LVP Buyers' authority shall not be split between separate purchases or dates in order to circumvent this restriction, or any other provision of the Purchasing and Procurement Policy. Violation of this requirement may result in disciplinary action.

B. Release purchases against established Blanket Purchase Agreement (BPA's) whereby the terms, conditions, pricing, and other contractual matters have been predetermined through the Department Head are not restricted to the dollar limits of the LVP program.

C. Documentation for approved offsite deliveries (receiver, packing slip, etc.) shall be forwarded to the warehouse for posting and matching.

21.3 LVP Program Exclusions

For purposes of standardization, centralization, and the management of risk, none of the items identified below may be purchased under the LVP program without prior authorization from Department Head:

A. Furniture;

B. Office equipment;

C. Items available within an established District inventory;

D. Services;

E. Repairs;

F. Computer hardware, printers, or software;

G. Travel/entertainment;

H. Personal use items;

I. Food items;

J. Purchases from employees or family members;

K. Purchases from new vendors (vendor setup may not be performed by LVPO Buyers);

L. Tools;

M. Books, subscription, manuals, or publications;

N. Items requiring an approved Material Safety Data Sheet (MSDS).

21.4 Pricing and Price Reasonableness

Although transactions under the LVP program are of low dollar value, the potential for unreasonable pricing still exists. Under the guidelines provided in this Policy, purchases of $2,500 or less do not require competitive procedures. However, competitive pricing can be obtained and is encouraged until product/price familiarity is learned. In this case, award is to be made to the lowest priced vendor meeting the requirements of the purchase.

Training in procurement practices used to ensure reasonable pricing and terms will be given to all LVP/Release Buyer candidates. The following measures to ensure price reasonableness will be included in this training:

The use of competitive techniques and/or solicitation from several sources.

Comparison of quoted prices to those previously paid.

The use and comparison of quoted prices to vendor catalogues.

As a LVP/Release Buyer it is imperative that all vendors are treated in a fair and equitable manner. There shall be no suggestion of pricing, identifying of competition, or revealing of content of other quotations or proposals.

ARTICLE 22 EMERGENCY PURCHASES

22.1 Purpose

To define the conditions and processes necessary to obtain an emergency or immediate need purchase.

22.2 Definition

While the occasional need for emergency or immediate acquisition of supplies, materials, services, or equipment is recognized, the practice should be minimized in order to allow all functional areas to best perform their responsibilities in accordance with this Policy Policy and the systematic processing of work.

The definition of an "emergency" as defined in the Public Contracts Code Section 1102 is a sudden, unexpected occurrence that poses a clear and imminent danger, requiring action to prevent or mitigate the loss or impairment of life, health, property or essential public services. This would include natural events such as flood and earthquake, accidental events such as fire, and machine, equipment or structural failure that meets the above-stated requirements.

22.3 Emergency Conditions

For the purposes of this procedure, emergency or immediate procurement action may be taken for the purchase of goods, materials, services and equipment under the following conditions:

A. A great public disaster as described above.

B. The breakdown of machinery or an essential function which requires immediate purchasing action to protect public health, welfare, safety, or service.

C. Other conditions, which may not be considered essential for the protection of public health, safety, welfare, or service, but may significantly interrupt essential departmental functions.

22.4 Procedure

The procedure for emergency purchases is as follows:

A. Purchasing authority limits associated with emergency situations will comply with the Purchasing Request Authorization Table included in this Policy.

B. In the event that the emergency procurement exceeds the General Manager's purchasing authority limit, the General Manager must obtain the approval of both the Board President and Vice President, with ratification by the entire Board at their next regular meeting.

The procedure for purchases during business hours is as follows:

A. Employees requiring an immediate need or emergency purchase during business hours may contact the Department Head for verbal receipt of purchase authorization.

B. A Purchase Requisition will be completed by the employee who will justify the need; note "emergency purchase" on the form; obtain the necessary approvals; and forward all related documents (including invoices, delivery tickets, and receipts) to the Department Head.

The procedure for purchases during after-hours is as follows:

A. After hours emergency needs may be met by contacting the needed vendor and giving the employees full name and employee number.

B. On the next business day following the event, the employee shall contact the Department Head.

C. The employee will route a completed PR for approval and delivery to the Department Head documenting the emergency action taken.

Emergency or immediate need purchasing actions bypass approved practices and competitive requirements, interrupt standardized work processes throughout the organization, and may increase District liability and expense and should therefore be minimized to the greatest extent possible.

ARTICLE 23 DISPOSITION OF SURPLUS PROPERTY

23.1 Purpose

The Department Head has been authorized to recommend and carry-out the disposition of surplus supplies, materials, equipment and scrap. The purpose of this procedure is to identify the methods by which material will be disposed and to communicate the procedures necessary for departmental disposition.

23.2 Methods of Disposal

Under the authority and responsibility of the Department Head, items which are excess to District needs; are scrap; or have become unsuitable for use; may be disposed on in any of the following methods:

A. Surplus items may be exchanged or traded on new goods.

B. Surplus items may be advertised and sold using competitive procedures similar to standard acquisition practices.

C. Surplus items may be sold at public auction.

D. Surplus items may not be sold to any employee, friend, or family member (outside of public auction) without first being made available through approved means of disposition and requires General Manager approval.

E. With the approval of the General Manager, surplus items may be sold utilizing negotiation processes when such negotiation is deemed to be in the best interest of the District.

F. Surplus items may be eliminated as scrap or disposed of if it is determined they have no resale value.

23.3 Procedure

A. Using departments will notify the Department Head of items or groups of items to be disposed of.

B. Department Head personnel will determine the best means of sale and disposal and provide direction for storage and delivery to the disposition site.

C. Notification of the disposal will be forwarded to the Department Head for adjustments to property and asset records.

ARTICLE 24 PETTY CASH

24.1 Petty Cash Fund and Purpose

A maximum petty cash fund of $250 is established for the purpose of purchasing low cost items and services (generally less than $50) in emergency situations when payment cannot be made via check disbursement, credit card, or on vendor credit terms (vendor invoicing). Use of the fund should be infrequent and not relied upon for standard purchases that can be paid on credit terms.

24.2 Safeguarding of the Fund

The petty cash fund is maintained in the accounting office in a contained petty cash box that is locked in the accounting office. Elayna Whyte (petty cash administrator) maintains the petty cash fund and is responsible for issuing petty cash. In Elayna’s absence, Sue Walde becomes the petty cash administrator.

24.3 Requesting Petty Cash

Any District employee may request petty cash. The requester must state the purpose of use and explain the circumstances to the petty cash administrator why other payment terms cannot be used. A petty cash slip is prepared by the administrator and signed by the requester.

24.4 Petty Cash Accountability

All petty cash disbursements must be accounted for with a receipt(s). Within one week of issuance, the requester must return a receipt(s) supporting the use of the disbursement along with any unspent funds.

24.5 Petty Cash Accounting and Reconciliation

At the end of each month, petty cash must be reconciled by the administrator and a journal entry is prepared and entered into QuickBooks to record petty cash transactions.

Replenishing the Petty Cash Fund

Should the petty cash fund balance fall below $100, it should be replenished up to the $250 maximum balance. Petty cash is replenished by disbursing a check to cash. The check is signed by two authorized signers and one of the signers takes the check to the bank to get the cash to replenish the fund.

ARTICLE 25 CAPITAL PROJECT CONTRACTS

Capital projects are limited to the new construction, reconstruction, erection, alterations, and improvements involving publicly owned or operated facilities having a value of $35,000 or more. Capital projects do not include routine, recurring and usual maintenance work and repair performed on existing public facilities to keep them operational.

Contracts for capital projects are subject to the public bidding process as set forth in Public Contract Code Section 20642 and are administered by the District's Engineering Department.

ARTICLE 26 INSURANCE AND SAFETY REQUIREMENTS

The District's legal Counsel shall determine the minimum safety and insurance requirements for work performed by outside contractors and/or consultants. The determination is based on job specific risk factors and the District's potential liability exposure. Certificates of insurance, with coverages and carriers acceptable to District, must be submitted before starting work.

Generally, the minimum insurance coverages required in contracts are:

A. Commercial Liability Insurance - $1,000,000

B. Automobile Liability Insurance - $1,000,000

C. Workers' Compensation Insurance – statutory

D. Professional Liability Insurance - $1,000,000 (if applicable)

ISD OPERATING BUDGET POLICY

ARTICLE 1 POLICY

It is the policy of the District to prepare and adhere to an annual budget to adequately support the District's operating and capital expenditures, and to maintain a financially viable District that can maintain a level of services identified in the strategic plan.

ARTICLE 2 PROCEDURE

The District Fiscal Officer annually shall prepare, with advising from the General Manager, a budget to be discussed and adopted at a public Board meeting.

2.1 Timelines

A. Throughout the year District staff shall keep the General Manager informed of any budget shortfalls or suggestions.

B. The fourth fiscal quarter (of the fiscal year preceding the budget year) the General Manager shall inform the Board of budget issues and recommendations in a series of budget workshops and Board meetings open to the public. Employment vacancies, emergency expenditures, budget shortfalls, and capital improvement plans and expenditures should be addressed in these meetings. Throughout the course of these meetings the Fiscal Officer may prepare draft budgets for the following year subject to continued revision during the process.

C. The Board normally considers and approves a final budget at the June Board Meeting proceeding the budget year.

2.2 Budget Components

A. Operating Budget: Addresses the normal ongoing operating costs incurred to operate the District including salaries, benefits, supplies, materials, repairs, maintenance, professional and other outside services, and other operating expenses. In preparing the Operating Budget, the Board should consider the previous calendar year change in the Bay Area Consumer Price Index (CPI-U – All Urban Consumers), District growth based on the increase/decrease in the number of constituents from the previous fiscal year, and projected fund balances.

2.3 Budget Assumptions

A. Changes to the Operating Budget year over year may be based on economic condition (i.e. inflation), changes in operations, other extraordinary circumstances, or regulatory requirements.

B. Because certain revenues, such as connection fees, are subject to local and economic conditions, estimates will be conservative.

C. User fees will be adjusted as necessary to recover the full cost of services provided.

2.4 Amendments to the Approved Budget

A. Changes to the Budget, other than those mentioned above are not permitted without the approval of the General Manager and the Board of Directors.

B. Unbudgeted items, such as emergency projects, must be approved in accordance with the District's Procurement Policy Procedures.

C. Documentation of amendments must be forwarded to the District accounting department so that records can by properly updated.

2.5 Reporting

A. Budget-to-actual results are available on a monthly basis at regular District Board meetings.

B. The final annual budget is produced and available on the District's website on July 1 every year (the beginning of the fiscal year).

C. Annual Financial Summary information is posted on the District's website.

ARTICLE 3 ACCOUNTING DEPARTMENT RESPONSIBILITY

The Accounting Department will record and process all District accounting transactions in accordance with the District's Budget Policy and Annual Budget categories.

The Accounting Department must file a copy of the adopted budget with the Contra Costa County Auditor within 60 days after the beginning of the fiscal year, pursuant to CA Government Code Section 53901.

The Fiscal Officer shall prepare a monthly budget-to-actual report which will be included in the consent calendar of the board meeting subsequent to the closing date of the accounting month.

ARTICLE 4 GENERAL MANAGER RESPONSIBILITY

The Fiscal Officer and General Manager are responsible for monitoring the budget and ensuring District operations adhere to this Budget Policy.

ARTICLE 5 BOARD OF DIRECTORS RESPONSIBILITY

The Board is responsible for reviewing and approving the budget annually, as well as any budget amendments.

ISD INVESTMENT POLICY

ARTICLE 1 POLICY

It is the policy of the Ironhouse Sanitary District ('District") to invest public funds in a manner which ensures the safety and preservation of capital while meeting reasonably anticipated operating expenditure needs, achieving a reasonable rate of return and conforming to all state and local statutes governing the investment of public funds.

The purpose of this policy is to provide guidelines for the prudent investment of funds of the District and to outline the policies for maximizing the efficiency of the District's cash management. The District's goal is to enhance the economic status of the District consistent with the prudent protection of the District's investments. This investment policy has been prepared in conformance with all pertinent existing laws of the State of California.

ARTICLE 2 SCOPE

This Investment Policy applies to all funds and investment activities of the District.

ARTICLE 3 DEFINITIONS

The definitions used in this Policy are included in Appendix "B."

ARTICLE 4 DELEGATION OF AUTHORITY

4.1 Basis of Authority

The authority of the Board of Directors to invest funds is derived from California Government Code ("CGC") Section 53601. CGC Section 53607 grants the Board of Directors the authority to delegate that authority, for a one- year period, to the District's General Manager. Therefore, management responsibility for the investment program is hereby delegated to the District's General Manager, who shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials and their procedures in the absence of the General Manager. The General Manager shall establish procedures for the management of investment activities, including the activities of staff consistent with this Policy.

4.2 Outside Investment Services

The District may retain the services of an outside investment advisor or manager as approved by the Board to assist with the District's investment program. Any investment advisor selected shall assist in all investment decisions and transactions in strict accordance with State law, and this Policy.

ARTICLE 5 INVESTMENT OBJECTIVES

5.1 Objectives

The primary objectives, in priority order, of the District's investment activities shall be:

A. Safety: Safety and preservation of principal is the foremost objective of the investment program. Investments shall be selected in a manner that seeks to ensure the preservation of capital in the District's overall portfolio. This will be accomplished through a program of diversification and maturity limitations, more fully described in Section 13, in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

B. Liquidity: The District's investment portfolio will remain sufficiently liquid to enable the District to meet all operating requirements which might be reasonably anticipated. Securities should mature concurrent with cash needs to meet anticipated demands.

C. Return on Investments: The District's investment portfolio shall be designed with the objective of attaining the best yield or returns on investments, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives.

ARTICLE 6 PRUDENCE

6.1 Standards

The standard of prudence to be used by the designated representative shall be the "prudent investor" standard and shall be applied in the context of managing the overall portfolio. The meaning of the standard of prudent investor is explained in CGC Section 53600.3, which states that "when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency."

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

6.2 General Manager Duties

The General Manager, acting in accordance with District procedures and the policy and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

ARTICLE 7 ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the District's General Manager any material financial interests in financial institutions that conduct business with the District's boundaries, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the District.

ARTICLE 8 BROKER/DEALERS

8.1 Authorized Lists

The General Manager will maintain a list of authorized broker/dealers and financial institutions that are approved for investment purposes. Broker/dealers will be selected for credit worthiness and must be authorized to provide investment services in the State of California. These may include "primary" dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15(C) 3-1 (uniform net capital rule). No public deposit will be made by the broker/dealer except in a qualified public depository as established by the established state laws. Before a financial institution or broker/dealer is used, they are subject to investigation and approval by the District's Board of Directors, and must submit the following:

A. Certification of having read an understood this investment policy resolution and agreeing to comply with the District's investment policy;

B. Proof of Federal Investment Regulatory Authority certification;

C. Proof of State of California registration;

D. References of other public-sector clients that similar services are provided to.

8.2 Authorized Broker/Dealer Subcontractors

If a third party investment advisor is authorized to conduct investment transactions on the District's behalf, the investment advisor may use their own list of approved independent broker/dealers and financial institutions. The investment advisor's approved list must be made available to the District upon request.

ARTICLE 9 AUTHORIZED INVESTMENTS

The District is provided a broad spectrum of eligible investments under the CGC Sections 53601 et seq. Within the investments permitted by the CGC, the District seeks to further restrict eligible investment to the investments listed below. Percentage holding limits listed in this section apply at the time the security is purchased.

The purchase of any investment permitted by the CGC, but not listed as an authorized investment in this Policy is prohibited without the prior approval of the Board of Directors.

Within the context of these limitations, the following investments are authorized:

Permitted Investments/Deposits	CA Government Code % of Portfolio Limits/Maturity Limits	ISD % of Portfolio Limits/Maturity Limits
Bank Deposits	No% limit, 5 years	No% limit, 5 years
CD Placement Service	30% limit, 5 years	30% limit, 5 years
Local Agency Investment Fund (LAIF)	No % or maturity limit	No% or maturity limit
County Pooled Investment Funds	No % or maturity limit	No % or maturity limit
Joint Powers Authority Funds (CalTRUST)	No % or maturity limit	No % or maturity limit
U.S. Treasury Obligations	No% limit, 5 years	No% limit, 5 years
U.S. Agency Obligations	No% limit, 5 years	No% limit, 5 years
Negotiable Certificates of Deposit	30% portfolio, 5 years	30% portfolio, 5 years
Money Market Funds	20%, 10% per issuer, no limit	20%, 10% per issuer, no limit
Medium-Term (or Corporate) Notes	30% portfolio, 5 years	30% portfolio, 5 years
Bankers Acceptances	40%, 30% per issuer, 180 days	10% max, 5% per issuer, 180 days
Commercial Paper	25%, 10% per issuer, 270 days	25% max, 5% per issuer, 270 days

ARTICLE 10 REVIEW OF INVESTMENT PORTFOLIO

The securities held by the District must be in compliance with Section 8 Authorized Investments at the time of purchase. The General Manager shall at least quarterly review the portfolio to verify that all securities are in compliance with Section 8 Authorized Investments. In the event a security held by the District is subject to a credit rating change that brings it below the minimum credit ratings specified in Appendix "A" Authorized Investments, the General Manager should notify the Finance Committee and through the Committee's minutes, the Board of Directors of the change. The course of action to be followed will then be decided on a case-by-case basis, considering such factors as the reason for the change, prognosis for recovery or further rate drops, and the market price of the security.

ARTICLE 11 INVESTMENT POOLS

A thorough investigation of any investment pool or mutual fund is required prior to investing, and on a continual basis. The investigation will, at a minimum, obtain the following information:

A description of eligible investment securities, and a written statement of investment policy and objectives;

A description of interest calculations and how it is distributed, and how gains and losses are treated;

A description of how the securities are safeguarded (included the settlement processes), and how often the securities are priced and the program audited;

A description of who may invest in the program, how often and what size deposit and withdrawal are allowed;

A schedule for receiving statements and portfolio listings;

Whether reserves, retained earnings, etc. utilized by the pool/fund;

A fee schedule and when and how it is assessed; and

Whether the pool/fund eligible for bond proceeds and/or when it accepts such proceeds.

ARTICLE 12 COLLATERALIZATION

12.1 BANK DEPOSITS

Under provisions of the CGC, California banks and savings and loan associations are required to secure the District's deposits by pledging eligible securities with a value of 110% of principal and accrued interest. State law also allows financial institutions to secure District deposits by pledging first trust deed mortgage notes having a value of 150% of the District's total deposits.

ARTICLE 13 SAFEKEEPING AND CUSTODY

All security transactions entered into by the District shall be conducted on a delivery-versus-payment basis. Securities will be held by a third party custodian designated by the General Manager and evidenced by safekeeping receipts. The only exception to the foregoing shall be depository accounts and securities purchases made with local government investment pools and money market mutual funds, since those purchased securities are not deliverable.

ARTICLE 14 DIVERSIFICATION AND MAXIMUM MATURITIES

The District will diversify its investments by security type and institution. With the exception of U.S. Treasuries, U.S. Agency Securities, FDIC Insured Certificates of Deposit and authorized pools, no more than 30% of the District's total investment portfolio will be invested in a single security type or with a single financial institution.

To the extent possible, the District will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow and approved in advance by the Board of Directors, the District will not directly invest in securities maturing more than 5 years from the date of purchase.

ARTICLE 15 INTERNAL CONTROLS

The external auditors will annually review the investments and general activities associated with the investment program. This review will provide internal control by assuring compliance with the Investment Policy and District policies and procedures.

ARTICLE 16 PERFORMANCE STANDARDS

The investment portfolio will be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.

The performance of the District's investment portfolio will be evaluated and compared to an appropriate benchmark in order to assess the success of the investment portfolio relative to the District's Safety, Liquidity and Return on Investments objectives. This review will be conducted annually with the Finance Committee.

ARTICLE 17 REPORTING

Subject to CGC Section 53607, the General Manager will provide monthly reports to the Districts Board of Directors which provide a clear picture of the status of the current investment portfolio. The reports shall comply with the reporting requirements of CGC Section 53607.

ARTICLE 18 INVESTMENT POLICY ADOPTION

The District's Investment Policy will be adopted by resolution of the Board of Directors. The policy will be reviewed on an annual basis and modification, if any, must be approved by the Board of Directors.

APPENDIX A

DESCRIPTION OF AUTHORIZED INVESTMENTS AND RESTRICTIONS

The following descriptions of authorized investments, maximum maturities and limits are included here to assist in the administration of this policy.

1) **BANK DEPOSITS**

The District may make bank deposits in accordance with California Government Code section 53630 et seq., which requires collateral. Per California Government Code Section, there are three classes of deposits: (a) inactive deposits, (b) active deposits and (c) interest-bearing active deposits. The collateral requirements apply to both active deposits (checking and savings accounts) and inactive deposits (non-negotiable time certificates of deposit). The maximum maturity shall be five years. No limit will be placed on the percentage total invested in this category.

2) **CD PLACEMENT SERVICE** – Government Code Sections 53601.8 and 53653.8

The District may invest in collateralized certificates of deposits in accordance with the requirements in California Government Code Sections 53601.8 and 53635.8. Purchases of certificates of deposit pursuant to Government Code Sections 53601.8, 53653.8, and 53601 shall not, in total, exceed 30 percent of District's investment portfolio. The maximum maturity is limited to five years.

3) **THE STATE LOCAL AGENCY INVESTMENT FUND (LAIF)** – Government Code Section 16429.1

The LAIF is a special fund in the California State Treasury and an investment alternative for California's local governments and special districts created and governed pursuant to CGC Section 16429.l *et seq.* and managed by the State Treasurer's Office. The District, with the consent of the Board of Directors, is authorized to remit money not required for the District's immediate need, to the State Treasurer for deposit in this fund for the purpose of investment. Principal may be withdrawn on one day's notice. The fees charged by LAIF are limited by statute. Investment of District funds in LAIF shall be subject to investigation and due diligence prior to investing, and on a continual basis to a level of review described in Section 10 Investment Pools. No limit will be placed on the percentage total in this category.

4) **THE INVESTMENTTRUST OF CALIFORNIA (CALTRUST)** Government Code Section 5360l(p)

The Investment Trust of California (CalTRUST) is a local government investment pool organized as a joint powers authority pursuant to California

Government Code Section 6509.7. Wells Capital Management, a wholly- owned subsidiary of Wells Fargo, is the portfolio manager for each of the CalTRUST funds. Investment of District funds in CalTRUST shall be subject to investigation and due diligence prior to investing, and on a continual basis to a level of review described in Section 10 Investment Pools. No limit will be placed on the percentage total in this category.

5) **U.S.TREASURY OBLIGATIONS** -Government Code Section 53601(b)

United States Treasury notes, bonds, bills or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest. The maximum maturity shall be limited to five years. No limit will be placed on the percentage total invested in this category.

6) **U.S.AGENCY OBLIGATIONS** -Government Code Section 53601(f)

Federal agency or United States government-sponsored enterprise senior debt obligations, participation securities, mortgaged-backed securities or other instruments, including those issued by or fully guaranteed as to principal and interest by Federal agencies or United States government-sponsored enterprises. Examples of these securities include Federal National Mortgage Association, Federal Farm Credit Bank, Federal Home Loan Mortgage Corporation and Federal Horne Loan Bank. The maximum maturity shall be limited to five years with no limit placed on the percentage total in this investment category.

7) **NEGOTIABLE CERTIFICATES OF DEPOSIT** – Government Code Section 53601(i)

Investments are limited to deposits issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), a state or federal credit union, or by a state-licensed branch of a foreign bank.

Individual investments shall be limited to Federal Deposit Insurance Corporation-insured limits of $250,000. Purchases of certificates of deposit pursuant to Government Code Sections 53601.8, 53653.8, and 53601 shall not, in total, exceed 30 percent of District's investment portfolio. The maximum maturity is limited to five years.

8) **MONEY MARKET FUNDS** -Government Code Section 53601(1)(2)

Shares of a beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange

Commission.

The company shall have met either of the following criteria: (A) attained the highest ranking or the highest letter and numerical rating provided by not less than two nationally recognized rating services and (B) retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years of experience managing money market mutual funds with assets under management in excess of five hundred million dollars ($500,000,000). There is no maturity limit. A maximum of 20 percent of the portfolio may be invested in this category, and a maximum of 10 percent of the portfolio may be invested in any single issuer.

If the District has funds invested in a money market fund, a copy of the fund's information statement shall be maintained on file. In addition, the General Manager should review the fund's summary holdings on a quarterly basis.

9) **MEDIUM-TERM (OR CORPORATE) NOTES –** Government Code Section 53601(k)

Medium-term notes are defined as all corporate and depository institution debt securities with a maximum remaining maturity of five years or less. The corporation must be domestic, the notes must be domestic and the notes must be issued in the United States. The corporation must be rated A or its equivalent or better by a nationally recognized rating service. The maximum maturity is limited to five years and the maximum percentage allowable for investment is 30 percent of the investment portfolio in the aggregate.

10) **BANKERS' ACCEPTANCES** -Government Code Section 53601 (g)

Bankers' acceptances, otherwise known as bills of exchange or time drafts, are drawn on and accepted by a commercial bank. Purchases are limited to bankers' acceptances issued by domestic or foreign banks, which are eligible for purchase by the Federal Reserve System. Eligible bankers' acceptances are restricted to issuing financial institutions with a short-term debt rating of at least "A-1" or its equivalent by a nationally recognized rating service. The maximum term may not exceed 180 days and the maximum percentage allowable for investment is 10 percent of the portfolio in the aggregate, and 5% for an individual issuer.

11) **COMMERCIAL PAPER** -Government Code Section 53601(h)

Commercial paper rated the highest ranking or of the highest letter and number ratings as provided for by a nationally recognized rating service. The entity that issues the commercial paper shall meet either of the following two sets of criteria: (1) The corporation shall be organized and operating within the United States, shall have total assets in excess of $500,000,000, and shall have debt, other than commercial paper, if any, that is rated A or higher by a nationally recognized rating service. (2) The corporation shall be organized within the United States as a special purpose corporation, trust, or limited liability company, has program wide credit enhancements including, but not limited to, over collateralization, letters of credit, or surety bond; has commercial paper that is rated "A-1" or higher, or equivalent by a nationally recognized statistical-rating organization. Eligible commercial paper may not exceed 270 days' maturity and may not represent more than the 25 percent of the investment portfolio in the aggregate, and 5% for an individual issuer.

APPENDIX B

DEFINITIONS

AGENCIES: Federal agency securities and/or Government-sponsored enterprises.

ASKED: The price at which securities are offered.

BANKERS' ACCEPTANCE (BA): A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

BENCHMARK: A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investments.

BID: The price offered by a buyer of securities. (When you are selling securities, you ask for a bid.) See Offer.

BROKER: A broker brings buyers and sellers together for a commission.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a Certificate. Large-denomination CD's are typically negotiable.

COLLATERAL: Securities, evidence of deposit or other property, which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR): The official annual report of the District. It includes five combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance- related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

COUPON: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DEBENTURE: A bond secured only by the general credit of the issuer.

DELIVERY VERSUS PAYMENT: There are two methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

DERIVATIVES: (1) Financial instruments whose return profile is linked to, or derived from, the n10vement of one or more underlying index or security, and may include a leveraging factor, or (2) financial contracts based upon notional amounts whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities or commodities).

DISCOUNT: The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

DISCOUNT SECURITIES: Non-interest bearing money market instruments that are issued a discount and redeemed at maturity for full face value *(e.g., U.S. Treasury Bills.)*

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns.

DURATION: A measure of the sensitivity of the price (the value of principal) of a fixed-income investment to a change in interest rates. Duration is expressed as a number of years. Rising interest rates mean falling bond prices, while declining interest rates mean rising bond prices.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, *e.g.,* S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to $250,000 per entity.

FEDERAL FUNDS RATE: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): Government sponsored wholesale banks (currently 12 regional banks), which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLBs is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks are members of the system.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FHA mortgages. The term "pass-throughs" is often used to describe Ginnie Maes.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

LOCAL GOVERNMENT INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

MARKET VALUE: The price at which a security 1s trading and could presumably be purchased or sold.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase-reverse repurchase agreements that establish each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller borrower.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

MONEY MARKET: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

OFFER: The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asked and Bid.

OPEN MARKET OPERATIONS: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

PORTFOLIO: Collection of securities held by an investor.

PRIMARY DEALER: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody statethe so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED PUBLIC DEPOSITORIES: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to bold public deposits.

RATE OF RETURN: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.

REPURCHASE AGREEMENT (REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES & EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SEC RULE 15(C)3-1: See Uniform Net Capital Rule.

STRUCTURED NOTES: Notes issued by Government Sponsored Enterprises (FHLB, FNMA, SLMA, etc.) and Corporations, which have imbedded options (e.g., can features, step-up coupons, floating rate coupons, derivative-based returns) into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options and shifts in the shape of the yield curve.

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY BONDS: Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years.

TREASURY NOTES: Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD: The rate of annual income return on an investment, expressed as a percentage. (a) INCOME YIELD is obtained by dividing the current dollar income by the current market price for the security. (b) NET YIELD or YIELD TO MATURITY is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

ISD RESTRICTED FINANCIAL RESERVES

ARTICLE 1 PURPOSE AND POLICY

To provide guidance for the prudent accumulation and management of restricted financial reserves.

It is the Policy of the Board of Directors of the District to ensure restricted financial reserves are used to satisfy its commitments under its numerous financial, regulatory and contractual obligations.

The District has no discretion as to the use of these funds.

To accomplish these objectives, the District shall adhere to the following:

ARTICLE 2 CAPACITY RESERVES

2.1 Purpose

The purpose of capacity reserves is to ensure adequate cash is available when needed to pay costs associated with the District's expansion of its plant and trunk-line capacity, and related developer share of debt service. The District maintains two capacity reserves, Expansion Reserve and Trunk-Line Capacity Reserve. These reserves are funded by developers in the form of capacity fees.

2.2 Use of Funds

Funds are utilized throughout the year in order to meet the District's expansion and trunk-line capacity related costs, and the developers' share of related debt service.

2.3 Target

Capacity reserves equal fees assessed and collected from developers less capacity related costs. As such, there is no designated target.

2.4 Minimum

There is no minimum reserve as the balance represents accumulated fees collected less accumulated capacity related costs.

2.5 Maximum

There is no maximum reserve as the balance represents accumulated fees collected less accumulated capacity related costs.

2.6 Reporting

Capacity reserve balances shall be reported in the District's monthly financial reports.

ARTICLE 3 DEBT SERVICE RESERVES

3.1 Purpose

The purpose of the Debt Service Reserve is to maintain one year of debt service as required by the terms of the SWRQCB loan.

3.2 Use of Funds

Funds are utilized in accordance with the debt service requirements of the SWRQCB loan.

3.3 Target

One year of debt service of the SWRQCB loan.

3.4 Minimum

A minimum reserve consists of one year of debt service on the SWRQCB loan.

3.5 Maximum

A maximum reserve consists of one year of debt service on the SWRQCB loan.

3.6 Reporting

The General Manager shall report annually to the Finance Committee on the results of the assessment.

ISD UNRESTRICTED DESIGNATED FINANCIAL RESERVES

ARTICLE 1 PURPOSE

It is the Policy of the Board of Directors of the District to designate unrestricted financial reserves in order to protect the District's investment in its various assets, satisfy its commitments under its numerous financial, regulatory and contractual obligations and to stabilize long-term rates for its customers.

Designated unrestricted reserves are earmarked by the Board of Directors for purposes such as funding new capital facilities, construction, repair, replacement or refurbishment of existing facilities, rate stabilization, emergencies, and operating reserves. These funds can be utilized at the discretion of the District. The Board can change reserve designations at any time. Designated unrestricted reserves are different than restricted reserves, which are used strictly to meet requirements established by creditors, grant agencies, ordinances or law.

If the District is contractually obligated to hold additional reserves, the more stringent requirement takes precedence.

To accomplish these objectives, the District shall adhere to the following:

ARTICLE 2 OPERATING RESERVE

2.1 Purpose

The purpose of the Operating Reserve is to ensure adequate cash is available when needed to pay the District's normal and recurring operating costs. It also serves as the District's line-of-credit for service fees in which the first County installment of 55% is not paid until December of the fiscal year.

2.2 Use of Funds

Funds are utilized throughout the year in order to meet the District's operating obligations.

2.3 Target

Operating reserve equal to seven months of budgeted operating and non- operating expenses (operating costs), excluding depreciation and expenses paid from other reserves (i.e. expansion reserve).

2.4 Minimum

Four month of budgeted operating costs.

2.5 Maximum

Seven months of budgeted operating costs. If reserves are above this level at fiscal year end, the General Manager/Treasurer shall direct the transfer of 100% of the excess to the District's Capital Expenditure Reserve.

2.6 Reporting

The Operating Reserve balance shall be reported in the District's monthly financial reports.

ARTICLE 3 CAPITAL EXPENDITURE RESERVE

3.1 Purpose

The purpose of Capital Expenditure Reserve is to ensure that adequate funds are available to purchase new capital assets that benefit current ratepayers, to fund new capital assets, replacements, improvements and major refurbishments to existing capital assets.

3.2 Use of Funds:

Funds are utilized in accordance with the capital expenditure budget adopted by the Board of Directors.

3.3 Target

Capital Expenditure Reserve targets shall consist of two components:

A. An emergency reserve of 1% of the cost basis of the District's capital assets; and

B. An amount equal to the District's 5-year Capital Expenditure Plan.

3.4 Minimum

A minimum reserve consists of the first of the above elements.

3.5 Maximum

Two times the target.

3.6 Reporting

The Capital Expenditure Reserve balance shall be reported in the District's monthly financial reports.

ARTICLE 4 RATE STABILIZATION RESERVE

4.1 Purpose

The purpose of Rate Stabilization Reserve is to support the Board's strategic goal to manage public funds to assure financial stability, including stability of revenues and the rates and charges related to the District.

Over the course of time, the District will have years where there is a financial surplus above the Operating Reserve target established by the District and years when unexpected events may cause reserves to decrease below the target. The Rate Stabilization Reserve allows the District to manage these different sets of circumstances.

4.2 Use of Funds

The Rate Stabilization Reserve is assessed at fiscal year-end.

If the Operating Reserve has decreased below the reserve target, a transfer from the Rate Stabilization Reserve to the Operating Reserve of no more than one-quarter of the Rate Stabilization Reserve balance shall be made in an effort to bring the Operating Reserve back to its target. If the initial transfer does not restore the target fund balance, General Manager/Treasurer shall inform the Board and request additional fund transfer.

If the Operating Reserve has exceeded its target by an amount equal to an additional month of operating costs, the General Manager/Treasurer shall direct the transfer of excess reserve from the Operating Reserve to the Rate Stabilization Reserve.

The Board may also budget use of these funds for other purposes.

4.3 Target

Two months of the District's budgeted operating costs.

4.4 Minimum

Once funded, the minimum balance shall be one month Operating Reserve.

4.5 Maximum

If the combined total of the Operating Reserve and Rate Stabilization Reserve exceeds 12 months of budgeted operating costs, the General Manager/Treasurer will make a recommendation to the Board of Directors as to how the funds should be used.

4.6 Reporting

The General Manager/Treasurer shall report annually to the Finance Committee on the results of the Operating Reserve fund balance.

ARTICLE 5 JERSEY ISLAND USE PERMIT RESERVE

5.1 Purpose

The purpose of the Jersey Island Use Permit Reserve is to maintain a designated reserve reflecting the balance of fees collected from parking passes for Jersey Island Use Permit holders.

5.2 Use of Funds

Funds from parking passes are used to support the Jersey Island hiking, fishing and hunting program; to install, operate and maintain designated parking lots, protective fencing, signage, and the planting of birds, seeding of designated fields, administration, labor and equipment usage.

5.3 Target

Jersey Island Use Permit Reserve is funded by users. The target is one year of budget fees collected from users.

5.4 Minimum

A minimum reserve consists of 6 months of user fees.

5.5 Maximum

A maximum reserve consists of two years of user fees.

5.6 Reporting

The Jersey Island Use Permit Reserve balance shall be reported in the District's monthly financial reports.

ISD BROWN ACT POLICY

ARTICLE 1 POLICY

It is District policy that all employees have knowledge of and comply with California's Brown Act, codified in Government Code §§ 54950 et seq. Attached to this policy is a thorough summary of the Brown Act published by the California League of Cities that all employees and Board Members are required to read and refer to should they have questions regarding this policy. District employees should also consult the General Manager should they have any questions regarding this policy or the application of the Brown Act to District events. The District Board and General Manager are authorized to establish additional District procedures consistent with this Policy and the Brown Act.

ARTICLE 2 MEETINGS COVERED

All District meetings and writings of District officials must be open to the public. This includes noticed meetings and any communication medium through which a majority of District officials discusses, deliberates, or takes action on an item of business. The second category includes, but is not limited to: teleconferences; web conferences; and series of communications, such as email chains, internet or intranet chat room conversations, and blog dialogues

The Brown Act does not apply to the independent conduct of individual decision-makers or to social, ceremonial, educational, and other gatherings unless the majority of a decision making body discusses official business. The Brown Act includes limited exceptions for closed session meetings, as outlined below.

ARTICLE 3 MEETING TYPES AND AGENDA REQUIREMENTS

3.1 Regular Meetings

Meetings occurring at dates, times, and locations set by resolution, ordinance, or other formal action by the District Board, such as regular Board meetings. A detailed agenda must be posted and made available to the public at least 72 hours before the meeting.

3.2 Special Meetings

Meetings called by the District Board President or a majority of the Board to discuss only discrete items on the agenda. Agendas must be posted and made available to the public at least 24 hours before the meeting.

3.3 Emergency Meetings

A limited class of meetings held when prompt action is needed due to actual or threatened disruption of public facilities and are held on little notice.

3.4 Adjourned Meetings

Regular or special meetings that have been adjourned or re-adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted.

3.5 Closed Session Meetings

In limited circumstances, the District Board may conduct meetings that are closed to the public. Closed session items must be briefly described on the posted meeting agenda and the agenda must cite the Brown Act section authorizing the closed session. Following a closed session meeting, the District Board must provide a written or oral report on certain actions taken and the vote of every member present. Closed sessions may be held to discuss or take action on:

A. Litigation;

B. Anticipated litigation by or against the District;

C. Real estate negotiations related to purchases, sales, leases, or exchanges

D. The appointment, employment, evaluation of performance, discipline, or dismissal of a public employee;

E. Labor negotiations;

F. License applicants with criminal records; and

G. Public security.

3.6 Teleconference Policy

If District officials wish to discuss official business via teleconference, the District must:

A. Post agendas at teleconference locations specifying all teleconference locations;

B. Provide public access to teleconference locations;

C. Provide the public an opportunity to speak at each teleconference location; and

D. Take all votes by roll call.

3.7 Violations

Conducting District business through serial communications or informal gatherings that are not open to the public is a violation of the Brown Act. For example:

A. If Member A contacts Member B, and Member B contacts Member C, and so on, until a quorum has been involved, this type of “serial meeting” may result in a violation of the Brown Act. This includes telephone and email communications.

B. If an intermediary, such as a District staff member or even an applicant, contacts at least a quorum of District officials members to develop a collective concurrence on action to be taken by the legislative body, a Brown Act violation is likely. This includes telephone and email communications.

C. If a quorum of District officials discusses official business over the watercooler, even if no decision is reached or action is taken, this is a Brown Act violation.

3.8 Public Participation at Meetings

The Brown Act provides that members of the public, including individuals, lobbyists, and news media may attend, record, broadcast, and participate in public meetings. The District may adopt reasonable limitations on public testimony and regulate the conduct of public meetings. These rules are covered in the District's Bylaws.

3.9 Non-Agenda Items Discussed at Meetings

Generally, at any District meeting, discussing or taking action on an item not appearing on the posted agenda is prohibited. With regards to non-agenda items, Board Members are only allowed to:

A. Briefly respond to public statements or questions;

B. Ask a question for clarification;

C. Make a brief announcement;

D. Make a brief report on his or her activities (e.g. trips in which reimbursement was received from the City);

E. Provide a reference to staff or other sources for factual information; and

F. Request staff to place the matter on a future agenda and report back to the legislative body in a subsequent meeting.

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A GUIDE TO THE RALPH M. BROWN ACT

REVISED APRIL 2016

LEAGUE® OF CALIFORNIA CITIES

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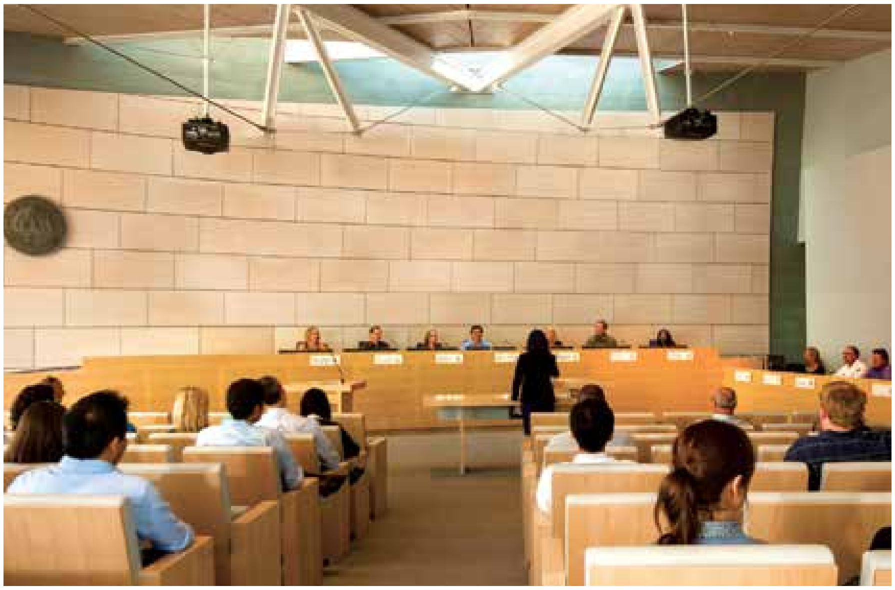

Open & Public V

A GUIDE TO THE RALPH M. BROWN ACT

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IT IS THE PEOPLE'S BUSINESS

Chapter 1

IT IS THE PEOPLE'S BUSINESS

The right of access

Two key parts of the Brown Act have not changed since its adoption in 1953. One is the Brown Act's initial section, declaring the Legislature's intent:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."

"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."[1]

The people reconfirmed that intent 50 years later in the November 2004 election by adopting Proposition 59, amending the California Constitution to include a public right of access to government information:

"The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny."[2]

PRACTICE TIP: The key to the Brown Act is a single sentence. In summary, all meetings shall be **open and public** except when the Brown Act authorizes otherwise.

The Brown Act's other unchanged provision is a single sentence:

"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."[3]

That one sentence is by far the most important of the entire Brown Act. If the opening is the soul, that sentence is the heart of the Brown Act.

Broad coverage

The Brown Act covers members of virtually every type of local government body, elected or appointed, decision-making or advisory. Some types of private organizations are covered, as are newly-elected members of a legislative body, even before they take office.

Similarly, meetings subject to the Brown Act are not limited to face-to-face gatherings. They also include any communication medium or device through which a majority of a legislative body discusses, deliberates or takes action on an item of business outside of a noticed meeting. They include meetings held from remote locations by teleconference.

New communication technologies present new Brown Act challenges. For example, common email practices of forwarding or replying to messages can easily lead to a serial meeting prohibited by the Brown Act, as can participation by members of a legislative body in an internet chatroom or blog dialogue. Communicating during meetings using electronic technology (such as laptop computers, tablets, or smart phones) may create the perception that private communications are influencing the outcome of decisions; some state legislatures have banned the practice. On the other hand, widespread cablecasting and web streaming of meetings has greatly expanded public access to the decision-making process.

Narrow exemptions

The express purpose of the Brown Act is to assure that local government agencies conduct the public's business openly and publicly. Courts and the California Attorney General usually broadly construe the Brown Act in favor of greater public access and narrowly construe exemptions to its general rules.[4]

Generally, public officials should think of themselves as living in glass houses, and that they may only draw the curtains when it is in the public interest to preserve confidentiality. Closed sessions may be held only as specifically authorized by the provisions of the Brown Act itself.

The Brown Act, however, is limited to meetings among a majority of the members of multi-member government bodies when the subject relates to local agency business. It does not apply to independent conduct of individual decision-makers. It does not apply to social, ceremonial, educational, and other gatherings as long as a majority of the members of a body do not discuss issues related to their local agency's business. Meetings of temporary advisory committees — as distinguished from standing committees — made up solely of less than a quorum of a legislative body are not subject to the Brown Act.

The law does not apply to local agency staff or employees, but they may facilitate a violation by acting as a conduit for discussion, deliberation, or action by the legislative body.[5]

The law, on the one hand, recognizes the need of individual local officials to meet and discuss matters with their constituents. On the other hand, it requires — with certain specific exceptions to protect the community and preserve individual rights — that the decision-making process be public. Sometimes the boundary between the two is not easy to draw.

PRACTICE TIP: Think of the government's house as being made of glass. The curtains may be drawn only to further the public's interest. A local policy on the use of laptop computers, tablets, and smart phones during Brown Act meetings may help avoid problems.

Public participation in meetings

In addition to requiring the public's business to be conducted in open, noticed meetings, the Brown Act also extends to the public the right to participate in meetings. Individuals, lobbyists, and members of the news media possess the right to attend, record, broadcast, and participate in public meetings. The public's participation is further enhanced by the Brown Act's requirement that a meaningful agenda be posted in advance of meetings, by limiting discussion and action to matters listed on the agenda, and by requiring that meeting materials be made available.

Legislative bodies may, however, adopt reasonable regulations on public testimony and the conduct of public meetings, including measures to address disruptive conduct and irrelevant speech.

Controversy

Not surprisingly, the Brown Act has been a source of confusion and controversy since its inception. News media and government watchdogs often argue the law is toothless, pointing out that there has never been a single criminal conviction for a violation. They often suspect that closed sessions are being misused.

Public officials complain that the Brown Act makes it difficult to respond to constituents and requires public discussions of items better discussed privately — such as why a particular person should not be appointed to a board or commission. Many elected officials find the Brown Act inconsistent with their private business experiences. Closed meetings can be more efficient; they eliminate grandstanding and promote candor. The techniques that serve well in business — the working lunch, the sharing of information through a series of phone calls or emails, the backroom conversations and compromises — are often not possible under the Brown Act.

As a matter of public policy, California (along with many other states) has concluded that there is more to be gained than lost by conducting public business in the open. Government behind closed doors may well be efficient and business-like, but it may be perceived as unresponsive and untrustworthy.

PRACTICE TIP: Transparency is a foundational value for ethical government practices. The Brown Act is a floor, not a ceiling, for conduct.

Beyond the law — good business practices

Violations of the Brown Act can lead to invalidation of an agency's action, payment of a challenger's attorney fees, public embarrassment, even criminal prosecution. But the Brown Act is a floor, not a ceiling for conduct of public officials. This guide is focused not only on the Brown Act as a minimum standard, but also on meeting practices or activities that, legal or not, are likely to create controversy. Problems may crop up, for example, when agenda descriptions are too brief or vague, when an informal get-together takes on the appearance of a meeting, when an agency conducts too much of its business in closed session or discusses matters in closed session that are beyond the authorized scope, or when controversial issues arise that are not on the agenda.

The Brown Act allows a legislative body to adopt practices and requirements for greater access to meetings for itself and its subordinate committees and bodies that are more stringent than the law itself requires.[6] Rather than simply restate the basic requirements of the Brown Act, local open meeting policies should strive to anticipate and prevent problems in areas where the Brown Act does not provide full guidance. As with the adoption of any other significant policy, public comment should be solicited.

A local policy could build on these basic Brown Act goals:

- A legislative body's need to get its business done smoothly;
- The public's right to participate meaningfully in meetings, and to review documents used in decision-making at a relevant point in time;
- A local agency's right to confidentially address certain negotiations, personnel matters, claims and litigation; and
- The right of the press to fully understand and communicate public agency decision-making.

An explicit and comprehensive public meeting and information policy, especially if reviewed periodically, can be an important element in maintaining or improving public relations. Such a policy exceeds the absolute requirements of the law — but if the law were enough, this guide would be unnecessary. A narrow legalistic approach will not avoid or resolve potential controversies. An agency should consider going beyond the law, and look at its unique circumstances and determine if there is a better way to prevent potential problems and promote public trust. At the very least, local agencies need to think about how their agendas are structured in order to make Brown Act compliance easier. They need to plan carefully to make sure public participation fits smoothly into the process.

Achieving balance

The Brown Act should be neither an excuse for hiding the ball nor a mechanism for hindering efficient and orderly meetings. The Brown Act represents a balance among the interests of constituencies whose interests do not always coincide. It calls for openness in local government, yet should allow government to function responsively and productively.

There must be both adequate notice of what discussion and action is to occur during a meeting as well as a normal degree of spontaneity in the dialogue between elected officials and their constituents.

The ability of an elected official to confer with constituents or colleagues must be balanced against the important public policy prohibiting decision-making outside of public meetings.

In the end, implementation of the Brown Act must ensure full participation of the public and preserve the integrity of the decision-making process, yet not stifle government officials and impede the effective and natural operation of government.

PRACTICE TIP: The Brown Act should be viewed as a tool to facilitate the business of local government agencies. Local policies that go beyond the minimum requirements of law may help instill public confidence and avoid problems.

Historical note

In late 1951, *San Francisco Chronicle* reporter Mike Harris spent six weeks looking into the way local agencies conducted meetings. State law had long required that business be done in public, but Harris discovered secret meetings or caucuses were common. He wrote a 10-part series on “Your Secret Government” that ran in May and June 1952.

Out of the series came a decision to push for a new state open meeting law. Harris and Richard (Bud) Carpenter, legal counsel for the League of California Cities, drafted such a bill and Assembly Member Ralph M. Brown agreed to carry it. The Legislature passed the bill and Governor Earl Warren signed it into law in 1953.

The Ralph M. Brown Act, known as the Brown Act, has evolved under a series of amendments and court decisions, and has been the model for other open meeting laws — such as the Bagley-Keene Act, enacted in 1967 to cover state agencies.

Assembly Member Brown is best known for the open meeting law that carries his name. He was elected to the Assembly in 1942 and served 19 years, including the last three years as Speaker. He then became an appellate court justice.

ENDNOTES:

1 California Government Code section 54950

2 California Constitution, Art. 1, section 3(b)(1)

3 California Government Code section 54953(a)

4 This principle of broad construction when it furthers public access and narrow construction if a provision limits public access is also stated in the amendment to the State's Constitution adopted by Proposition 59 in 2004. California Constitution, Art. 1, section 3(b)(2).

5 California Government Code section 54952.2(b)(2) and (c)(1); *Wolfe v. City of Fremont* (2006) 144 Cal.App.4th 533

6 California Government Code section 54953.7

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at **www.cacities.org/opengovernment**. A current version of the Brown Act may be found at www.leginfo.ca.gov.

Chapter 2

LEGISLATIVE BODIES

Chapter 2

LEGISLATIVE BODIES

The Brown Act applies to the legislative bodies of local agencies. It defines "legislative body" broadly to include just about every type of decision-making body of a local agency.[1]

What is a "legislative body" of a local agency?

A "legislative body" includes:

- **The "governing body** of a local agency" and certain of its subsidiary bodies; "or any other local body created by state or federal statute."[2] This includes city councils, boards of supervisors, school boards and boards of trustees of special districts. A "local agency" is any city, county, city and county, school district, municipal corporation, successor agency to a redevelopment agency, district, political subdivision or other local public agency.[3] A housing authority is a local agency under the Brown Act even though it is created by and is an agent of the state.[4] The California Attorney General has opined that air pollution control districts and regional open space districts are also covered.[5] Entities created pursuant to joint powers agreements are also local agencies within the meaning of the Brown Act.[6]
- **Newly-elected members** of a legislative body who have not yet assumed office must conform to the requirements of the Brown Act as if already in office.[7] Thus, meetings between incumbents and newly-elected members of a legislative body, such as a meeting between two outgoing members and a member-elect of a five-member body, could violate the Brown Act.

PRACTICE TIP: The prudent presumption is that an advisory committee or task force is subject to the Brown Act. Even if one clearly is not, it may want to comply with the Brown Act. Public meetings may reduce the possibility of misunderstandings and controversy.

Q. On the morning following the election to a five-member legislative body of a local agency, two successful candidates, neither an incumbent, meet with an incumbent member of the legislative body for a celebratory breakfast. Does this violate the Brown Act?

A. *It might, and absolutely would if the conversation turns to agency business. Even though the candidates-elect have not officially been sworn in, the Brown Act applies. If purely a social event, there is no violation but it would be preferable if others were invited to attend to avoid the appearance of impropriety.*

- **Appointed bodies** — whether permanent or temporary, decision-making or advisory — including planning commissions, civil service commissions and other subsidiary committees, boards, and bodies. Volunteer groups, executive search committees, task forces, and blue ribbon committees created by formal action of the governing body are legislative bodies. When the members of two or more legislative bodies are appointed to serve on an entirely separate advisory group, the resulting body may be subject to the

Brown Act. In one reported case, a city council created a committee of two members of the city council and two members of the city planning commission to review qualifications of prospective planning commissioners and make recommendations to the council. The court held that their joint mission made them a legislative body subject to the Brown Act. Had the two committees remained separate; and met only to exchange information and report back to their respective boards, they would have been exempt from the Brown Act.[8]

- **Standing committees** of a legislative body, irrespective of their composition, which have either: (1) a continuing subject matter jurisdiction; or (2) a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.[9] Even if it comprises less than a quorum of the governing body, a standing committee is subject to the Brown Act. For example, if a governing body creates long-term committees on budget and finance or on public safety, those are standing committees subject to the Brown Act. Further, according to the California Attorney General, function over form controls. For example, a statement by the legislative body that the advisory committee "shall not exercise continuing subject matter jurisdiction" or the fact that the committee does not have a fixed meeting schedule is not determinative.[10] "Formal action" by a legislative body includes authorization given to the agency's executive officer to appoint an advisory committee pursuant to agency-adopted policy.[11]
- The governing body of any **private organization** either: (1) created by the legislative body in order to exercise authority that may lawfully be delegated by such body to a private corporation, limited liability company or other entity; or (2) that receives agency funding and whose governing board includes a member of the legislative body of the local agency appointed by the legislative body as a full voting member of the private entity's governing board.[12] These include some nonprofit corporations created by local agencies.[13] If a local agency contracts with a private firm for a service (for example, payroll, janitorial, or food services), the private firm is not covered by the Brown Act.[14] When a member of a legislative body sits on a board of a private organization as a private person and is not appointed by the legislative body, the board will not be subject to the Brown Act. Similarly, when the legislative body appoints someone other than one of its own members to such boards, the Brown Act does not apply. Nor does it apply when a private organization merely receives agency funding.[15]

PRACTICE TIP: It can be difficult to determine whether a subcommittee of a body falls into the category of a standing committee or an exempt temporary committee. Suppose a committee is created to explore the renewal of a franchise or a topic of similarly limited scope and duration. Is it an exempt temporary committee or a non-exempt standing committee? The answer may depend on factors such as how meeting schedules are determined, the scope of the committee's charge, or whether the committee exists long enough to have "continuing jurisdiction."

Q: The local chamber of commerce is funded in part by the city. The mayor sits on the chamber's board of directors. Is the chamber board a legislative body subject to the Brown Act?

A: *Maybe. If the chamber's governing documents require the mayor to be on the board and the city council appoints the mayor to that position, the board is a legislative body. If, however, the chamber board independently appoints the mayor to its board, or the mayor attends chamber board meetings in a purely advisory capacity, it is not.*

Q: If a community college district board creates an auxiliary organization to operate a campus bookstore or cafeteria, is the board of the organization a legislative body?

A: *Yes. But, if the district instead contracts with a private firm to operate the bookstore or cafeteria, the Brown Act would not apply to the private firm.*

- **Certain types of hospital operators.** A lessee of a hospital (or portion of a hospital) first leased under Health and Safety Code subsection 32121(p) after January 1, 1994, which exercises "material authority" delegated to it by a local agency, whether or not such lessee is organized and operated by the agency or by a delegated authority.[16]

What is not a "legislative body" for purposes of the Brown Act?

- A temporary advisory committee composed **solely of less than a quorum** of the legislative body that serves a limited or single purpose, that is not perpetual, and that will be dissolved once its specific task is completed is not subject to the Brown Act.[17] Temporary committees are sometimes called *ad hoc* committees, a term not used in the Brown Act. Examples include an advisory committee composed of less than a quorum created to interview candidates for a vacant position or to meet with representatives of other entities to exchange information on a matter of concern to the agency, such as traffic congestion.[18]
- Groups advisory to a single decision-maker or appointed by staff are not covered. The Brown Act applies only to committees created by formal action of the legislative body and not to committees created by others. A committee advising a superintendent of schools would not be covered by the Brown Act. However, the same committee, if created by formal action of the school board, would be covered.[19]

Q. A member of the legislative body of a local agency informally establishes an advisory committee of five residents to advise her on issues as they arise. Does the Brown Act apply to this committee?

A. *No, because the committee has not been established by formal action of the legislative body.*

Q. During a meeting of the city council, the council directs the city manager to form an advisory committee of residents to develop recommendations for a new ordinance. The city manager forms the committee and appoints its members; the committee is instructed to direct its recommendations to the city manager. Does the Brown Act apply to this committee?

A. *Possibly, because the direction from the city council might be regarded as a formal action of the body notwithstanding that the city manager controls the committee.*

- Individual decision makers who are not elected or appointed members of a legislative body are not covered by the Brown Act. For example, a disciplinary hearing presided over by a department head or a meeting of agency department heads are not subject to the Brown Act since such assemblies are not those of a legislative body.[20]
- Public employees, each acting individually and not engaging in collective deliberation on a specific issue, such as the drafting and review of an agreement, do not constitute a legislative body under the Brown Act, even if the drafting and review process was established by a legislative body.[21]
- County central committees of political parties are also not Brown Act bodies.[22]

ENDNOTES:

1 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1127

2 California Government Code section 54952(a) and (b)

3 California Government Code section 54951; Health and Safety Code section 34173(g) (successor agencies to former redevelopment agencies subject to the Brown Act). But see Education Code section 35147, which exempts certain school councils and school site advisory committees from the Brown Act and imposes upon them a separate set of rules.

4 *Torres v. Board of Commissioners of Housing Authority of Tulare County* (1979) 89 Cal.App.3d 545, 549-550

5 71 Ops.Cal.Atty.Gen. 96 (1988); 73 Ops.Cal.Atty.Gen. 1 (1990)

6 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal.App.4th 354, 362

7 California Government Code section 54952.1

8 *Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799, 804-805

9 California Government Code section 54952(b)

10 79 Ops.Cal.Atty.Gen. 69 (1996)

11 *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781, 793

12 California Government Code section 54952(c)(1). Regarding private organizations that receive local agency funding, the same rule applies to a full voting member appointed prior to February 9, 1996 who, after that date, is made a non-voting board member by the legislative body. California Government Code section 54952(c)(2)

13 California Government Code section 54952(c)(1)(A); International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal, Inc. (1999) 69 Cal.App.4th 287, 300; Epstein v. Hollywood Entertainment Dist. II Business Improvement District (2001) 87 Cal.App.4th 862, 876; see also 85 Ops.Cal.Atty.Gen. 55 (2002)

14 *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal* (1999) 69 Cal.App.4th 287, 300 fn. 5

15 *"The Brown Act, Open Meetings for Local Legislative Bodies,"* California Attorney General's Office (2003), p. 7

16 California Government Code section 54952(d)

17 California Government Code section 54952(b); see also *Freedom Newspapers, Inc. v. Orange County Employees Retirement System Board of Directors* (1993) 6 Cal.4th 821, 832.

18 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1129

19 56 Ops.Cal.Atty.Gen. 14, 16-17 (1973)

20 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870, 878-879

21 *Golightly v. Molina* (2014) 229 Cal.App.4th 1501, 1513

22 59 Ops.Cal.Atty.Gen. 162, 164 (1976)

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Chapter 3

MEETINGS

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The Brown Act only applies to meetings of local legislative bodies. The Brown Act defines a meeting as: "… and any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take any action on any item that is within the subject matter jurisdiction of the legislative body."[1] The term "meeting" is not limited to gatherings at which action is taken but includes deliberative gatherings as well. A hearing before an individual hearing officer is not a meeting under the Brown Act because it is not a hearing before a legislative body.[2]

Brown Act meetings

Brown Act meetings include a legislative body's regular meetings, special meetings, emergency meetings, and adjourned meetings.

- **"Regular meetings"** are meetings occurring at the dates, times, and location set by resolution, ordinance, or other formal action by the legislative body and are subject to 72-hour posting requirements.[3]
- **"Special meetings"** are meetings called by the presiding officer or majority of the legislative body to discuss only discrete items on the agenda under the Brown Act's notice requirements for special meetings and are subject to 24-hour posting requirements.[4]
- **"Emergency meetings"** are a limited class of meetings held when prompt action is needed due to actual or threatened disruption of public facilities and are held on little notice.[5]
- **"Adjourned meetings"** are regular or special meetings that have been adjourned or re-adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted.[6]

Six exceptions to the meeting definition

The Brown Act creates six exceptions to the meeting definition:[7]

Individual Contacts

The first exception involves individual contacts between a member of the legislative body and any other person. The Brown Act does not limit a legislative body member acting on his or her own. This exception recognizes the right to confer with constituents, advocates, consultants, news reporters, local agency staff, or a colleague.

Individual contacts, however, cannot be used to do in stages what would be prohibited in one step. For example, a series of individual contacts that leads to discussion, deliberation, or action among a majority of the members of a legislative body is prohibited. Such serial meetings are discussed below.

Conferences

The second exception allows a legislative body majority to attend a conference or similar gathering open to the public that addresses issues of general interest to the public or to public agencies of the type represented by the legislative body.

Among other things, this exception permits legislative body members to attend annual association conferences of city, county, school, community college, and other local agency officials, so long as those meetings are open to the public. However, a majority of members cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within their local agency's subject matter jurisdiction.

Community Meetings

The third exception allows a legislative body majority to attend an open and publicized meeting held by another organization to address a topic of local community concern. A majority cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the legislative body's subject matter jurisdiction. Under this exception, a legislative body majority may attend a local service club meeting or a local candidates' night if the meetings are open to the public.

> **"I see we have four distinguished members of the city council at our meeting tonight," said the chair of the Environmental Action Coalition. "I wonder if they have anything to say about the controversy over enacting a slow growth ordinance?"**
>
> *The Brown Act permits a majority of a legislative body to attend and speak at an open and publicized meeting conducted by another organization. The Brown Act may nevertheless be violated if a majority discusses, deliberates, or takes action on an item during the meeting of the other organization. There is a fine line between what is permitted and what is not; hence, members should exercise caution when participating in these types of events.*

Q. The local chamber of commerce sponsors an open and public candidate debate during an election campaign. Three of the five agency members are up for re-election and all three participate. All of the candidates are asked their views of a controversial project scheduled for a meeting to occur just after the election. May the three incumbents answer the question?

A. *Yes, because the Brown Act does not constrain the incumbents from expressing their views regarding important matters facing the local agency as part of the political process the same as any other candidates.*

Other Legislative Bodies

The fourth exception allows a majority of a legislative body to attend an open and publicized meeting of: (1) another body of the local agency; and (2) a legislative body of another local agency.[8] Again, the majority cannot discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within their subject matter jurisdiction. This exception allows, for example, a city council or a majority of a board of supervisors to attend a controversial meeting of the planning commission.

Nothing in the Brown Act prevents the majority of a legislative body from sitting together at such a meeting. They may choose not to, however, to preclude any possibility of improperly discussing local agency business and to avoid the appearance of a Brown Act violation. Further, aside from the Brown Act, there may be other reasons, such as due process considerations, why the members should avoid giving public testimony or trying to influence the outcome of proceedings before a subordinate body.

Q. The entire legislative body intends to testify against a bill before the Senate Local Government Committee in Sacramento. Must this activity be noticed as a meeting of the body?

A. *No, because the members are attending and participating in an open meeting of another governmental body which the public may attend.*

Q. The members then proceed upstairs to the office of their local Assembly member to discuss issues of local interest. Must this session be noticed as a meeting and be open to the public?

A. *Yes, because the entire body may not meet behind closed doors except for proper closed sessions. The same answer applies to a private lunch or dinner with the Assembly member.*

Standing Committees

The fifth exception authorizes the attendance of a majority at an open and noticed meeting of a standing committee of the legislative body, provided that the legislative body members who are not members of the standing committee attend only as observers (meaning that they cannot speak or otherwise participate in the meeting).[9]

Q. The legislative body establishes a standing committee of two of its five members, which meets monthly. A third member of the legislative body wants to attend these meetings and participate. May she?

A. *She may attend, but only as an observer; she may not participate.*

Social or Ceremonial Events

The final exception permits a majority of a legislative body to attend a purely social or ceremonial occasion. Once again, a majority cannot discuss business among themselves of a specific nature that is within the subject matter jurisdiction of the legislative body.

Nothing in the Brown Act prevents a majority of members from attending the same football game, party, wedding, funeral, reception, or farewell. The test is not whether a majority of a legislative body attends the function, but whether business of a specific nature within the subject matter jurisdiction of the body is discussed. So long as no such business is discussed, there is no violation of the Brown Act.

Grand Jury Testimony

In addition, members of a legislative body, either individually or collectively, may give testimony in private before a grand jury.[10] This is the equivalent of a seventh exception to the Brown Act's definition of a "meeting."

Collective briefings

None of these exceptions permits a majority of a legislative body to meet together with staff in advance of a meeting for a collective briefing. Any such briefings that involve a majority of the body in the same place and time must be open to the public and satisfy Brown Act meeting notice and agenda requirements.

Retreats or workshops of legislative bodies

Gatherings by a majority of legislative body members at the legislative body's retreats, study sessions, or workshops are covered under the Brown Act. This is the case whether the retreat, study session, or workshop focuses on long-range agency planning, discussion of critical local issues, or team building and group dynamics.[11]

Q. The legislative body wants to hold a team-building session to improve relations among its members. May such a session be conducted behind closed doors?

A. *No, this is not a proper subject for a closed session, and there is no other basis to exclude the public. Council relations are a matter of public business.*

Serial meetings

One of the most frequently asked questions about the Brown Act involves serial meetings. At any one time, such meetings involve only a portion of a legislative body, but eventually involve a majority. The Brown Act provides that "[a] majority of the members of a legislative body shall not, outside a meeting … use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body."[12] The problem with serial meetings is the process, which deprives the public of an opportunity for meaningful observation of and participation in legislative body decision-making.

The serial meeting may occur by either a "daisy chain" or a "hub and spoke" sequence. In the daisy chain scenario, Member A contacts Member B, Member B contacts Member C, Member C contacts Member D and so on, until a quorum has discussed, deliberated, or taken action on an item within the legislative body's subject matter jurisdiction. The hub and spoke process involves at least two scenarios. In the first scenario, Member A (the hub) sequentially contacts Members B, C, and D and so on (the spokes), until a quorum has been contacted. In the second scenario, a staff member (the hub), functioning as an intermediary for the legislative body or one of its members, communicates with a majority of members (the spokes) one-by-one for for discussion, deliberation, or a decision on a proposed action.[13] Another example of a serial meeting is when a chief executive officer (the hub) briefs a majority of members (the spokes) prior to a formal meeting and, in the process, information about the members' respective views is revealed. Each of these scenarios violates the Brown Act.

A legislative body member has the right, if not the duty, to meet with constituents to address their concerns. That member also has the right to confer with a colleague (but not with a majority of the body, counting the member) or appropriate staff about local agency business. An employee or official of a local agency may engage in separate conversations or communications outside of an open and noticed meeting "with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body."[14]

The Brown Act has been violated, however, if several one-on-one meetings or conferences leads to a discussion, deliberation, or action by a majority. In one case, a violation occurred when a quorum of a city council, by a letter that had been circulated among members outside of a formal meeting, directed staff to take action in an eminent domain proceeding.[15]

A unilateral written communication to the legislative body, such as an informational or advisory memorandum, does not violate the Brown Act.[16] Such a memo, however, may be a public record.[17]

The phone call was from a lobbyist. "Say, I need your vote for that project in the south area. How about it?"

"Well, I don't know," replied Board Member Aletto. "That's kind of a sticky proposition. You sure you need my vote?"

"Well, I've got Bradley and Cohen lined up and another vote leaning. With you I'd be over the top."

Moments later, the phone rings again. "Hey, I've been hearing some rumbles on that south area project," said the newspaper reporter. "I'm counting noses. How are you voting on it?"

Neither the lobbyist nor the reporter has violated the Brown Act, but they are facilitating *a violation. The board member may have violated the Brown Act by hearing about the positions of other board members and indeed coaxing the lobbyist to reveal the other board members' positions by asking "You sure you need my vote?" The prudent course is to avoid such leading conversations and to caution lobbyists, staff, and news media against revealing such positions of others.*

The mayor sat down across from the city manager. "From now on," he declared, "I want you to provide individual briefings on upcoming agenda items. Some of this material is very technical, and the council members don't want to sound like idiots asking about it in public. Besides that, briefings will speed up the meeting."

Agency employees or officials may have separate conversations or communications outside of an open and noticed meeting "with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body."[18] Members should always be vigilant when discussing local agency business with anyone to avoid conversations that could lead to a discussion, deliberation or action taken among the majority of the legislative body.

"Thanks for the information," said Council Member Kim. "These zoning changes can be tricky, and now I think I'm better equipped to make the right decision."

"Glad to be of assistance," replied the planning director. "I'm sure Council Member Jones is OK with these changes. How are you leaning?"

"Well," said Council Member Kim, "I'm leaning toward approval. I know that two of my colleagues definitely favor approval."

The planning director should not disclose Jones' prospective vote, and Kim should not disclose the prospective votes of two of her colleagues. Under these facts, there likely has been a serial meeting in violation of the Brown Act.

Q. The agency's website includes a chat room where agency employees and officials participate anonymously and often discuss issues of local agency business. Members of the legislative body participate regularly. Does this scenario present a potential for violation of the Brown Act?

A. *Yes, because it is a technological device that may serve to allow for a majority of members to discuss, deliberate, or take action on matters of agency business.*

Q. A member of a legislative body contacts two other members on a five-member body relative to scheduling a special meeting. Is this an illegal serial meeting?

A. *No, the Brown Act expressly allows a majority of a body to call a special meeting, though the members should avoid discussing the merits of what is to be taken up at the meeting.*

PRACTICE TIP: When briefing legislative body members, staff must exercise care not to disclose other members' views and positions.

Particular care should be exercised when staff briefings of legislative body members occur by email because of the ease of using the "reply to all" button that may inadvertently result in a Brown Act violation.

Informal gatherings

Often members are tempted to mix business with pleasure — for example, by holding a post-meeting gathering. Informal gatherings at which local agency business is discussed or transacted violate the law if they are not conducted in conformance with the Brown Act.[19] A luncheon gathering in a crowded dining room violates the Brown Act if the public does not have an opportunity to attend, hear, or participate in the deliberations of members.

> **Thursday at 11:30 a.m., as they did every week, the board of directors of the Dry Gulch Irrigation District trooped into Pop's Donut Shoppe for an hour of talk and fellowship. They sat at the corner window, fronting on Main and Broadway, to show they had nothing to hide. Whenever he could, the managing editor of the weekly newspaper down the street hurried over to join the board.**

A gathering like this would not violate the Brown Act if board members scrupulously avoided talking about irrigation district issues — which might be difficult. This kind of situation should be avoided. The public is unlikely to believe the board members could meet regularly without discussing public business. A newspaper executive's presence in no way lessens the potential for a violation of the Brown Act.

Q. The agency has won a major victory in the Supreme Court on an issue of importance. The presiding officer decides to hold an impromptu press conference in order to make a statement to the print and broadcast media. All the other members show up in order to make statements of their own and be seen by the media. Is this gathering illegal?

A. *Technically there is no exception for this sort of gathering, but as long as members do not state their intentions as to future action to be taken and the press conference is open to the public, it seems harmless.*

Technological conferencing

Except for certain nonsubstantive purposes, such as scheduling a special meeting, a conference call including a majority of the members of a legislative body is an unlawful meeting. But, in an effort to keep up with information age technologies, the Brown Act specifically allows a legislative body to use any type of teleconferencing to meet, receive public comment and testimony, deliberate, or conduct a closed session.[20] While the Brown Act contains specific requirements for conducting a teleconference, the decision to use teleconferencing is entirely discretionary with the body. No person has a right under the Brown Act to have a meeting by teleconference.

"Teleconference" is defined as "a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both."[21] In addition to the specific requirements relating to teleconferencing, the meeting must comply with all provisions of the Brown Act otherwise applicable. The Brown Act contains the following teleconferencing requirements:[22]

- Teleconferencing may be used for all purposes during any meeting;
- At least a quorum of the legislative body must participate from locations within the local agency's jurisdiction;
- Additional teleconference locations may be made available for the public;
- Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable;
- Agendas must be posted at each teleconference location, even if a hotel room or a residence;
- Each teleconference location, including a hotel room or residence, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate;
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location; and
- All votes must be by roll call.

Q. A member on vacation wants to participate in a meeting of the legislative body and vote by cellular phone from her car while driving from Washington, D.C. to New York. May she?

A. *She may not participate or vote because she is not in a noticed and posted teleconference location.*

The use of teleconferencing to conduct a legislative body meeting presents a variety of issues beyond the scope of this guide to discuss in detail. Therefore, before teleconferencing a meeting, legal counsel for the local agency should be consulted.

Location of meetings

The Brown Act generally requires all regular and special meetings of a legislative body, including retreats and workshops, to be held within the boundaries of the territory over which the local agency exercises jurisdiction.[23]

An open and publicized meeting of a legislative body may be held outside of agency boundaries if the purpose of the meeting is one of the following:[24]

- Comply with state or federal law or a court order, or attend a judicial conference or administrative proceeding in which the local agency is a party;
- Inspect real or personal property that cannot be conveniently brought into the local agency's territory, provided the meeting is limited to items relating to that real or personal property;

Q. The agency is considering approving a major retail mall. The developer has built other similar malls, and invites the entire legislative body to visit a mall outside the jurisdiction. May the entire body go?

A. *Yes, the Brown Act permits meetings outside the boundaries of the agency for specified reasons and inspection of property is one such reason. The field trip must be treated as a meeting and the public must be allowed to attend.*

- Participate in multiagency meetings or discussions; however, such meetings must be held within the boundaries of one of the participating agencies, and all of those agencies must give proper notice;
- Meet in the closest meeting facility if the local agency has no meeting facility within its boundaries, or meet at its principal office if that office is located outside the territory over which the agency has jurisdiction;
- Meet with elected or appointed federal or California officials when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction;
- Meet in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility; or
- Visit the office of its legal counsel for a closed session on pending litigation, when to do so would reduce legal fees or costs.[25]

In addition, the governing board of a school or community college district may hold meetings outside of its boundaries to attend a conference on nonadversarial collective bargaining techniques, interview candidates for school district superintendent, or interview a potential employee from another district.[26] A school board may also interview members of the public residing in another district if the board is considering employing that district's superintendent.

Similarly, meetings of a joint powers authority can occur within the territory of at least one of its member agencies, and a joint powers authority with members throughout the state may meet anywhere in the state.[27]

Finally, if a fire, flood, earthquake, or other emergency makes the usual meeting place unsafe, the presiding officer can designate another meeting place for the duration of the emergency. News media that have requested notice of meetings must be notified of the designation by the most rapid means of communication available.[28]

Endnotes:

1 California Government Code section 54952.2(a)

2 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870

3 California Government Code section 54954(a)

4 California Government Code section 54956

5 California Government Code section 54956.5

6 California Government Code section 54955

7 California Government Code section 54952.2(c)

8 California Government Code section 54952.2(c)(4)

9 California Government Code section 54952.2(c)(6)

10 California Government Code section 54953.1

11 "*The Brown Act,*" California Attorney General (2003), p. 10

12 California Government Code section 54952.2(b)(1)

13 *Stockton Newspaper Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95

14 California Government Code section 54952.2(b)(2)

15 *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518

16 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363

17 California Government Code section 54957.5(a)

18 California Government Code section 54952.2(b)(2)

19 California Government Code section 54952.2; 43 Ops.Cal.Atty.Gen. 36 (1964)

20 California Government Code section 54953(b)(1)

21 California Government Code section 54953(b)(4)

22 California Government Code section 54953

23 California Government Code section 54954(b)

24 California Government Code section 54954(b)(1)-(7)

25 94 Ops.Cal.Atty.Gen. 15 (2011)

26 California Government Code section 54954(c)

27 California Government Code section 54954(d)

28 California Government Code section 54954(e)

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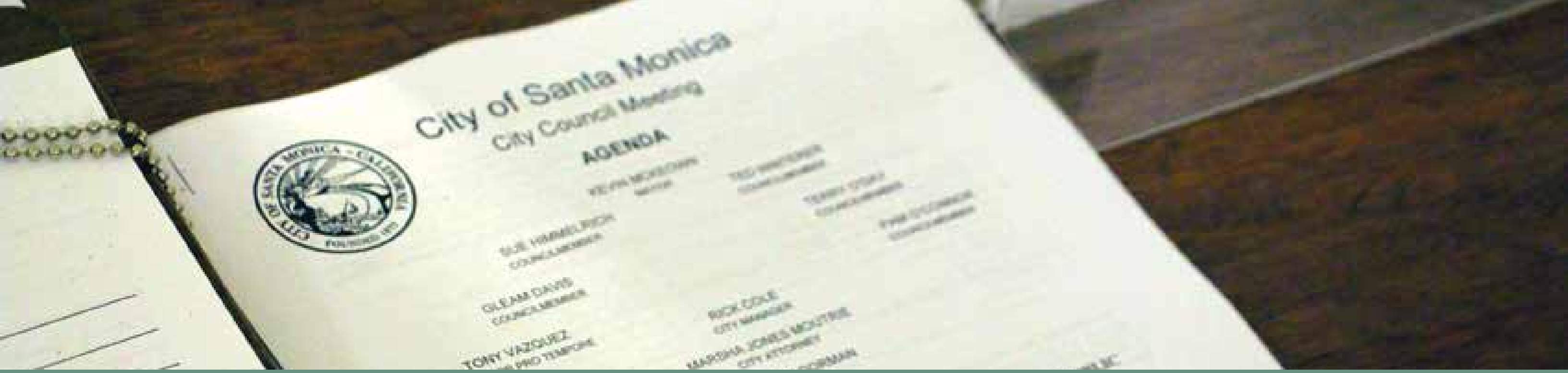


Chapter 4

AGENDAS, NOTICES, AND PUBLIC PARTICIPATION

Chapter 4

AGENDAS, NOTICES, AND PUBLIC PARTICIPATION

Effective notice is essential for an open and public meeting. Whether a meeting is open or how the public may participate in that meeting is academic if nobody knows about the meeting.

Agendas for regular meetings

Every regular meeting of a legislative body of a local agency — including advisory committees, commissions, or boards, as well as standing committees of legislative bodies — must be preceded by a posted agenda that advises the public of the meeting and the matters to be transacted or discussed.

The agenda must be posted at least 72 hours before the regular meeting in a location "freely accessible to members of the public."[1] The courts have not definitively interpreted the "freely accessible" requirement. The California Attorney General has interpreted this provision to require posting in a location accessible to the public 24 hours a day during the 72-hour period, but any of the 72 hours may fall on a weekend.[2] This provision may be satisfied by posting on a touch screen electronic kiosk accessible without charge to the public 24 hours a day during the 72-hour period.[3] While posting an agenda on an agency's Internet website will not, by itself, satisfy the "freely accessible" requirement since there is no universal access to the internet, an agency has a supplemental obligation to post the agenda on its website if: (1) the local agency has a website; and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body, or (b) has members that are compensated, with one or more members that are also members of a governing body.[4]

Q. May the meeting of a governing body go forward if its agenda was either inadvertently not posted on the city's website or if the website was not operational during part or all of the 72-hour period preceding the meeting?

A. *At a minimum, the Brown Act calls for "substantial compliance" with all agenda posting requirements, including posting to the agency website.[5] Should website technical difficulties arise, seek a legal opinion from your agency attorney. The California Attorney General has opined that technical difficulties which cause the website agenda to become inaccessible for a portion of the 72 hours preceding a meeting do not automatically or inevitably lead to a Brown Act violation, provided the agency can demonstrate substantial compliance.[6] This inquiry requires a fact-specific examination of whether the agency or its legislative body made "reasonably effective efforts to notify interested persons of a public meeting" through online posting and other available means.[7] The Attorney General's opinion suggests that this examination would include an evaluation of how long a technical problem persisted, the efforts made to correct the problem or otherwise ensure that the public was informed, and the actual effect the problem had on public* *awareness, among other factors.[8] The City Attorneys' Department has taken the position that obvious website technical difficulties do not require cancellation of a meeting, provided that the agency meets all other Brown Act posting requirements and the agenda is available on the website once the technical difficulties are resolved.*

The agenda must state the meeting time and place and must contain "a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session."[9] Special care should be taken to describe on the agenda each distinct action to be taken by the legislative body, and avoid overbroad descriptions of a "project" if the "project" is actually a set of distinct actions that must each be separately listed on the agenda.[10]

PRACTICE TIP: Putting together a meeting agenda requires careful thought.

Q. The agenda for a regular meeting contains the following items of business:

- Consideration of a report regarding traffic on Eighth Street; and
- Consideration of contract with ABC Consulting.

Are these descriptions adequate?

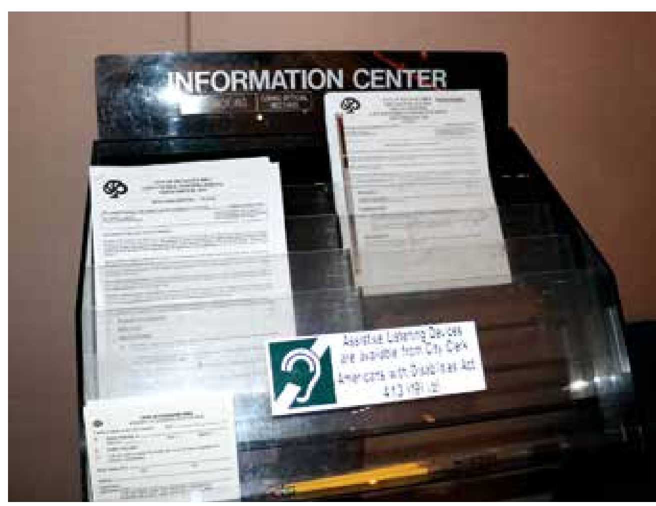
A. *If the first is, it is barely adequate. A better description would provide the reader with some idea of what the report is about and what is being recommended. The second is not adequate. A better description might read "consideration of a contract with ABC Consulting in the amount of $50,000 for traffic engineering services regarding traffic on Eighth Street."*

Q. The agenda includes an item entitled City Manager's Report, during which time the city manager provides a brief report on notable topics of interest, none of which are listed on the agenda.

Is this permissible?

A. *Yes, so long as it does not result in extended discussion or action by the body.*

A brief general description may not be sufficient for closed session agenda items. The Brown Act provides safe harbor language for the various types of permissible closed sessions. Substantial compliance with the safe harbor language is recommended to protect legislative bodies and elected officials from legal challenges.



Mailed agenda upon written request

The legislative body, or its designee, must mail a copy of the agenda or, if requested, the entire agenda packet, to any person who has filed a written request for such materials. These copies shall be mailed at the time the agenda is posted. If requested, these materials must be made available in appropriate alternative formats to persons with disabilities.

A request for notice is valid for one calendar year and renewal requests must be filed following January 1 of each year. The legislative body may establish a fee to recover the cost of providing the service. Failure of the requesting person to receive the agenda does not constitute grounds for invalidation of actions taken at the meeting.[11]

Notice requirements for special meetings

There is no express agenda requirement for special meetings, but the notice of the special meeting effectively serves as the agenda and limits the business that may be transacted or discussed. Written notice must be sent to each member of the legislative body (unless waived in writing by that member) and to each local newspaper of general circulation, and radio or television station that has requested such notice in writing. This notice must be delivered by personal delivery or any other means that ensures receipt, at least 24 hours before the time of the meeting.

The notice must state the time and place of the meeting, as well as all business to be transacted or discussed. It is recommended that the business to be transacted or discussed be described in the same manner that an item for a regular meeting would be described on the agenda — with a brief general description. As noted above, closed session items should be described in accordance with the Brown Act's safe harbor provisions to protect legislative bodies and elected officials from challenges of noncompliance with notice requirements.

The special meeting notice must also be posted at least 24 hours prior to the special meeting using the same methods as posting an agenda for a regular meeting: (1) at a site that is freely accessible to the public, and (2) on the agency's website if: (1) the local agency has a website; and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body, or (b) has members that are compensated, with one or more members that are also members of a governing body.[12]

Notices and agendas for adjourned and continued meetings and hearings

A regular or special meeting can be adjourned and re-adjourned to a time and place specified in the order of adjournment.[13] If no time is stated, the meeting is continued to the hour for regular meetings. Whoever is present (even if they are less than a quorum) may so adjourn a meeting; if no member of the legislative body is present, the clerk or secretary may adjourn the meeting. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced.[14] A copy of the order of adjournment must be posted within 24 hours after the adjournment, at or near the door of the place where the meeting was held.

A hearing can be continued to a subsequent meeting. The process is the same as for continuing adjourned meetings, except that if the hearing is continued to a time less than 24 hours away, a copy of the order or notice of continuance must be posted immediately following the meeting.[15]

Notice requirements for emergency meetings

The special meeting notice provisions apply to emergency meetings, except for the 24-hour notice.[16] News media that have requested written notice of special meetings must be notified by telephone at least one hour in advance of an emergency meeting, and all telephone numbers provided in that written request must be tried. If telephones are not working, the notice requirements are deemed waived. However, the news media must be notified as soon as possible of the meeting and any action taken.

News media may make a practice of having written requests on file for notification of special or emergency meetings. Absent such a request, a local agency has no legal obligation to notify news media of special or emergency meetings — although notification may be advisable in any event to avoid controversy.

Notice of compensation for simultaneous or serial meetings

A legislative body that has convened a meeting and whose membership constitutes a quorum of another legislative body, may convene a simultaneous or serial meeting of the other legislative body only after a clerk or member of the convened legislative body orally announces: (1) the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the meeting of the other legislative body; and (2) that the compensation or stipend is provided as a result of convening the meeting of that body.[17]

No oral disclosure of the amount of the compensation is required if the entire amount of such compensation is prescribed by statute and no additional compensation has been authorized by the local agency. Further, no disclosure is required with respect to reimbursements for actual and necessary expenses incurred in the performance of the member's official duties, such as for travel, meals, and lodging.

Educational agency meetings

The Education Code contains some special agenda and special meeting provisions.[18] However, they are generally consistent with the Brown Act. An item is probably void if not posted.[19] A school district board must also adopt regulations to make sure the public can place matters affecting the district's business on meeting agendas and to address the board on those items.[20]

Notice requirements for tax or assessment meetings and hearings

The Brown Act prescribes specific procedures for adoption by a city, county, special district, or joint powers authority of any new or increased tax or assessment imposed on businesses.[21] Though written broadly, these Brown Act provisions do not apply to new or increased real property taxes or assessments as those are governed by the California Constitution, Article XIIIC or XIIID, enacted by Proposition 218. At least one public meeting must be held to allow public testimony on the tax or assessment. In addition, there must also be at least 45 days notice of a public hearing at which the legislative body proposes to enact or increase the tax or assessment. Notice of the public meeting and public hearing must be provided at the same time and in the same document. The public notice relating to general taxes must be provided by newspaper publication. The public notice relating to new or increased business assessments must be provided through a mailing to all business owners proposed to be subject to the new or increased assessment. The agency may recover the reasonable costs of the public meetings, hearings, and notice.

The Brown Act exempts certain fees, standby or availability charges, recurring assessments, and new or increased assessments that are subject to the notice and hearing requirements of the Constitution.[22] As a practical matter, the Constitution's notice requirements have preempted this section of the Brown Act.

Non-agenda items

The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:[23]

- When a majority decides there is an "emergency situation" (as defined for emergency meetings);
- When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action "came to the attention of the local agency subsequent to the agenda being posted." This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A new need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline; or
- When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.

PRACTICE TIP: Subject to very limited exceptions, the Brown Act prohibits any action or discussion of an item not on the posted agenda.

The exceptions are narrow, as indicated by this list. The first two require a specific determination by the legislative body. That determination can be challenged in court and, if unsubstantiated, can lead to invalidation of an action.

"I'd like a two-thirds vote of the board, so we can go ahead and authorize commencement of phase two of the East Area Project," said Chair Lopez.

"It's not on the agenda. But we learned two days ago that we finished phase one ahead of schedule — believe it or not — and I'd like to keep it that way. Do I hear a motion?"

The desire to stay ahead of schedule generally would not satisfy "a need for immediate action." Too casual an action could invite a court challenge by a disgruntled resident. The prudent course is to place an item on the agenda for the next meeting and not risk invalidation.

"We learned this morning of an opportunity for a state grant," said the chief engineer at the regular board meeting, "but our application has to be submitted in two days. We'd like the board to give us the go ahead tonight, even though it's not on the agenda."

A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process:

- First, make two determinations: 1) that there is an immediate need to take action, and 2) that the need arose after the posting of the agenda. The matter is then placed on the agenda.
- Second, discuss and act on the added agenda item.

Responding to the public

The public can talk about anything within the jurisdiction of the legislative body, but the legislative body generally cannot act on or discuss an item not on the agenda. What happens when a member of the public raises a subject not on the agenda?

While the Brown Act does not allow discussion or action on items not on the agenda, it does allow members of the legislative body, or its staff, to "briefly respond" to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda. In addition, even without a comment from the public, a legislative body member or a staff member may ask for information, request a report back, request to place a matter on the agenda for a subsequent meeting (subject to the body's rules or procedures), ask a question for clarification, make a brief announcement, or briefly report on his or her own activities.[24] However, caution should be used to avoid any discussion or action on such items.

Council Member Jefferson: I would like staff to respond to Resident Joe's complaints during public comment about the repaving project on Elm Street — are there problems with this project?

City Manager Frank: The public works director has prepared a 45-minute power point presentation for you on the status of this project and will give it right now.

Council Member Brown: Take all the time you need; we need to get to the bottom of this. Our residents are unhappy.

It is clear from this dialogue that the Elm Street project was not on the council's agenda, but was raised during the public comment period for items not on the agenda. Council Member A properly asked staff to respond; the city manager should have given at most a brief response. If a lengthy report from the public works director was warranted, the city manager should have stated that it would be placed on the agenda for the next meeting. Otherwise, both the long report and the likely discussion afterward will improperly embroil the council in a matter that is not listed on the agenda.

The right to attend and observe meetings

A number of Brown Act provisions protect the public's right to attend, observe, and participate in meetings.

Members of the public cannot be required to register their names, provide other information, complete a questionnaire, or otherwise "fulfill any condition precedent" to attending a meeting. Any attendance list, questionnaire, or similar document posted at or near the entrance to the meeting room or circulated at a meeting must clearly state that its completion is voluntary and that all persons may attend whether or not they fill it out.[25]

No meeting can be held in a facility that prohibits attendance based on race, religion, color, national origin, ethnic group identification, age, sex, sexual orientation, or disability, or that is inaccessible to the disabled. Nor can a meeting be held where the public must make a payment or purchase in order to be present.[26] This does not mean, however, that the public is entitled to free entry to a conference attended by a majority of the legislative body.[27]

While a legislative body may use teleconferencing in connection with a meeting, the public must be given notice of and access to the teleconference location. Members of the public must be able to address the legislative body from the teleconference location.[28]

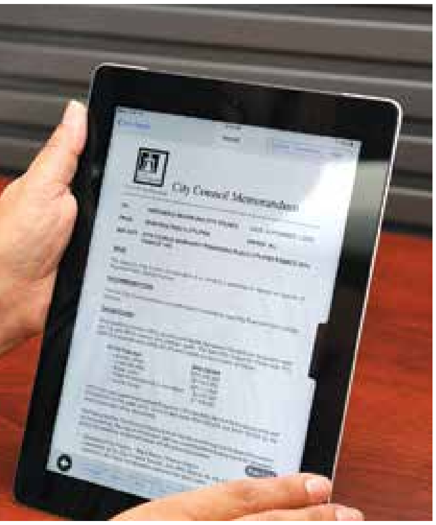
Action by secret ballot, whether preliminary or final, is flatly prohibited.[29]

All actions taken by the legislative body in open session, and the vote of each member thereon, must be disclosed to the public at the time the action is taken.[30]

Q: The agenda calls for election of the legislative body's officers. Members of the legislative body want to cast unsigned written ballots that would be tallied by the clerk, who would announce the results. Is this voting process permissible?

A: *No. The possibility that a public vote might cause hurt feelings among members of the legislative body or might be awkward — or even counterproductive — does not justify a secret ballot.*

The legislative body may remove persons from a meeting who willfully interrupt proceedings.[31] Ejection is justified only when audience members actually disrupt the proceedings.[32] If order cannot be restored after ejecting disruptive persons, the meeting room may be cleared. Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. The legislative body may establish a procedure to re-admit an individual or individuals not responsible for the disturbance.[33]



Records and recordings

The public has the right to review agendas and other writings distributed by any person to a majority of the legislative body in connection with a matter subject to discussion or consideration at a meeting. Except for privileged documents, those materials are public records and must be made available upon request without delay.[34] A fee or deposit as permitted by the California Public Records Act may be charged for a copy of a public record.[35]

Q: In connection with an upcoming hearing on a discretionary use permit, counsel for the legislative body transmits a memorandum to all members of the body outlining the litigation risks in granting or denying the permit. Must this memorandum be included in the packet of agenda materials available to the public?

A: *No. The memorandum is a privileged attorney-client communication.*

Q: In connection with an agenda item calling for the legislative body to approve a contract, staff submits to all members of the body a financial analysis explaining why the terms of the contract favor the local agency. Must this memorandum be included in the packet of agenda materials available to the public?

A. *Yes. The memorandum has been distributed to the majority of the legislative body, relates to the subject matter of a meeting, and is not a privileged communication.*

A legislative body may discuss or act on some matters without considering written materials. But if writings are distributed to a majority of a legislative body in connection with an agenda item, they must also be available to the public. A non-exempt or otherwise privileged writing distributed to a majority of the legislative body less than 72 hours before the meeting must be made available for inspection at the time of distribution at a public office or location designated for that purpose; and the agendas for all meetings of the legislative body must include the address of this office or location.[36] A writing distributed during a meeting must be made public:

- At the meeting if prepared by the local agency or a member of its legislative body; or
- After the meeting if prepared by some other person.[37]

Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency is subject to the California Public Records Act; however, it may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording is to be provided without charge on a video or tape player made available by the local agency.[38] The agency may impose its ordinary charge for copies that is consistent with the California Public Records Act.[39]

In addition, the public is specifically allowed to use audio or video tape recorders or still or motion picture cameras at a meeting to record the proceedings, absent a reasonable finding by the legislative body that noise, illumination, or obstruction of view caused by recorders or cameras would persistently disrupt the proceedings.[40]

Similarly, a legislative body cannot prohibit or restrict the public broadcast of its open and public meetings without making a reasonable finding that the noise, illumination, or obstruction of view would persistently disrupt the proceedings.[41]

PRACTICE TIP: Public speakers cannot be compelled to give their name or address as a condition of speaking. The clerk or presiding officer may request speakers to complete a speaker card or identify themselves for the record, but must respect a speaker's desire for anonymity.

The public's place on the agenda

Every agenda for a regular meeting must allow members of the public to speak on any item of interest, so long as the item is within the subject matter jurisdiction of the legislative body. Further, the public must be allowed to speak on a specific item of business before or during the legislative body's consideration of it.[42]

Q. Must the legislative body allow members of the public to show videos or make a power point presentation during the public comment part of the agenda, as long as the subject matter is relevant to the agency and is within the established time limit?

A. *Probably, although the agency is under no obligation to provide equipment.*

Moreover, the legislative body cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body itself. But the Brown Act provides no immunity for defamatory statements.[43]

Q. May the presiding officer prohibit a member of the audience from publicly criticizing an agency employee by name during public comments?

A. *No, as long as the criticism pertains to job performance.*

Q. During the public comment period of a regular meeting of the legislative body, a resident urges the public to support and vote for a candidate vying for election to the body. May the presiding officer gavel the speaker out of order for engaging in political campaign speech?

A. *There is no case law on this subject. Some would argue that campaign issues are outside the subject matter jurisdiction of the body within the meaning of Section 54954.3(a). Others take the view that the speech must be allowed under paragraph (c) of that section because it is relevant to the governing of the agency and an implicit criticism of the incumbents.*

The legislative body may adopt reasonable regulations, including time limits, on public comments. Such regulations should be enforced fairly and without regard to speakers' viewpoints. The legislative body has discretion to modify its regulations regarding time limits on public comment if necessary. For example, the time limit could be shortened to accommodate a lengthy agenda or lengthened to allow additional time for discussion on a complicated matter.[44]

The public does not need to be given an opportunity to speak on an item that has already been considered by a committee made up exclusively of members of the legislative body at a public meeting, if all interested members of the public had the opportunity to speak on the item before or during its consideration, and if the item has not been substantially changed.[45]

Notices and agendas for special meetings must also give members of the public the opportunity to speak before or during consideration of an item on the agenda but need not allow members of the public an opportunity to speak on other matters within the jurisdiction of the legislative body.[46]

Endnotes:

1 California Government Code section 54954.2(a)(1)

2 78 Ops.Cal.Atty.Gen. 327 (1995)

3 88 Ops.Cal.Atty.Gen. 218 (2005)

4 California Government Code sections 54954.2(a)(1) and 54954.2(d)

5 California Government Code section 54960.1(d)(1)

6 ___ Ops.Cal.Atty.Gen.___, No. 14-1204 (January 19, 2016) 16 Cal. Daily Op. Serv. 937 (Cal.A.G.), 2016 WL 375262

7 *North Pacifica LLC v. California Coastal Commission* (2008) 166 Cal.App.4th 1416, 1432

8 ___ Ops.Cal.Atty.Gen.___, No. 14-1204 (January 19, 2016) 16 Cal. Daily Op. Serv. 937 (Cal.A.G.), 2016 WL 375262, Slip Op. at p. 8

9 California Government Code section 54954.2(a)(1)

10 *San Joaquin Raptor Rescue v. County of Merced* (2013) 216 Cal.App.4th 1167 (legislative body's approval of CEQA action (mitigated negative declaration) without specifically listing it on the agenda violates Brown Act, even if the agenda generally describes the development project that is the subject of the CEQA analysis.)

11 California Government Code section 54954.1

12 California Government Code sections 54956(a) and (c)

13 California Government Code section 54955

14 California Government Code section 54954.2(b)(3)

15 California Government Code section 54955.1

16 California Government Code section 54956.5

17 California Government Code section 54952.3

18 Education Code sections 35144, 35145 and 72129

19 *Carlson v. Paradise Unified School District* (1971) 18 Cal.App.3d 196

20 California Education Code section 35145.5

21 California Government Code section 54954.6

22 See Cal.Const.Art.XIIIC, XIIID and California Government Code section 54954.6(h)

23 California Government Code section 54954.2(b)

24 California Government Code section 54954.2(a)(2)

25 California Government Code section 54953.3

26 California Government Code section 54961(a); California Government Code section 11135(a)

27 California Government Code section 54952.2(c)(2)

28 California Government Code section 54953(b)

29 California Government Code section 54953(c)

30 California Government Code section 54953(c)(2)

31 California Government Code section 54957.9.

32 *Norse v. City of Santa Cruz* (9th Cir. 2010) 629 F.3d 966 (silent and momentary Nazi salute directed towards mayor is not a disruption); *Acosta v. City of Costa Mesa* (9th Cir. 2013) 718 F.3d 800 (city council may not prohibit "insolent" remarks by members of the public absent actual disruption).

33 California Government Code section 54957.9

34 California Government Code section 54957.5

35 California Government Code section 54957.5(d)

36 California Government Code section 54957.5(b)

37 California Government Code section 54957.5(c)

38 California Government Code section 54953.5(b)

39 California Government Code section 54957.5(d)

40 California Government Code section 54953.5(a)

41 California Government Code section 54953.6

42 California Government Code section 54954.3(a)

43 California Government Code section 54954.3(c)

44 California Government Code section 54954.3(b); Chaffee v. San Francisco Public Library Com. (2005) 134 Cal.App.4th 109; 75 Ops.Cal.Atty.Gen. 89 (1992)

45 California Government Code section 54954.3(a)

46 California Government Code section 54954.3(a)

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at **www.cacities.org/opengovernment**. A current version of the Brown Act may be found at **www.leginfo.ca.gov**.

Chapter 5

CLOSED SESSIONS

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CLOSED SESSIONS

A closed session is a meeting of a legislative body conducted in private without the attendance of the public or press. A legislative body is authorized to meet in closed session only to the extent expressly authorized by the Brown Act.[1]

As summarized in Chapter 1 of this Guide, it is clear that the Brown Act must be interpreted liberally in favor of open meetings, and exceptions that limit public access (including the exceptions for closed session meetings) must be narrowly construed.[2] The most common purposes of the closed session provisions in the Brown Act are to avoid revealing confidential information (e.g., prejudicing the city's position in litigation or compromising the privacy interests of employees). Closed sessions should be conducted keeping those narrow purposes in mind. It is not enough that a subject is sensitive, embarrassing, or controversial. Without specific authority in the Brown Act for a closed session, a matter to be considered by a legislative body must be discussed in public. As an example, a board of police commissioners cannot meet in closed session to provide general policy guidance to a police chief, even though some matters are sensitive and the commission considers their disclosure contrary to the public interest.[3]

In this chapter, the grounds for convening a closed session are called "exceptions" because they are exceptions to the general rule that meetings must be conducted openly. In some circumstances, none of the closed session exceptions apply to an issue or information the legislative body wishes to discuss privately. In these cases, it is not proper to convene a closed session, even to protect confidential information. For example, although the Brown Act does authorize closed sessions related to specified types of contracts (e.g., specified provisions of real property agreements, employee labor agreements, and litigation settlement agreements),[4] the Brown Act does not authorize closed sessions for other contract negotiations.

PRACTICE TIP: Some problems over closed sessions arise because secrecy itself breeds distrust. The Brown Act does not require closed sessions and legislative bodies may do well to resist the tendency to call a closed session simply because it may be permitted. A better practice is to go into closed session only when necessary.

Agendas and reports

Closed session items must be briefly described on the posted agenda and the description must state the specific statutory exemption.[5] An item that appears on the open meeting portion of the agenda may not be taken into closed session until it has been properly agendized as a closed session item or unless it is properly added as a closed session item by a two-thirds vote of the body after making the appropriate urgency findings.[6]

The Brown Act supplies a series of fill in the blank sample agenda descriptions for various types of authorized closed sessions, which provide a "safe harbor" from legal attacks. These sample agenda descriptions cover license and permit determinations, real property negotiations, existing or anticipated litigation, liability claims, threats to security, public employee appointments, evaluations and discipline, labor negotiations, multi-jurisdictional law enforcement cases, hospital boards of directors, medical quality assurance committees, joint powers agencies, and audits by the California State Auditor's Office.[7]

If the legislative body intends to convene in closed session, it must include the section of the Brown Act authorizing the closed session in advance on the agenda and it must make a public announcement prior to the closed session discussion. In most cases, the announcement may simply be a reference to the agenda item.[8]

Following a closed session, the legislative body must provide an oral or written report on certain actions taken and the vote of every elected member present. The timing and content of the report varies according to the reason for the closed session and the action taken.[9] The announcements may be made at the site of the closed session, so long as the public is allowed to be present to hear them.

PRACTICE TIP: Pay close attention to closed session agenda descriptions. Using the wrong label can lead to invalidation of an action taken in closed session if not substantially compliant.

If there is a standing or written request for documentation, any copies of contracts, settlement agreements, or other documents finally approved or adopted in closed session must be provided to the requestor(s) after the closed session, if final approval of such documents does not rest with any other party to the contract or settlement. If substantive amendments to a contract or settlement agreement approved by all parties requires retyping, such documents may be held until retyping is completed during normal business hours, but the substance of the changes must be summarized for any person inquiring about them.[10]

The Brown Act does not require minutes, including minutes of closed sessions. However, a legislative body may adopt an ordinance or resolution to authorize a confidential "minute book" be kept to record actions taken at closed sessions.[11] If one is kept, it must be made available to members of the legislative body, provided that the member asking to review minutes of a particular meeting was not disqualified from attending the meeting due to a conflict of interest.[12] A court may order the disclosure of minute books for the court's review if a lawsuit makes sufficient claims of an open meeting violation.

Litigation

There is an attorney/client relationship, and legal counsel may use it to protect the confidentiality of privileged written and oral communications to members of the legislative body — outside of meetings. But protection of the attorney/client privilege cannot by itself be the reason for a closed session.[13]

The Brown Act expressly authorizes closed sessions to discuss what is considered pending litigation. The rules that apply to holding a litigation closed session involve complex, technical definitions and procedures. The essential thing to know is that a closed session can be held by the body to confer with, or receive advice from, its legal counsel when open discussion would prejudice the position of the local agency in litigation in which the agency is, or could become, a party.[14] The litigation exception under the Brown Act is narrowly construed and does not permit activities beyond a legislative body's conferring with its own legal counsel and required support staff.[15] For example, it is not permissible to hold a closed session in which settlement negotiations take place between a legislative body, a representative of an adverse party, and a mediator.[16]

The California Attorney General has opined that if the agency's attorney is not a participant, a litigation closed session cannot be held.[17] In any event, local agency officials should always consult the agency's attorney before placing this type of closed session on the agenda in order to be certain that it is being done properly.

Before holding a closed session under the pending litigation exception, the legislative body must publicly state the basis for the closed session by identifying one of the following three types of matters: existing litigation, anticipated exposure to litigation, or anticipated initiation of litigation.[18]

Existing litigation

Q. May the legislative body agree to settle a lawsuit in a properly-noticed closed session, without placing the settlement agreement on an open session agenda for public approval?

A. *Yes, but the settlement agreement is a public document and must be disclosed on request. Furthermore, a settlement agreement cannot commit the agency to matters that are required to have public hearings.*

Existing litigation includes any adjudicatory proceedings before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. The clearest situation in which a closed session is authorized is when the local agency meets with its legal counsel to discuss a pending matter that has been filed in a court or with an administrative agency and names the local agency as a party. The legislative body may meet under these circumstances to receive updates on the case from attorneys, participate in developing strategy as the case develops, or consider alternatives for resolution of the case. Generally, an agreement to settle litigation may be approved in closed session. However, an agreement to settle litigation cannot be approved in closed session if it commits the city to take an action that is required to have a public hearing.[19]

Anticipated exposure to litigation against the local agency

Closed sessions are authorized for legal counsel to inform the legislative body of a significant exposure to litigation against the local agency, but only if based on "existing facts and circumstances" as defined by the Brown Act.[20] The legislative body may also meet under this exception to determine whether a closed session is authorized based on information provided by legal counsel or staff. In general, the "existing facts and circumstances" must be publicly disclosed unless they are privileged written communications or not yet known to a potential plaintiff.

Anticipated initiation of litigation by the local agency

A closed session may be held under the exception for the anticipated initiation of litigation when the legislative body seeks legal advice on whether to protect the agency's rights and interests by initiating litigation.

Certain actions must be reported in open session at the same meeting following the closed session. Other actions, as where final approval rests with another party or the court, may be announced when they become final and upon inquiry of any person.[21] Each agency attorney should be aware of and make the disclosures that are required by the particular circumstances.

Real estate negotiations

A legislative body may meet in closed session with its negotiator to discuss the purchase, sale, exchange, or lease of real property by or for the local agency. A "lease" includes a lease renewal or renegotiation. The purpose is to grant authority to the legislative body's negotiator on price and terms of payment.[22] Caution should be exercised to limit discussion to price and terms of payment without straying to other related issues such as site design, architecture, or other aspects of the project for which the transaction is contemplated.[23]

Q. May other terms of a real estate transaction, aside from price and terms of payment, be addressed in closed session?

A. *No. However, there are differing opinions over the scope of the phrase "price and terms of payment" in connection with real estate closed sessions. Many agency attorneys argue that any term that directly affects the economic value of the transaction falls within the ambit of "price and terms of payment." Others take a narrower, more literal view of the phrase.*

The agency's negotiator may be a member of the legislative body itself. Prior to the closed session, or on the agenda, the legislative body must identify its negotiators, the real property that the negotiations may concern[24] and the names of the parties with whom its negotiator may negotiate.[25]

After real estate negotiations are concluded, the approval and substance of the agreement must be publicly reported. If its own approval makes the agreement final, the body must report in open session at the public meeting during which the closed session is held. If final approval rests with another party, the local agency must report the approval and the substance of the agreement upon inquiry by any person, as soon as the agency is informed of it.[26]

"Our population is exploding, and we have to think about new school sites," said Board Member Jefferson.

"Not only that," interjected Board Member Tanaka, "we need to get rid of a couple of our older facilities."

"Well, obviously the place to do that is in a closed session," said Board Member O'Reilly. "Otherwise we're going to set off land speculation. And if we even mention closing a school, parents are going to be in an uproar."

A closed session to discuss potential sites is not authorized by the Brown Act. The exception is limited to meeting with its negotiator over specific sites — which must be identified at an open and public meeting.

Public employment

The Brown Act authorizes a closed session "to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee."[27] The purpose of this exception — commonly referred to as the "personnel exception" — is to avoid undue publicity or embarrassment for an employee or applicant for employment and to allow full and candid discussion by the legislative body; thus, it is restricted to discussing individuals, not general personnel policies.[28] The body must possess the power to appoint, evaluate, or dismiss the employee to hold a closed session under this exception.[29] That authority may be delegated to a subsidiary appointed body.[30]

PRACTICE TIP: Discussions of who to appoint to an advisory body and whether or not to censure a fellow member of the legislative body must be held in the open.

An employee must be given at least 24 hours notice of any closed session convened to hear specific complaints or charges against him or her. This occurs when the legislative body is reviewing evidence, which could include live testimony, and adjudicating conflicting testimony offered as evidence. A legislative body may examine (or exclude) witnesses,[31] and the California Attorney General has opined that, when an affected employee and advocate have an official or essential role to play, they may be permitted to participate in the closed session.[32] The employee has the right to have the specific complaints and charges discussed in a public session rather than closed session.[33] If the employee is not given the 24-hour prior notice, any disciplinary action is null and void.[34]

However, an employee is not entitled to notice and a hearing where the purpose of the closed session is to consider a performance evaluation. The Attorney General and the courts have determined that personnel performance evaluations do not constitute complaints and charges, which are more akin to accusations made against a person.[35]

Q. Must 24 hours notice be given to an employee whose negative performance evaluation is to be considered by the legislative body in closed session?

A. *No, the notice is reserved for situations where the body is to hear complaints and charges from witnesses.*

Correct labeling of the closed session on the agenda is critical. A closed session agenda that identified discussion of an employment contract was not sufficient to allow dismissal of an employee.[36] An incorrect agenda description can result in invalidation of an action and much embarrassment.

For purposes of the personnel exception, "employee" specifically includes an officer or an independent contractor who functions as an officer or an employee. Examples of the former include a city manager, district general manager or superintendent. Examples of the latter Include a legal counsel or engineer hired on contract to act as local agency attorney or chief engineer.

Elected officials, appointees to the governing body or subsidiary bodies, and independent contractors other than those discussed above are not employees for purposes of the personnel exception.[37] Action on individuals who are not "employees" must also be public — including discussing and voting on appointees to committees, or debating the merits of independent contractors, or considering a complaint against a member of the legislative body itself.

The personnel exception specifically prohibits discussion or action on proposed compensation in closed session, except for a disciplinary reduction in pay. Among other things, that means there can be no personnel closed sessions on a salary change (other than a disciplinary reduction) between any unrepresented individual and the legislative body. However, a legislative body may address the compensation of an unrepresented individual, such as a city manager, in a closed session as part of a labor negotiation (discussed later in this chapter), yet another example of the importance of using correct agenda descriptions.

Reclassification of a job must be public, but an employee's ability to fill that job may be considered in closed session.

Any closed session action to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee must be reported at the public meeting during which the closed session is held. That report must identify the title of the position, but not the names of all persons considered for an employment position.[38] However, a report on a dismissal or non-renewal of an employment contract must be deferred until administrative remedies, if any, are exhausted.[39]

"I have some important news to announce," said Mayor Garcia. "We've decided to terminate the contract of the city manager, effective immediately. The council has met in closed session and we've negotiated six months severance pay."

"Unfortunately, that has some serious budget consequences, so we've had to delay phase two of the East Area Project."

This may be an improper use of the personnel closed session if the council agenda described the item as the city manager's evaluation. In addition, other than labor negotiations, any action on individual compensation must be taken in open session. Caution should be exercised to not discuss in closed session issues, such as budget impacts in this hypothetical, beyond the scope of the posted closed session notice.

Labor negotiations

The Brown Act allows closed sessions for some aspects of labor negotiations. Different provisions (discussed below) apply to school and community college districts.

A legislative body may meet in closed session to instruct its bargaining representatives, which may be one or more of its members,[40] on employee salaries and fringe benefits for both represented ("union") and non-represented employees. For represented employees, it may also consider working conditions that by law require negotiation. For the purpose of labor negotiation closed sessions, an "employee" includes an officer or an independent contractor who functions as an officer or an employee, but independent contractors who do not serve in the capacity of an officer or employee are not covered by this closed session exception.[41]

These closed sessions may take place before or during negotiations with employee representatives. Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

PRACTICE TIP: The personnel exception specifically prohibits discussion or action on proposed compensation in closed session except for a disciplinary reduction in pay.

PRACTICE TIP: Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

During its discussions with representatives on salaries and fringe benefits, the legislative body may also discuss available funds and funding priorities, but only to instruct its representative. The body may also meet in closed session with a conciliator who has intervened in negotiations.[42]

The approval of an agreement concluding labor negotiations with represented employees must be reported after the agreement is final and has been accepted or ratified by the other party. The report must identify the item approved and the other party or parties to the negotiation.[43] The labor closed sessions specifically cannot include final action on proposed compensation of one or more unrepresented employees.

Labor negotiations — school and community college districts

Employee relations for school districts and community college districts are governed by the Rodda Act, where different meeting and special notice provisions apply. The entire board, for example, may negotiate in closed sessions.

Four types of meetings are exempted from compliance with the Rodda Act:

1. A negotiating session with a recognized or certified employee organization;
2. A meeting of a mediator with either side;
3. A hearing or meeting held by a fact finder or arbitrator; and
4. A session between the board and its bargaining agent, or the board alone, to discuss its position regarding employee working conditions and instruct its agent.[44]

Public participation under the Rodda Act also takes another form.[45] All initial proposals of both sides must be presented at public meetings and are public records. The public must be given reasonable time to inform itself and to express its views before the district may adopt its initial proposal. In addition, new topics of negotiations must be made public within 24 hours. Any votes on such a topic must be followed within 24 hours by public disclosure of the vote of each member.[46] The final vote must be in public.

Other Education Code exceptions

The Education Code governs student disciplinary meetings by boards of school districts and community college districts. District boards may hold a closed session to consider the suspension or discipline of a student, if a public hearing would reveal personal, disciplinary, or academic information about the student contrary to state and federal pupil privacy law. The student's parent or guardian may request an open meeting.[47]

Community college districts may also hold closed sessions to discuss some student disciplinary matters, awarding of honorary degrees, or gifts from donors who prefer to remain anonymous.[48] Kindergarten through 12th grade districts may also meet in closed session to review the contents of the statewide assessment instrument.[49]

PRACTICE TIP: Attendance by the entire legislative body before a grand jury would not constitute a closed session meeting under the Brown Act.

Joint Powers Authorities

The legislative body of a joint powers authority may adopt a policy regarding limitations on disclosure of confidential information obtained in closed session, and may meet in closed session to discuss information that is subject to the policy.[50]

License applicants with criminal records

A closed session is permitted when an applicant, who has a criminal record, applies for a license or license renewal and the legislative body wishes to discuss whether the applicant is sufficiently rehabilitated to receive the license. The applicant and the applicant's attorney are authorized to attend the closed session meeting. If the body decides to deny the license, the applicant may withdraw the application. If the applicant does not withdraw, the body must deny the license in public, immediately or at its next meeting. No information from the closed session can be revealed without consent of the applicant, unless the applicant takes action to challenge the denial.[51]

Public security

Legislative bodies may meet in closed session to discuss matters posing a threat to the security of public buildings, essential public services, including water, sewer, gas, or electric service, or to the public's right of access to public services or facilities over which the legislative body has jurisdiction. Closed session meetings for these purposes must be held with designated security or law enforcement officials including the Governor, Attorney General, district attorney, agency attorney, sheriff or chief of police, or their deputies or agency security consultant or security operations manager.[52] Action taken in closed session with respect to such public security issues is not reportable action.

Multijurisdictional law enforcement agency

A joint powers agency formed to provide law enforcement services (involving drugs; gangs; sex crimes; firearms trafficking; felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft) to multiple jurisdictions may hold closed sessions to discuss case records of an on-going criminal investigation, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.[53]

The exception applies to the legislative body of the joint powers agency and to any body advisory to it. The purpose is to prevent impairment of investigations, to protect witnesses and informants, and to permit discussion of effective courses of action.[54]

Hospital peer review and trade secrets

Two specific kinds of closed sessions are allowed for district hospitals and municipal hospitals, under other provisions of law.[55]

1. A meeting to hear reports of hospital medical audit or quality assurance committees, or for related deliberations. However, an applicant or medical staff member whose staff privileges are the direct subject of a hearing may request a public hearing.
2. A meeting to discuss "reports involving trade secrets" — provided no action is taken.

A "trade secret" is defined as information which is not generally known to the public or competitors and which: 1) "derives independent economic value, actual or potential" by virtue of its restricted knowledge; 2) is necessary to initiate a new hospital service or program or facility; and 3) would, if prematurely disclosed, create a substantial probability of depriving the hospital of a substantial economic benefit.

The provision prohibits use of closed sessions to discuss transitions in ownership or management, or the district's dissolution.[56]

Other legislative bases for closed session

Since any closed session meeting of a legislative body must be authorized by the Legislature, it is important to carefully review the Brown Act to determine if there is a provision that authorizes a closed session for a particular subject matter. There are some less frequently encountered topics that are authorized to be discussed by a legislative body in closed session under the Brown Act, including: a response to a confidential final draft audit report from the Bureau of State Audits,[57] consideration of the purchase or sale of particular pension fund investments by a legislative body of a local agency that invests pension funds,[58] hearing a charge or complaint from a member enrolled in a health plan by a legislative body of a local agency that provides Medi-Cal services,[59] discussions by a county board of supervisors that governs a health plan licensed pursuant to the Knox-Keene Health Care Services Plan Act related to trade secrets or contract negotiations concerning rates of payment,[60] and discussions by an insurance pooling joint powers agency related to a claim filed against, or liability of, the agency or a member of the agency.[61]

PRACTICE TIP: Meetings are either open or closed. There is nothing "in between."[62]

Who may attend closed sessions

Meetings of a legislative body are either fully open or fully closed; there is nothing in between. Therefore, local agency officials and employees must pay particular attention to the authorized attendees for the particular type of closed session. As summarized above, the authorized attendees may differ based on the topic of the closed session. Closed sessions may involve only the members of the legislative body and only agency counsel, management and support staff, and consultants necessary for consideration of the matter that is the subject of closed session, with very limited exceptions for adversaries or witnesses with official roles in particular types of hearings (e.g., personnel disciplinary hearings and license hearings). In any case, individuals who do not have an official role in the closed session subject matters must be excluded from closed sessions.[63]

Q. May the lawyer for someone suing the agency attend a closed session in order to explain to the legislative body why it should accept a settlement offer?

A. *No, attendance in closed sessions is reserved exclusively for the agency's advisors.*

The confidentiality of closed session discussions

The Brown Act explicitly prohibits the unauthorized disclosure of confidential information acquired in a closed session by any person present, and offers various remedies to address breaches of confidentiality.[64] It is incumbent upon all those attending lawful closed sessions to protect the confidentiality of those discussions. One court has held that members of a legislative body cannot be compelled to divulge the content of closed session discussions through the discovery process.[65] Only the legislative body acting as a body may agree to divulge confidential closed session information; regarding attorney/client privileged communications, the entire body is the holder of the privilege and only the entire body can decide to waive the privilege.[66]

Before adoption of the Brown Act provision specifically prohibiting disclosure of closed session communications, agency attorneys and the Attorney General long opined that officials have a fiduciary duty to protect the confidentiality of closed session discussions. The Attorney General issued an opinion that it is "improper" for officials to disclose information received during a closed session regarding pending litigation,[67] though the Attorney General has also concluded that a local agency is preempted from adopting an ordinance criminalizing public disclosure of closed session discussions.[68] In any event, in 2002, the Brown Act was amended to prescribe particular remedies for breaches of confidentiality. These remedies include injunctive relief; and, if the breach is a willful disclosure of confidential information, the remedies include disciplinary action against an employee, and referral of a member of the legislative body to the grand jury.[69]

The duty of maintaining confidentiality, of course, must give way to the responsibility to disclose improper matters or discussions that may come up in closed sessions. In recognition of this public policy, under the Brown Act, a local agency may not penalize a disclosure of information learned during a closed session if the disclosure: 1) is made in confidence to the district attorney or the grand jury due to a perceived violation of law; 2) is an expression of opinion concerning the propriety or legality of actions taken in closed session, including disclosure of the nature and extent of the illegal action; or 3) is information that is not confidential.[70]

The interplay between these possible sanctions and an official's first amendment rights is complex and beyond the scope of this guide. Suffice it to say that this is a matter of great sensitivity and controversy.

"I want the press to know that I voted in closed session against filing the eminent domain action," said Council Member Chang.

"Don't settle too soon," reveals Council Member Watson to the property owner, over coffee. "The city's offer coming your way is not our bottom line."

The first comment to the press may be appropriate if it is a part of an action taken by the City Council in closed session that must be reported publicly.[71] The second comment to the property owner is not — disclosure of confidential information acquired in closed session is expressly prohibited and harmful to the agency.

PRACTICE TIP: There is a strong interest in protecting the confidentiality of proper and lawful closed sessions.

ENDNOTES:

1 California Government Code section 54962

2 California Constitution, Art. 1, section 3

3 61 Ops.Cal.Atty.Gen. 220 (1978); but see California Government Code section 54957.8 (multijurisdictional law enforcement agencies are authorized to meet in closed session to discuss the case records of ongoing criminal investigations, and other related matters).

4 California Government Code section 54957.1

5 California Government Code section 54954.5

6 California Government Code section 54954.2

7 California Government Code section 54954.5

8 California Government Code sections 54956.9 and 54957.7

9 California Government Code section 54957.1(a)

10 California Government Code section 54957.1(b)

11 California Government Code section 54957.2

12 *Hamilton v. Town of Los Gatos* (1989) 213 Cal.App.3d 1050; 2 Cal.Code Regs. section 18707

13 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363

14 California Government Code section 54956.9; *Shapiro v. Board of Directors of Center City Development Corp.* (2005) 134 Cal.App.4th 170 (agency must be a party to the litigation).

15 82 Ops.Cal.Atty.Gen. 29 (1999)

16 *Page v. Miracosta Community College District* (2009) 180 Cal.App.4th 471

17 "*The Brown Act,*" California Attorney General (2003), p. 40

18 California Government Code section 54956.9(g)

19 *Trancas Property Owners Association v. City of Malibu* (2006) 138 Cal.App.4th 172

20 Government Code section 54956.9(e)

21 California Government Code section 54957.1

22 California Government Code section 54956.8

23 *Shapiro v. San Diego City Council* (2002) 96 Cal.App.4th 904; see also 93 Ops.Cal.Atty.Gen. 51 (2010) (redevelopment agency may not convene a closed session to discuss rehabilitation loan for a property already subleased to a loan recipient, even if the loan Incorporates some of the sublease terms and includes an operating covenant governing the property); 94 Ops.Cal.Atty.Gen. 82 (2011) (real estate closed session may address form, manner and timing of consideration and other items that cannot be disclosed without revealing price and terms).

24 73 Ops.Cal.Atty.Gen. 1 (1990)

25 California Government Code sections 54956.8 and 54954.5(b)

26 California Government Code section 54957.1(a)(1)

27 California Government Code section 54957(b)

28 63 Ops.Cal.Atty.Gen. 153 (1980); but see *Duvall v. Board of Trustees* (2000) 93 Cal.App.4th 902 (board may discuss personnel evaluation criteria, process and other preliminary matters in closed session but only if related to the evaluation of a particular employee).

29 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 85 Ops.Cal.Atty.Gen. 77 (2002)

30 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 80 Ops.Cal.Atty. Gen. 308 (1997). Interviews of candidates to fill a vacant staff position conducted by a temporary committee appointed by the governing body may be done in closed session.

31 California Government Code section 54957(b)(3)

32 88 Ops.Cal.Atty.Gen. 16 (2005)

33 *Morrison v. Housing Authority of the City of Los Angeles* (2003) 107 Cal.App.4th 860

34 California Government Code section 54957(b); but see *Bollinger v. San Diego Civil Service Commission* (1999) 71 Cal.App.4th 568 (notice not required for closed session deliberations regarding complaints or charges, when there was a public evidentiary hearing prior to closed session).

35 78 Ops.Cal.Atty.Gen. 218 (1995); *Bell v. Vista Unified School District* (2000) 82 Cal.App.4th 672; *Furtado v. Sierra Community College* (1998) 68 Cal.App.4th 876; *Fischer v. Los Angeles Unified School District* (1999) 70 Cal.App.4th 87

36 *Moreno v. City of King* (2005) 127 Cal.App.4th 17

37 California Government Code section 54957

38 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165

39 California Government Code section 54957.1(a)(5)

40 California Government Code section 54957.6

41 California Government Code section 54957.6(b); see also 98 Ops.Cal.Atty.Gen. 41 (2015) (a project labor agreement between a community college district and workers hired by contractors or subcontractors is not a proper subject of closed session for labor negotiations because the workers are not "employees" of the district).

42 California Government Code section 54957.6; and 51 Ops.Cal.Atty.Gen. 201 (1968)

43 California Government Code section 54957.1(a)(6)

44 California Government Code section 3549.1

45 California Government Code section 3540

46 California Government Code section 3547

47 California Education Code section 48918; but see *Rim of the World Unified School District v. Superior Court* (2003) 104 Cal.App.4th 1393 (Section 48918 preempted by the Federal Family Educational Right and Privacy Act in regard to expulsion proceedings).

48 California Education Code section 72122

49 California Education Code section 60617

50 California Government Code section 54956.96

51 California Government Code section 54956.7

52 California Government Code section 54957

53 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal. App.4th 354

54 California Government Code section 54957.8

55 California Government Code section 54962

56 California Health and Safety Code section 32106

57 California Government Code section 54956.75

58 California Government Code section 54956.81

59 California Government Code section 54956.86

60 California Government Code section 54956.87

61 California Government Code section 54956.95

62 46 Ops.Cal.Atty.Gen. 34 (1965)

63 82 Ops.Cal.Atty.Gen. 29 (1999)

64 Government Code section 54963

65 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 327; see also California Government Code section 54963.

66 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363

67 80 Ops.Cal.Atty.Gen. 231 (1997)

68 76 Ops.Cal.Atty.Gen. 289 (1993)

69 California Government Code section 54963

70 California Government Code section 54963

71 California Government Code section 54957.1

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Chapter 6

REMEDIES

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REMEDIES

Certain violations of the Brown Act are designated as misdemeanors, although by far the most commonly used enforcement provisions are those that authorize civil actions to invalidate specified actions taken in violation of the Brown Act and to stop or prevent future violations. Still, despite all the safeguards and remedies to enforce them, it is ultimately impossible for the public to monitor every aspect of public officials' interactions. Compliance ultimately results from regular training and a good measure of self-regulation on the part of public officials. This chapter discusses the remedies available to the public when that self-regulation is ineffective.

Invalidation

Any interested person, including the district attorney, may seek to invalidate certain actions of a legislative body on the ground that they violate the Brown Act.[1] Violations of the Brown Act, however, cannot be invalidated if they involve the following types of actions:

- Those taken in substantial compliance with the law. No Brown Act violation is found when the given notice substantially complies with the Brown Act, even when the notice erroneously cites to the wrong Brown Act section, but adequately advises the public that the Board will meet with legal counsel to discuss potential litigation in closed session;[2]
- Those involving the sale or issuance of notes, bonds or other indebtedness, or any related contracts or agreements;
- Those creating a contractual obligation, including a contract awarded by competitive bid for other than compensation for professional services, upon which a party has in good faith relied to its detriment;
- Those connected with the collection of any tax; or
- Those in which the complaining party had actual notice at least 72 hours prior to the regular meeting or 24 hours prior to the special meeting, as the case may be, at which the action is taken.

Before filing a court action seeking invalidation, a person who believes that a violation has occurred must send a written "cure or correct" demand to the legislative body. This demand must clearly describe the challenged action and the nature of the claimed violation. This demand must be sent within 90 days of the alleged violation or 30 days if the action was taken in open session but in violation of Section 54954.2, which requires (subject to specific exceptions) that only properly agendized items are acted on by the governing body during a meeting.[3] The legislative body then has up to 30 days to cure and correct its action. If it does not act, any lawsuit must be filed within the next 15 days. The purpose of this requirement is to offer the body an opportunity to consider whether a violation has occurred and to weigh its options before litigation is filed.

Although just about anyone has standing to bring an action for invalidation,[4] the challenger must show prejudice as a result of the alleged violation.[5] An action to invalidate fails to state a cause of action against the agency if the body deliberated but did not take an action.[6]

Applicability to Past Actions

Any interested person, including the district attorney, may file a civil action to determine whether past actions of a legislative body occurring on or after January 1, 2013 constitute violations of the Brown Act and are subject to a mandamus, injunction, or declaratory relief action.[7] Before filing an action, the interested person must, within nine months of the alleged violation of the Brown Act, submit a "cease and desist" letter to the legislative body, clearly describing the past action and the nature of the alleged violation.[8] The legislative body has 30 days after receipt of the letter to provide an unconditional commitment to cease and desist from the past action.[9] If the body fails to take any action within the 30-day period or takes an action other than an unconditional commitment, a lawsuit may be filed within 60 days.[10]

The legislative body's unconditional commitment must be approved at a regular or special meeting as a separate item of business and not on the consent calendar.[11] The unconditional commitment must be substantially in the form set forth in the Brown Act.[12] No legal action may thereafter be commenced regarding the past action.[13] However, an action of the legislative body in violation of its unconditional commitment constitutes an independent violation of the Brown Act and a legal action consequently may be commenced without following the procedural requirements for challenging past actions.[14]

The legislative body may rescind its prior unconditional commitment by a majority vote of its membership at a regular meeting as a separate item of business not on the consent calendar. At least 30 days written notice of the intended rescission must be given to each person to whom the unconditional commitment was made and to the district attorney. Upon rescission, any interested person may commence a legal action regarding the past actions without following the procedural requirements for challenging past actions.[15]

PRACTICE TIP: A lawsuit to invalidate must be preceded by a demand to cure and correct the challenged action in order to give the legislative body an opportunity to consider its options. The Brown Act does not specify how to cure or correct a violation; the best method is to rescind the action being complained of and start over, or reaffirm the action if the local agency relied on the action and rescinding the action would prejudice the local agency.

Civil action to prevent future violations

The district attorney or any interested person can file a civil action asking the court to:

- Stop or prevent violations or threatened violations of the Brown Act by members of the legislative body of a local agency;
- Determine the applicability of the Brown Act to actions or threatened future action of the legislative body;
- Determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid under state or federal law; or
- Compel the legislative body to tape record its closed sessions.

It is not necessary for a challenger to prove a past pattern or practice of violations by the local agency in order to obtain injunctive relief. A court may presume when issuing an injunction that a single violation will continue in the future where the public agency refuses to admit to the alleged violation or to renounce or curtail the practice.[16] Note, however, that a court may not compel elected officials to disclose their recollections of what transpired in a closed session.[17]

Upon finding a violation of the Brown Act pertaining to closed sessions, a court may compel the legislative body to tape record its future closed sessions. In a subsequent lawsuit to enforce the Brown Act alleging a violation occurring in closed session, a court may upon motion of the plaintiff review the tapes if there is good cause to think the Brown Act has been violated, and make public the relevant portion of the closed session recording.

Costs and attorney's fees

Someone who successfully invalidates an action taken in violation of the Brown Act or who successfully enforces one of the Brown Act's civil remedies may seek court costs and reasonable attorney's fees. Courts have held that attorney's fees must be awarded to a successful plaintiff unless special circumstances exist that would make a fee award against the public agency unjust.[18] When evaluating how to respond to assertions that the Brown Act has been violated, elected officials and their lawyers should assume that attorney's fees will be awarded against the agency if a violation of the Act is proven.

An attorney's fee award may only be directed against the local agency and not the individual members of the legislative body. If the local agency prevails, it may be awarded court costs and attorney's fees if the court finds the lawsuit was clearly frivolous and lacking in merit.[19]

PRACTICE TIP: Attorney's fees will likely be awarded if a violation of the Brown Act is proven.

Criminal complaints

A violation of the Brown Act by a member of the legislative body who acts with the improper intent described below is punishable as a misdemeanor.[20]

A criminal violation has two components. The first is that there must be an overt act — a member of a legislative body must attend a meeting at which action is taken in violation of the Brown Act.[21]

"Action taken" is not only an actual vote, but also a collective decision, commitment or promise by a majority of the legislative body to make a positive or negative decision.[22] If the meeting involves mere deliberation without the taking of action, there can be no misdemeanor penalty.

A violation occurs for a tentative as well as final decision.[23] In fact, criminal liability is triggered by a member's participation in a meeting in violation of the Brown Act — not whether that member has voted with the majority or minority, or has voted at all.

The second component of a criminal violation is that action is taken with the intent of a member "to deprive the public of information to which the member knows or has reason to know the public is entitled" by the Brown Act.[24]

As with other misdemeanors, the filing of a complaint is up to the district attorney. Although criminal prosecutions of the Brown Act are uncommon, district attorneys in some counties aggressively monitor public agencies' adherence to the requirements of the law.

Some attorneys and district attorneys take the position that a Brown Act violation may be pursued criminally under Government Code section 1222.[25] There is no case law to support this view; if anything, the existence of an express criminal remedy within the Brown Act would suggest otherwise.[26]

Voluntary resolution

Arguments over Brown Act issues often become emotional on all sides. Newspapers trumpet relatively minor violations, unhappy residents fume over an action, and legislative bodies clam up about information better discussed in public. Hard lines are drawn and rational discussion breaks down. The district attorney or even the grand jury occasionally becomes involved. Publicity surrounding alleged violations of the Brown Act can result in a loss of confidence by constituents in the legislative body. There are times when it may be preferable to consider re-noticing and rehearing, rather than litigating, an item of significant public interest, particularly when there is any doubt about whether the open meeting requirements were satisfied.

At bottom, agencies that regularly train their officials and pay close attention to the requirements of the Brown Act will have little reason to worry about enforcement.

ENDNOTES:

1 California Government Code section 54960.1. Invalidation is limited to actions that violate the following sections of the Brown Act: section 54953 (the basic open meeting provision); sections 54954.2 and 54954.5 (notice and agenda requirements for regular meetings and closed sessions); 54954.6 (tax hearings); 54956 (special meetings); and 54596.5 (emergency situations). Violations of sections not listed above cannot give rise to invalidation actions, but are subject to the other remedies listed in section 54960.1.

2 *Castaic Lake Water Agency v. Newhall County Water District* (2015) 238 Cal.App.4th 1196, 1198

3 California Government Code section 54960.1 (b) and (c)(1)

4 *McKee v. Orange Unified School District* (2003) 110 Cal. App.4th 1310, 1318-1319

5 *Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 556, 561

6 *Boyle v. City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1116-17, 1118

7 Government Code Section 54960.2(a); Senate Bill No. 1003, Section 4 (2011-2012 Session)

8 Government Code Sections 54960.2(a)(1), (2)

9 Government Code Section 54960.2(b)

10 Government Code Section 54960.2(a)(4)

11 Government Code Section 54960.2(c)(2)

12 Government Code Section 54960.2(c)(1)

13 Government Code Section 54960.2(c)(3)

14 Government Code Section 54960.2(d)

15 Government Code Section 54960.2(e)

16 *California Alliance for Utility Safety and Education (CAUSE) v. City of San Diego* (1997) 56 Cal.App.4th 1024; *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518, 524; *Accord Shapiro v. San Diego City Council* (2002) 96 Cal. App. 4th 904, 916 & fn.6

17 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 334-36

18 *Los Angeles Times Communications, LLC v. Los Angeles County Board of Supervisors* (2003) 112 Cal. App.4th 1313, 1327-29 and cases cited therein

19 California Government Code section 54960.5

20 California Government Code section 54959. A misdemeanor is punishable by a fine of up to $1,000 or up to six months in county jail, or both. California Penal Code section 19. Employees of the agency who participate in violations of the Brown Act cannot be punished criminally under section 54959. However, at least one district attorney instituted criminal action against employees based on the theory that they criminally conspired with the members of the legislative body to commit a crime under section 54949.

21 California Government Code section 54959

22 California Government Code section 54952.6

23 61 Ops.Cal.Atty.Gen.283 (1978)

24 California Government Code section 54959

25 California Government Code section 1222 provides that "[e]very wilful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision is made for the punishment of such delinquency, is punishable as a misdemeanor."

26 The principle of statutory construction known as *expressio unius est exclusio alterius* supports the view that section 54959 is the exclusive basis for criminal liability under the Brown Act.

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ISD POLICY FOR RESPONDING TO PUBLIC RECORDS ACT REQUESTS

ARTICLE 1 PURPOSE AND SCOPE

It is the purpose of the District to establish a policy for responding to requests from the public to inspect or obtain copies of District records in accordance with the Public Records Act (Gov. Code § 6250 et seq.) and the California Constitution (Art. I, § 3(b)). Nothing herein is intended to waive exemptions for particular records set forth in the Public Records Act or other law.

This Policy covers all District records that relate to the conduct of the public's business and are prepared, owned, used, or retained by the District in the ordinary course of business.

"Records" generally include writings whether handwritten, typed, printed, emailed, faxed, or stored in any electronic or other medium, as well as pictures and video and sound recordings. For a full definition of "writing" as used in the Act, see Gov. Code § 6252(g).

A request for public records may be made by any member of the public, whether or not a constituent of the District, or by any business, organization, or other entity. District officials (e.g., Board Members and officers) have the same status as members of the public under the Act, but of course may review records related to their official duties without making a Public Records Act request.

The District is required to respond to a Public Records Act request within ten days.

ARTICLE 2 RESPONSIBILITY

The Policy for Responding to Public Records Act Requests shall be administered by the District Secretary, in consultation with the General Manager and the District's attorney. When applicable, each department head or designee shall work with the District Secretary to locate and compile documents which may be responsive to Public Records Act requests.

ARTICLE 3 SPECIFIC POLICIES

3.1 Receipt of Public Records Act Request

The District shall request that Public Records Act requests ("Records Requests") be made directly to the District Secretary, in a writing that reasonable outlines the categories of records sought. However, the District cannot compel a party to submit a written request (verbal requests are permitted), nor to submit the request directly to the District Secretary (requests may be made to any District employee, and submitted by letter, email, fax, phone call, or other means). Moreover, the District is responsible for assisting the requestor to make a focused and effective request.

Thus, District employees should ask parties requesting public records to submit the request in writing to the District Secretary, but should be prepared to accept and assist with requests submitted by other means. In such cases, the employee receiving the request should seek to ensure the following information is included with the request: (a) the requestor's contact information (unless the requestor declines to provide it); (b) a reasonable description of the records requested; and (c) whether the requestor wants copies of the records or to inspect the records at the District.

When a Records Request is received by a District employee, he or she should immediately forward the Request to the District Secretary, who will provide the request to the General Manager. The General Manager will then share a copy with District attorney and determine if any other department heads should receive a copy. The General Manager and attorney should determine if the Records Request covers records that are confidential or otherwise exempt from disclosure under the Public Records Act, or if it appears that the Records Request might be related to potential or pending litigation.

3.2 Initial Processing of the Records Request

Upon receipt of a Records Request, the District Secretary shall immediately (a) date stamp the Records Request; (b) scan the Records Request to the appropriate folder; and (c) enter the Records Request into the Public Records Act Log. (See section 9 below, for discussion of Public Records Act Log.)

3.3 Gathering Records for Potential Disclosure

The District Secretary shall ensure that a Records Request is distributed to each District department which might have responsive records and request that the department(s) provide the District Secretary the following information within three business days: (a) whether there may be responsive records; (b) a time estimate to provide the potentially responsive records to the District Secretary's office for review, and (c) whether the department anticipates that more than ten calendar days from the date of the request will be needed to locate all potentially responsive public records.

The District Secretary should check in with the relevant departments periodically to ensure the Records Request is processed in a timely manner.

3.4 Response Deadlines

The District has a maximum of ten calendar days from receipt of the Records Request to notify the requestor whether there are District records in response to the Request. If the tenth day falls on a weekend or holiday, the deadline rolls to the next business day. In "unusual circumstances," the District Secretary can, by written notice to the requestor, extend the District's time to respond to the request for up to fourteen additional days pursuant to Gov. Code § 6253(c). The "unusual circumstances" recognized by the Public Records Act are:

A. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the Records Request.

B. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records demanded in a single Records Request.

C. The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the Records Request or among two or more components of the District having substantial subject matter interest therein.

D. The need to compile data, write programming language or a computer program, or construct a computer report to extract data.

3.5 Determining Whether Records Are Exempt from Disclosure

Several types of records are generally deemed confidential or otherwise exempt from disclosure under the Public Records Act. If the District Secretary believes that a Records Request potentially involves exempt records, it should discuss the Records Request with the General Manager, who should confer with District attorney for an opinion on the matter.

A. Common Exemptions: Many, but not all, of the exemptions are contained within the text of the Public Records Act (e.g., Gov. Code §§ 6254, 6255). Examples of records that are usually exempt from disclosure are:

i. Preliminary drafts of certain documents that are not retained by the District in the ordinary course of business;

ii. Records related to pending litigation, including claims or lawsuits that are not yet adjudicated or settled;

iii. Attorney-client communications, which generally includes all communications between the District's attorney and a District employee or official;

iv. Personnel records, medical information, or other similar records the disclosure of which would constitute an unwarranted invasion of personal privacy;

v. Personal confidential information, like drivers' licenses, social security numbers and, in some instances, personal contact information (however, addresses, email addresses and phone numbers provided to the District on District forms or contracts may generally be disclosed on the ground that the party who submitted his or her contact information did not retain an expectation of privacy);

vi. Taxpayer information in connection with collection of local taxes;

vii. Feasibility studies for public contracts or property acquisition (unless required to disclose under eminent domain law) - until the contract is entered or the property acquired;

viii. Computer Software which includes computer systems, mapping programs and graphic programs;

ix. Architectural and official building plans – plans may be inspected but may not be copied, absent approval from the owner and design professional;

x. Statements of personal worth or personal financial data required by the District and filed by an applicant to establish personal qualifications for a license, certificate, or permit; Proprietary or trade secret information submitted by a business or business owner; and

xi. Where the public interest in nondisclosure clearly outweighs the public interest in disclosure (the catch-all exemption).

The foregoing are examples, not a complete list, of potential exemptions. Final exemption determinations shall be made by the District's attorney.

B. Process Regarding Disclosure of Third-Party Information that Is Potentially Exempt: Some District records include third party information for which an exemption determination is a close call. The District should seek to ensure that the third party's rights are honored with respect to whether such information is exempt or is a disclosable public record. All public records act requests that involve third party information should be discussed with the District's attorney to determine whether disclosure is mandated.

3.6 Responding to the Records Request

The District Secretary shall notify the requestor: (a) whether the District has records responsive to the Records Request and (b) whether all responsive records will be disclosed, or whether any records will be withheld or redacted because of an exemption.

If the District determines that some or all of the requested documents are exempt from disclosure, the response must identify the ground(s) for the exemption(s), and the name of the District Secretary or the District attorney (as the case may be) as the person responsible for such exemption determination. Such exemption determinations shall be provided in writing.

The District must promptly provide the requestor with the opportunity to obtain copies of public records or to inspect them before determining which records to have copied. (Gov. Code § 6253(b)) In most circumstances, the records will be produced or made available for inspection when the District Secretary notifies the requestor that there are records responsive to the request (whether that response is made per the 10-day deadline or, in "unusual circumstances," per the 14-day extension). However, when the Records Request involves a significant volume of documents, the District may take additional time to provide the records. But in all cases, the District must provide the records as soon as reasonably possible.

3.7 Copies of Records

If copies are requested, the District will charge a per page fee. For most records, the fee will be established by the District's fee schedule; for some records, state law establishes the fee (e.g., for copies of official's financial disclosures—Form 700.) (See Gov. Code § 6253(b) and Gov. Code § 81008.) The District's direct cost of duplicating unusual records— e.g., blueprints, computer disks, DVDs, electronic back-up tapes—are calculated on a case-by-case basis. In the District Secretary's discretion, if the Records Request does not involve a significant volume of documents and the requestor agrees, the District Secretary may scan the records and send PDFs to the requestor electronically. If the request involves a substantial amount of copying, the District Secretary should obtain payment before providing the copies.

3.8 Inspection of Records

Where only inspection is requested, the records will ordinarily be made available for inspection during all normal District business hours. If the request seeks review of voluminous records, a mutually-agreeable time will be scheduled for the inspection. The operational functions of the District will not be suspended to permit inspection of records during periods in which such records are reasonably required by District personnel in the performance of their duties. District personnel must be present during the inspection of records in order to protect the integrity of the records. Persons inspecting records shall not destroy, mutilate, deface, alter, or remove public records from the inspection location. If copies are some or all of the records are requested following the inspection, the District will charge fees for copies as discussed above.

Additional rules apply for requests for certain records, e.g., electronic records and Political Reform Act Records, as discussed next.

3.9 Electronic Records

When requested, existing electronic records must be provided in electronic form. Such records must be provided in any electronic format requested as long as the format is one that is currently used by the District. The District is not required to reconstruct records that it no longer maintains in an electronic format. (Gov. Code § 6253.9(c))

The District is not required to produce documents in formats, e.g., word processing formats such as Microsoft Word, if it "…would jeopardize or compromise the security or integrity of the original record or of any proprietary software …." (Gov. Code § 6253.9(f)) In such situations, the District should convert the record to a "format which is less easily manipulated, such as PDF format." (Gov. Code § 6253.9(f))

The District may offer to produce records in an electronic format, but may not insist that they only be provided in electronic format. (Gov't Code § 6253.9(d), (e))

The District may charge for the added cost of producing electronic records if (1) the request calls for producing the record at a time different than the time the record would ordinarily be produced (e.g., a copy of the check register for a period other than the one typically prepared for the District Council); or (2) the request requires data compilation, extraction, or programming. (Gov. Code § 6253.9(b))

3.10 Political Reform Act Records

Every report and statement filed pursuant to the Political Reform Act is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. (Gov. Code § 81008) No conditions shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from these persons. Copies shall be provided at a charge not-to-exceed ten cents ($0.10) per page. In addition, the filing officer may charge a retrieval fee not-to-exceed five dollars ($5.00) per request for copies of reports and statements which are five or more years old. A request for more than one report or statement at the same time shall be considered a single request.

3.11 Public Records Act Request Log

The District Secretary shall maintain a log of Records Requests. Each log should summarize the following information, if available: (a) name of requestor; (b) summary of information requested; (c) whether public records were provided by a District department or the District Secretary; (d) the date of the response(s) (including without limitation any and all initial responses, extensions, and production dates); (e) whether any documents were withheld and/or redacted and the authority therefor; (f) a description of the documents provided in response; and (f) the amount of fees collected. The log should be kept in the District Secretary's Office.

ISD SECURITY POLICY

ARTICLE 1 POLICY

It is the policy of the District to take appropriate steps to help ensure the security of District employees, District facilities and operations, and the public. This policy applies to all employees, visitors, consultants and contractors working at District facilities or working on District projects within the District's service area.

This policy includes procedures establishing the specific steps that will be taken to help ensure the security of District personnel, facilities and operations.

ARTICLE 2 GENERAL STANDARDS

2.1 Visitors

District staff expecting visitors will inform the Administrative Assistant and provide a contact and escort for the visitor.

All visitors entering the District offices must sign in and out with the Administrative Assistant. Visitors will be required to wait in the lobby for their District host. Visitors must be hosted by a District employee at all times.

2.2 Meetings

All meetings scheduled on site during business hours must include at least one District employee. Exception: Meetings not involving a District host that are scheduled at the District Meeting Room must have a written use agreement on file. Facility "check in" and sign-in will be required with the Administrative Assistant.

After normal work hours District Staff will use the keypad for entry into District Facilities. Employees will then notify on-shift staff that they are on-site, and their location. Employees will also notify the on-shift staff when they complete their work and depart.

District staff expecting after-hours work or weekend visitors, deliveries, or construction activities will inform after-hours staff in advance and provide the contact information of the visitors, delivery service, or contractors.

2.3 Jersey Island Visitors

Visitors, contractors, delivery personnel, and other non-District staff traveling to Jersey Island must sign-in with the District Administrative Assistant prior to visiting Jersey Island and must sign-out with the Administrative Assistant at the conclusion of their visit.

ARTICLE 3 NATIONAL TERRORISM ADVISORY SYSTEM

The Department of Homeland Security has developed the National Terrorism Advisory System (NTAS) with threat alerts based on the information available about potential terrorist threats.

The system recognizes that Americans all share responsibility for the nation's security, and should always be aware of the heightened risk of terrorist attack in the United States and what they should do. The following procedures will assist with how we will address these alerts at the District.

3.1 Alerts

Alerts will include a clear statement on the nature of the threat, which will be defined in one of two ways:

A. "Elevated Threat": Warns of a credible terrorist threat against the United States

B. "Imminent Threat": Warns of a credible, specific, and impending terrorist threat against the United States

The NTAS alerts will be based on the nature of the threat: in some cases, alerts will be sent directly to law enforcement or affected areas of the private sector, while in others, alerts will be issued more broadly to the American people through both official and media channels.

An individual threat alert is issued for a specific time period and then automatically expires. It may be extended if new information becomes available or the threat evolves.

NTAS alerts contain a sunset provision indicating a specific date when the alert expires – there will not be a constant NTAS alert or blanket warning that there is an overarching threat. If threat information changes for an alert, the Secretary of Homeland Security may announce an updated NTAS alert. All changes, including the announcement that cancels an NTAS alert, will be distributed the same way as the original alert.

Citizens should report suspicious activity to their local law enforcement authorities. The "If You See Something, Say Something" campaign across the United States encourages all citizens to be vigilant for indicators of potential terrorist activity, and to follow NTAS alerts for information about threats in specific places or for individuals exhibiting certain types of suspicious activity.

Information about this campaign can be found at www.dhs.gov/ifyouseesomethingsaysomething.

ARTICLE 4 DISTRICT ALERT ACTIONS

4.1 General Manager Responsibility

The General Manager will subscribe to the NTAS Alert notification system at http://www.dhs.gov/alerts and monitor alerts that may impact District operations. District management will be notified of alerts in our area and determine necessary actions to maintain safety of district employee, operations and the public.

Actions may include:

A. Notify employees of alert status and action plans

B. Increase awareness and investigation of unusual circumstances or suspicious activity

C. Limit access into District facilities

D. Prepare messages to inform customers of USD status or plans

E. Activate the EOC

Management is responsible for informing, training, and documenting the training of employees and for implementing and enforcing this Security Policy.

4.2 Employee Responsibility

Employees are responsible for being aware of their work environment and reporting any unusual circumstances/activities, working safely, taking appropriate action as described in this Security Policy.

ISD HAZARDOUS WASTE MANAGEMENT PLAN AND POLICY

ARTICLE 1 POLICY

It is the policy of the District to ensure that its handling of Hazardous Waste minimizes potential harm to people and the environment and is in compliance with applicable local, state and federal regulations.

ARTICLE 2 PURPOSE

The purpose of this Plan is to delineate responsibility and procedures for complying with local, state, and federal agency regulations for Hazardous Waste management by proper handling, collection, containment, labeling, segregation, accumulation, storage, transportation, recordkeeping, and disposal of Hazardous Waste.

ARTICLE 3 DEFINITIONS

3.1 Accumulation Area

Specifically designated area for temporary accumulation of Hazardous Waste.

3.1 Disposal

The process of appropriately removing Hazardous Wastes from the facility for recycling, treatment or disposal.

3.2 Extremely Hazardous Waste

Waste that, due to its quantity, concentration, or chemical characteristics, could result in death, disabling personal injury or serious illness if human exposure occurs.

Under 22 CCR § 66261.110, a waste is an extremely Hazardous Waste if it meets any of the following criteria:

A. Has an acute oral LD50 $\leq$ 50 mg per kg

B. Has an acute dermal LD50 $\leq$ 43 mg per kg

C. Has an acute inhalation LD50 $\leq$ 100 *ppm as a gas

D. Has been shown through experience or testing that human exposure to the waste or material may likely result in death, disabling personal injury or serious illness because of the carcinogenicity, high acute or chronic toxicity, bioaccumulative properties, or persistence in the environment of the waste or material; or

E. Is water-reactive.

Under 22 CCR § 66261.113, a waste is an extremely Hazardous Waste if it contains any substance listed in subsection (b) of the regulation at a concentration equal to or exceeding its listed total threshold limit concentration is an extremely Hazardous Waste.

A substance is also an extremely Hazardous Waste if it contains any substance designated as Extremely Hazardous in the List of Chemical Names. *See* 22 CCR § 66261.24.

3.3 Hazardous Waste

A waste or combination of wastes that, because of quantity, concentration, physical, chemical or infectious properties, may: (1) cause or contribute to an increase in death or serious irreversible, or incapacitating reversible illness; or (2) pose a present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed or otherwise managed.

3.4 Hazardous Waste Container

Generic term for Hazardous Waste containers including drums, barrels, carboys, cans, etc. For each waste, there is at least one waste “container”. All containers must be Department of Transportation (DOT)-approved and compatible with the hazards of the waste contained.

3.5 LC50

Concentration that kills 50% of exposed species within a specified time

3.6 ppm

Parts per million

3.7 Satellite Accumulation Hazardous Waste

Waste accumulation in containers at or near any point where wastes initially accumulate under the control of the operator of the process generating the waste.

3.8 Small Quantity Generator

A facility generating < 2200 lbs. of Hazardous Waste in any calendar month.

3.9 Warning Signs

Precautionary statements required by various regulations, including but not limited to:

A. Bilingual sign warning of the hazards;

B. National Fire Protection Association (NFPA) 704 (diamond) warning “No Smoking” signs

ARTICLE 4 PROCEDURE

4.1 Overview

This Plan is applicable to all District facilities.

The District has a number of different waste streams requiring special procedures for collection, handling and transportation from the generation points to the appropriate Waste Accumulation Areas.

All waste must be properly disposed. Under no circumstances is Hazardous Waste poured down a drain, onto dirt or pavement, or discarded as ordinary trash.

All Hazardous Waste shall be:

A. Handled or transported only after putting on appropriate personal protective equipment (PPE).

B. Collected in containers compatible with its hazards.

C. Collected in containers in good condition.

D. Collected in a secured area designed to prevent unauthorized entry and to minimize spills, fire, explosion, or any release of hazardous material.

E. Labeled in accordance with this policy.

4.2 Hazardous Waste Collection

Hazardous Wastes shall be collected in undamaged containers that are:

A. Securely sealed except when adding or removing waste.

B. Secondarily contained for 110% of the volume of the largest liquid waste container or 10% of the total volume of all containers in the secondary container, whichever is greater.

Waste shall be collected from the generation areas, on a regular basis, and placed into appropriate containers in the Accumulation Area by trained personnel. Waste shall be transferred to the designated Accumulation Area in appropriate carts or carrying devices that minimize the probability of an accident or spill.

The District may temporarily store Hazardous Waste in collection containers where they are generated for periods of up to one year or until the amount accumulated reaches 55 gallons of Hazardous Waste or one kg of Extremely Hazardous Waste, whichever comes first.

At least once a year, or whenever 55 gallons is collected, satellite waste shall be transferred to a central waste Accumulation Area. If one kg of extremely Hazardous Waste is generated, the waste must be transferred to a central waste Accumulation Area within 90-days of the date the one kg amount is reached.

Accumulation Areas shall have:

A. A communication system (telephone or radios) for summoning emergency assistance;

B. Portable fire extinguishers;

C. Enough water (or appropriate agents) for extinguishment of fires; Spill containment kits; and

D. Decontamination equipment (eyewash and shower)

Signs, legible for 25 feet, shall be posted on all Accumulation Areas. The signs will read:

"Caution — Hazardous Waste Storage Area — Unauthorized Persons Keep Out"

"¡Cuidado! Zona de Residuos Peligrosos – Prohibida la Entrada a Personas No Autorizadas"

4.3 Hazardous Waste Labeling

All internally collected Hazardous Waste containers shall be labeled with:

A. Waterproof Hazardous Waste labels;

B. The name of the waste stream, hazards, generator, and the words "Hazardous Waste"; and

C. The accumulation start date (the day waste is first placed into container)

All Hazardous Waste shipping containers shall be labeled by the transporter with:

A. The accumulation start date;

B. The name, address, and EPA identification number of the generator;

C. The composition, physical state, and hazardous properties of the waste; and

D. The wording: "State and Federal law prohibits improper disposal. If found, contact the nearest police, or public safety authority, or the U. S. Environmental Protection Agency, or the California Department of Health Services."

4.4 Hazardous Waste Segregation

Hazardous Waste shall be segregated into appropriate waste streams (e.g. aqueous, flammable, corrosive, toxic, solid, oils and grease).

Incompatible wastes shall not be collected in the same container.

Distance or physical barriers shall be used to segregate incompatible Hazardous Waste.

Non-specific Hazardous Waste shall be collected in the delineated area and placed in compatible Hazardous Waste containers having lids that prevent spills or leaks.

4.5 Hazardous Waste Monitoring

All Hazardous Waste Accumulation Areas shall be visually monitored on a weekly basis. This monitoring shall be documented using approved forms. Records shall be kept on site and be made available for review during an inspection.

Monitoring includes identifying areas that need improvement.

4.6 Hazardous Waste Disposal

All Hazardous Waste shall be disposed according to applicable local, state, and federal regulations.

Cradle-to-grave management of Hazardous Waste shall be achieved by using a District manifest or chain of custody form. Whenever Hazardous Waste is shipped, a manifest must accompany the shipment. Both state and federal laws regulate the manifest.

The correctly completed manifest demonstrates the District's intent to legally and properly dispose of waste, and later, can prove that the waste was disposed as intended. It is the District's responsibility to ensure that manifests are properly completed.

4.7 Empty Hazardous Waste Containers

Certain empty Hazardous Waste Containers may be exempt from regulation as Hazardous Wastes if certain practices are followed. See 22 CCR §66261.7.

Generally, a container that once held a liquid Hazardous Waste is "empty" if no further material can be poured or drained from it when it is held in any orientation.

For those materials that are not liquid, the container (or inner liner removed from a container) is "empty" if no Hazardous Waste that can be removed by physical methods (excluding rinsing) remains in the container (or inner liner).

A container (or inner liner) that held an "acutely Hazardous Waste" (listed in 22 CCR §§66261.31, 66261.32, and 66261.33(e)) or an Extremely Hazardous Waste (identified in 22 CCR §§ 66261.110 or 66261.113) or a "corrosive," is "empty" if the container is triple rinsed using a suitable solvent according to 22 CCR §66261.7(d). The rinsate material must be added to the appropriate Hazardous Waste stream and the container labeled "Triple Rinsed."

A container (less than 5 gallons) meeting the specified conditions of an "empty" container may be recycled or disposed as ordinary trash per 22 CCR §66261.7(e).

4.8 Hazardous Waste Minimization

Waste minimization shall be undertaken to reduce or eliminate waste volume, transport distances or hazards, whenever practical. Ideal waste minimization includes source reduction, recycling, reusable containers, and other similar practices.

4.9 Hazardous Waste Shipment

All Hazardous Waste shall be profiled before shipping to approved facilities.

Hazardous Waste shall be packaged and transported in containers meeting EPA and DOT standards. See 49 CFR, Parts 173, 178, 179.

All Hazardous Waste Containers shall be labeled and marked according to DOT regulations for hazardous materials. See 49 CFR Part 172 and 22 CCR §66262.31.

All Hazardous Waste Containers shall be labeled with the words:

"Hazardous Waste – State and Federal Law Prohibit Improper Disposal. If found, contact the nearest police or public safety authority, the U.S. Environmental Protection Agency or the California Department of Health Services."

The District must assure that any vehicle transporting Hazardous Waste is equipped with proper placards according to DOT regulations. See 49 CFR, Part 172, Subpart F.

4.10 Hazardous Waste Transportation and Disposal

Appropriate Hazardous Waste management includes the selection and use of practical treatment, storage, recycling, or disposal methods to minimize risks to human health and the environment. Landfilling is used only if other methods are not available or practical.

Consideration will be given to:

A. Inherent waste hazards;

B. Effectiveness of treatment method in eliminating hazardous constituents;

C. Residues or by-products created;

D. Handling and transportation risks;

E. Short- and long-term costs;

F. Short- and long-term risks to human health and the environment;

G. Short-and long-term liability potential;

H. Applicable governmental requirements

4.11 Hazardous Waste Transporter Selection and Review

Contracts for the disposal of Hazardous Waste shall contain adequate conditions and restrictions to minimize the District's risks and liabilities, and will be reviewed and approved for technical and legal acceptability.

Contracts shall include provision for materials (including materials resulting from the recycling or handling of the wastes) to be safely and lawfully transported to, and handled at, pre-designated and approved facilities in a specified manner.

Waste contractors and facilities shall be selected on a sound business and technical basis. The selection process shall ensure that the contractors are financially sound, reputable, technically capable, and legally authorized to handle the material(s) involved.

Contractors shall be provided with adequate information to handle the material(s) in compliance with requirements in a manner protecting human health and the environment.

Contractors and facilities shall be subject to site inspections and approvals by the District before use and on a periodic basis.

Inspections are conducted by qualified professionals and include certification, equipment, required training, PPE, handling procedures, manifesting and profiling.

Should a contractor or facility be disapproved, use shall be discontinued as soon as is feasible.

ARTICLE 5 HAZARDOUS WASTE HANDLING TRAINING

The District shall provide training in Hazardous Waste operations for all workers who handle Hazardous Waste.

The training program shall be overseen by the General Manager or his/her designee and shall include instructions to employees on Hazardous Waste operations relevant to their jobs. Refresher training shall be conducted annually as required by law.

Training shall include classroom or on-the-job training in:

A. Emergency procedures, equipment, and systems;

B. Specific Hazardous Waste disposal procedures; and

C. Personal protective clothing and equipment

District personnel shall receive training in emergency response procedures (what to do in the event of a fire, chemical spill, etc.) at the time they are hired.

Supervisors of employees who handle Hazardous Waste shall ensure their workers are familiar with proper waste disposal procedures.

ARTICLE 6 RECORDKEEPING

The District shall maintain these records at their facility for at least three years:

Record	Location
This Plan	Policy and Procedures Manual, Main Office
All manifests documenting Hazardous Waste transported off-site for treatment and/or disposal, including the quantity of waste transported, the type of waste transported, the date transported, and the name of the registered Hazardous Waste transporter.	Binder in Main Office
Waste Inventories, including this information for each type of waste: Description Quantities generated Sources of the waste Treatment, storage, recycling or disposal method	Binder, Main Office
Exception reports	Binder, Main Office
Biennial State reports	Binder, Main Office
Results of waste analyses and/or profiles	Binder, Main Office
Employee training records (for three years after the employee leaves or until the facility closes)	Employee Files, Main Office
Monitoring inspection records for the term of occupancy	Binder, Main Office
Records of Hazardous Waste regulatory inspections	Binder, Main Office

ARTICLE 7 EMPLOYEE RESPONSIBILITIES

7.1 Employee Responsibilities

Employees at the District are responsible for:

A. Safely handling of Hazardous Wastes;

B. Becoming familiar with the hazards of Hazardous Wastes generated. This includes reading related safety information, MSDS/SDS for the hazardous components of the waste and accompanying signs and symptoms of exposure, first aid procedures and protective equipment;

C. Wearing proper protective equipment when handling Hazardous Wastes;

D. Placing materials in the proper waste stream container (labeled and dated), properly transfer wastes to Accumulation Areas, and fill in the waste log, if applicable;

E. Completing all applicable safety training or request additional safety training from his or her coach; and

F. Informing their coach or manager of unsafe work conditions.

7.2 Management Responsibilities

District Management is responsible for:

A. Implementing Hazardous Waste policies and procedures in their area;

B. Monitoring purchase, use, accumulation, and disposal of chemicals in their areas;

C. Reviewing and understand the hazards of waste generated in their areas;

D. Ensuring that employees use appropriate protective apparel and equipment;

E. Developing standard operating procedures for managing Hazardous Wastes in their areas and make them available to employees;

F. Ensuring that employees are trained in proper waste handling procedures upon hiring, annually and when they changes jobs;

G. Ensuring that employees know and follow policies and procedures for handling Hazardous Wastes, spill cleanup, and use and care of protective equipment;

H. Appointing person(s) responsible for labeling Hazardous Waste generated in their areas and properly transferring waste containers to Accumulation Areas;

I. Ensuring formal safety inspections, including routine inspections of emergency equipment are completed;

J. Ensuring their areas have adequate storage for Hazardous Waste container(s);

K. Working to minimize Hazardous Waste generation to the extent practical; and

L. Providing timely follow-up and correction of any problems noted during inspections.

7.3 Responsibilities of Outside Contractors/Visitors

All outside contractors and visitors:

A. Are responsible for any wastes they generate on-site, unless it is explicitly written in the contract that the District will dispose of the wastes;

B. Must comply with all safety policies and procedures while working on District property; and

C. Must remove Hazardous Waste as directed by the District.

ISD VOLUNTEER POLICY

ARTICLE 1 PURPOSE

To define a policy regulating administrative procedures and the management of District volunteers. It is the goal of the District to have a volunteer program that will benefit both volunteers and the District.

ARTICLE 2 ADMINISTRATIVE RESPONSIBILITY

The General Manager shall delegate the administration and coordination of volunteers to a District employee of his/her choosing.

ARTICLE 3 APPLICABILITY

This policy applies to District staff and to volunteers performing services in any part of the District, including, but not limited to, the City of Oakley and Jersey Island.

ARTICLE 4 POLICY

The District may authorize the use of volunteers in performing basic tasks as assigned. A volunteer is defined as: (1) a non-paid individual who offers services to the District; or (2) an intern who receives academic credit for his/her work but no stipend. A volunteer has no salary, benefits, or labor relations rights of a District employee and serves "at the will" of the designated department director.

ARTICLE 5 DISTRICT DUTIES

5.1 Administrator Duties

The administrator of the volunteer program shall:

A. Maintain an "open file" of individuals offering volunteer service to the District.

B. Accept requests for volunteer services from District departments.

C. Provide a volunteer position description outlining the volunteer responsibilities within the requesting department.

D. Ensure that all volunteers meet minimum qualifications for placement into District-related assignments.

E. Process all necessary documents required by the District of volunteers including, but not limited to:

   i. District application;

   ii. Driver's license; and

   iii. Proof of automobile insurance.

F. Provide a brief orientation for new volunteers.

G. Maintain a personnel file on each volunteer working for the District.

H. Provide an exit interview for out-going volunteers upon request.

I. Ensure that the departments maintain accurate time cards.

J. Prepare District volunteer worker identification cards.

K. Assist departments in the volunteer performance evaluation process.

5.2 Management Duties

The General Manager or his/her designee shall:

A. Prepare departmental volunteer position descriptions.

B. Specify any limitations or special requirements for the positions.

C. Assist in the recruitment of volunteers.

D. Orient and train new volunteers on District and department policies.

E. Train new volunteers on their duties.

F. Delegate an employee to supervise the work of the volunteers.

G. Maintain accurate time records for volunteer work.

5.3 Supervision

The volunteer will be supervised by a department director or his/her designee. Depending on the type of volunteer position and at the discretion of the director, the volunteer may receive the following:

A. Inter-district development training.

B. Evaluation of performance and/or skills upon request.

5.4 Recognition

The District will recognize its volunteers at least annually. Volunteer recognition activities will be coordinated by the General Manager or his/her designee. The budget for such activities shall be approved by the District Board. Departments are encouraged to recognize their volunteers within budget constraints.

ARTICLE 6 VOLUNTEER QUALIFICATIONS

6.1 Age

The established minimum age for a District volunteer will be 16, unless specified otherwise in the position description. All youth volunteers under the age of 18 must have written parental permission to volunteer.

All District volunteer position requirements will comply with State Child Labor Laws placing limitations on the hours of employment for minors, specifically:

A. Minors under 18 years of age shall be employed for no more than 4 hours on a school day and 8 hours on a non-school day.

B. Minors under 18 years of age shall not be permitted to work before 5:00 a.m. or after 10:00 p.m.

Senior citizens and retired persons shall be encouraged to volunteer.

6.2 Qualifications

Volunteers must be qualified to conduct the work specified in the description of the volunteer position applied for.

No volunteer shall receive preference for paid District employment positions following volunteer service.

6.3 Equal Employment Opportunity

The District is an equal opportunity employer. Volunteer selections will be made according to merit and fitness providing an equal opportunity to all applicants regardless of religious creed, national origin, sex, age, physical disability, sexual orientation, or marital status.

ARTICLE 7 PROCEDURES

While volunteers do not receive monetary compensation from the District for services performed, there are certain provisions which complement the overall philosophy of the District when considering volunteers as staff. Providing certain non-monetary provisions also enables volunteers to provide a wider variety of services than would otherwise be possible.

7.1 Identification

The coordinator will provide a volunteer identification badge stating the volunteer's name and that they are a District volunteer. The badge should be worn whenever the volunteer is acting as a District representative.

7.1 Uniforms, Tools, Equipment

In cases where a uniform, tools, or other equipment are necessary for a volunteer's performance of a particular job, the assigned department will issue the necessary items at no cost to the volunteer.

7.2 Insurance

All volunteers will be covered under the District's Workers' Compensation Insurance while on District duty. Names of covered volunteers must be maintained on an official volunteer roster kept by the District Secretary.

7.3 On-The-Job Injuries

All injuries and illnesses suffered by a volunteer while working at the District shall be reported to the volunteer's supervisor immediately. The supervisor, upon receiving notice of the accident, shall be responsible for: (1) immediately notifying the volunteer coordinator of the accident; and (2) giving the injured volunteer an "Employee Claim for Workers' Compensation Benefits" form within twenty-four hours. The District shall be responsible for completing an "Employer's Report of Occupational Injury or Illness."

7.4 Reimbursement

Volunteers will be reimbursed for pre-approved, out-of-pocket expenses incurred during their work as a volunteer. In addition, if pre-approved, volunteers may claim mileage reimbursement when required to use their personal vehicle for District-related business. When seeking reimburement, volunteers should use the same forms as those used by District staff.

ARTICLE 8 STANDARDS OF CONDUCT FOR VOLUNTEERS

In securing a mutually beneficial placement, both the District and the volunteer must work together cooperatively. When placed in a volunteer position with the District, a volunteer should do all of the following:

Take responsibility for gaining a clear understanding of job responsibilities through discussions with the assigned department and supervisor;

Abide by the same supervision, rules of conduct, and ethical standards which govern full-time employees;

Fulfill time commitment agreements regularly and promptly;

Respect confidentiality requirements;

Notify the department director or designated supervisor of all time worked, transfer requests, discontinuation of volunteer service, as well as any problems which might necessitate a change in assignment; and

Attend the required training session(s) for the specific position.

ARTICLE 9 DISCONTINUING VOLUNTEER SERVICES

In some cases, a placement may be made that is not beneficial to either the District or the volunteer. In cases where staff perceives that the placement is unsatisfactory, the following steps should be taken:

The Department Director or designated supervisor should review position responsibilities with the volunteer emphasizing areas in which improvement is needed.

Staff should request assistance from the Volunteer Coordinator in changing the job or reassigning the volunteer to a more appropriate division or position in the District.

The Volunteer Coordinator will be contacted when the department wishes to discontinue the volunteer's service.

Volunteers will relinquish any and all District-owned property upon departure from District volunteer service.

The appropriate Department will prepare a written summary of the volunteer's contributions and performance upon a volunteer discontinuing his/her service.

ISD MEETING ROOM PRACTICES AND PROCEDURES

ARTICLE 1 PRACTICES

No use is permitted unless reserved in advance with the District.

If you need to cancel a reservation, please notify the District Receptionist at (510) 625-2279 as far in advance as possible. Please try to book only days and times that you know you will require, and avoid booking multiple dates for holding purposes.

User groups are restricted to specifically reserved areas.

User groups are required to clean up their own waste to the greatest extent possible.

No food or beverages are allowed in the Board Room. The persons scheduling or conducting the meeting are responsible for enforcing this rule.

No alcoholic beverages are allowed on District property.

User groups may not use District audio-visual equipment.

User groups may not move or rearrange furniture in the Board Room.

Questions or requests for clarification relative to this Statement should be directed to the Disrict Administrative Secretary.

ARTICLE 2 PURPOSE

The District's Meeting Room use policy is for the benefit of the District's constituents. Use of the Meeting Room is available to members of the public only and not to groups, organizations, private entities, or corporate entities operating for profit or for any political or religious purpose. The District Manager may decline any request for use of the Meeting Room if he/she believes the purpose of a proposed gathering is in violation of this policy.

ARTICLE 3 PROCEDURES

3.1 Use Agreements

An Agreement for Use of Board/Conference Rooms must be received and approved by the District before a request for reserving a meeting room will be considered.

Agreements must be completed in their entirety before being considered for approval.

All agreements expire at the end of each calendar year. Organizations wishing to use the meeting rooms in the next calendar year must file a new agreement. We extend a grace period for current agreement holders for January bookings, since those are allowed as of the first of December, and the new agreements cannot be sent out and received back at the District by that time.

Agreements are approved at the sole discretion of the Board of Directors or its designee. An Agreement may be denied if it is determined that it is not in the best interests of the District.

3.2 Meeting Room Use Requests

Requests for use of the District meeting rooms may be made in writing or by telephone. Requests shall include:

A. The date, time and duration of time that a meeting room is desired;

B. The specific meeting room desired (Board Room or Conference Room);

C. The approximate number of people anticipated in attendance;

D. The name and weekday telephone number of the requester.

3.3 Approval of Use Requests

Approval of requests for use of the meeting rooms is made at the sole discretion of the Board of Directors. At a minimum, the following conditions must be met before a request will be approved:

A. A current approved Agreement for Use of the District meeting room must be on file with the District;

B. The requested meeting time must not conflict with scheduled or tentatively schedule meetings of the Board of Directors or other needs or requirements of the District; and

C. The District will incur no specific additional cost for operation, maintenance or upkeep by virtue of such use. Board member and/or staff must be present and take responsibility or a fee will be assessed to cover staff time. The fee shall be a direct labor charge.

3.4 Reservations

Reservations for the meeting room will be made through the Receptionist at (510) 625-2279. We require reservations a minimum of five working days in advance in order to provide arrangements for access to the site and building.

3.5 Conflicts

In case requests for use are in conflict, requests will be considered in the following descending order of priority:

A. Groups or representatives of the District organization, for District business purposes.

B. Groups involved with wastewater policy and practices or other wastewater oriented groups.

C. On the basis of meeting the needs of the largest number of people.

D. As determined to be in the best interests of the District.

3.6 Cancellations

If your meeting will not be held as schedule, please cancel your booking with the District Receptionist at (510)625-2279, as far in advance as possible. Please reserve only dates and times that you know to be valid. Do not reserve multiple dates and times to hold space, just in case you may need the room, or wish to change your plans. The reservation system is designed to allow an equal opportunity for all groups and organizations that wish to use the rooms.

Repeated cancellations or “no shows” are considered an abuse of the meeting room reservation system. Groups that abuse this system may be denied the privilege of using the rooms.

FAX
(510) 625-0169

IRONHOUSE SANITARY DISTRICT
450 Walnut Meadows Drive ₀ P.O. Box 1105 ₀ Oakley, CA 94561

Telephone
(510) 625-2279

AGREEMENT FOR USE OF DISTRICT MEETING ROOMS

The Meeting Room may be rented by individuals or by associations, organizations, and not-for-profit corporations. To the fullest extent permitted by law the individual(s) or entity signing this form (or on behalf of whom the form is signed) shall indemnify, defend, and hold harmless Ironhouse Sanitary District and its officers, board members, directors, agents, and employees from and against all demands, claims, causes of action, suits, judgments, and damages to persons and property, including property damage and injury or death, arising out of or in any way related to the individual(s)' or entity's use of the Ironhouse Sanitary District Meeting Room. This obligation to indemnify, defend, and hold harmless is inclusive of reasonable attorneys' fees and costs. The obligation excludes demands, claims, causes of action, suits, judgments, and damages arising out of the sole negligence or willful misconduct of Ironhouse Sanitary District and its officers, board members, directors, agents, and employees to the extent they were acting within the scope of their employment by or agency to Ironhouse Sanitary District.

Upon a written tender by Ironhouse Sanitary District to the individual(s) or entity signing this form (or on behalf of whom the form is signed) of any demands, claims, causes of action, suits, judgments, and damages to persons and property, including property damage and injury or death, arising out of or in any way related to the individual(s)' or entity's use of the Ironhouse Sanitary District Meeting Room, the individuals(s) or entity must immediately commence the defense of Ironhouse Sanitary District and/or its officers, board members, directors, agents, and employees as applicable, through counsel of Ironhouse Sanitary District's choosing.

SECTION II Name and Type of Organization (please print full name)

Organization Name:
Type / Purpose of organization:

SECTIOX II: Name, Address, and Phone Numbers of two members who are officers or leaders of the organization. These members are responsible for the organization's compliance with this Agreement

Name:	Name:
Address:	Address:
City / Zip:	City / Zip:
Home Tel No:	Home Tel No:
Work Tel No:	work Tel No:

SECTION III: Incorporated Organizations Complete and sign the following section

Does your organization carry liability insurance? YES __ MO __ If yes, provide the following information. If no, complete section IV below.	
Name of Insurance:	
Policy Number:	
Limits of Coverage:	
Authorized Officer of Organization:	
Name: ______________	Title:
:signature:	Date:

SECTION IV All Other Organizations Complete and sign the following section

The individual executing this agreement for the organization is:	
Name:	Title:
Signature:	Date:

ISD HAY CROP PRODUCTION, USAGE, AND SALES POLICY

ARTICLE 1 PURPOSE

The District produces seasonal hay crops on Jersey Island and the mainland property in Oakley. The purpose of this policy is to provide specific procedures and guidelines regarding quantifying and documenting crop production, standards for establishing pricing for crop variations and units of measure, establishing procedures for identifying and prioritizing customer sales, and reconciling production output and usage through an annual inventory reconciliation process.

ARTICLE 2 HAY CROP PRODUCTION AND HARVEST

2.1 Harvest Season

The District grows three types of hay: pasture hay, grain hay, and sudan grass hay. The harvest season is typically April through October with a spring and summer harvest and a much lighter harvest in the fall.

2.2 Harvest Production

In the hay industry, production is typically measured by the ton or by the bale. The District does not have a certified scale and therefore measures production by the bale. In a typical harvest season, the District produces on the mainland property around 1,600 small bales and 500 big bales of hay. On Jersey Island, the District typically produces 2,000 to 2,400 small bales and 2,500 big bales of hay.

The actual amount of hay produced varies year-to-year and is primarily dependent upon weather and field soil conditions. Below normal rainfall typically results in lower production, especially on the mainland property where the fields are not irrigated.

The amount of hay harvested from District fields is documented on the Hay Crop Harvest Form by the District's reclamation superintendent after each harvest by type, bale size, and quantity. A copy of the form is submitted to accounting. Annual hay production is also reported on an annual basis to the Regional Water Quality Control Board, through the preparation of the Annual Land Management Report.

2.3 Spoilage

With every harvest there is spoilage for various reasons. Typical factors resulting in spoilage are wet hay after it is harvested and early harvest due to mosquito spraying issues. Spoiled hay is left on the ground for ISD cattle to pick-through. Spoilage is generally 5% to 8% of the harvest.

ARTICLE 3 HAY CROP USAGE OTHER THAN SALES

The first priority for harvested hay is to allocate it for feed for the District's cattle operation. Approximately 1,500 big bales are used annually by the cattle operation. Hay usage for the cattle operation is documented on the Cattle Hay Usage Log by usage date, hay type, bale size and quantity.

ARTICLE 4 HAY CROP PRICING AND SALES

4.1 Pricing

The District contracts with a licensed and bonded hay broker to evaluate three times a year the value of the of the hay crop by type and quality. The broker will be selected after phone interviews with at least three candidates. The broker will determine the FOB price for each type, quality, and bale size of hay.

4.2 Sales

The District does not actively market its hay. Sales are typically made to recurring local customers. Customers usually contact the District directly for availability and pricing. Sales are determined on a first come first serve basis and allocations are generally rationed to try to accommodate all interested parties. Sales are also made to District employees and relatives (considered related party transactions). Related party sales shall not exceed 50% of total sales.

Every sales transaction is documented on the Hay Sales Transaction Form that includes sale date, customer name, hay type, bale size, quality, quantity, unit price, and gross sale.

ARTICLE 5 INVENTORY RECONCILIATION

5.1 Annual Inventory Reconciliation

At the end of each fiscal year, hay inventory is counted by hay type and bale size and is valued based on current market price. Change in inventory quantities from year-to-year are reconciled by type and bale size as follows:

> Inventory balances at the end of the prior fiscal year;
> Plus: Harvested during current fiscal year (based on hay crop harvest forms);
> Less: Sales during the current fiscal year (based on hay sales transaction forms);
> Less: Use by cattle operation (based on Cattle Hay Usage Log);
> Equals: Inventory balances at the end of the current fiscal year.

Discrepancies found during the annual inventory reconciliation are investigated and documented.

District Cattle Hay Usage Log

Date	Type	Bale Size	Quantity

Date	Type	Bale Size	Quantity

Hay Sales Transaction Form

Sale Date:	
Customer Name and Contact Information:	
Hay Type:	
Bale Size:	
Bale Quantity:	
Hay Quality:	
Unit Price:	
Gross Sale:	

ISD CREDIT CARD SALES POLICY

ARTICLE 1 PURPOSE AND POLICY

There have been incidents in the past where service connection fees have been paid by credit card. When a credit card is used to pay for connection related fees, the District incurs a credit card processing fee ranging from 2% to 3% of the transaction total depending upon the type of credit card and the transaction total. Because of the significant dollar value of connection related fees, the credit card processing fee charged to the District can be significant.

The District believes the rate payer should not absorb the cost of credit card processing fees for connection related fees. As such, connection related fees cannot be paid with a credit.

ISD STRATEGIC PLAN

BOARD ORDER NO. 14-12

BOARD OF DIRECTORS OF
IRONHOUSE SANITARY DISTRICT

Adopted this Order on April 1, 2014 by the following vote:

AYES: D. Contreras, D. Huerta, C. Lauritzen, M. Painter and D. Scheer

NOES: None

ABSENT: None

ABSTAINED: None

SUBJECT: UPDATES TO POLICIES RELATED TO ISD USE OF VEHICLES, VEHICLE ALLOWANCE, PURCHASING POLICY AND STRATEGIC PLAN.

IT IS BY THE BOARD ORDERED that the SUBMITTED updates to the following policies 1) Vehicle Use Policy, 2) Vehicle Allowance Policy, 3) Use of Cell phone While Using a Motor Vehicle, 4) Vehicle Use Policy for the On-Call Pickup, 5) Employee Purchases from District Vendors and Use of Credit Cards, 6) Strategic Plan, are approved and adopted as amended and updated by the Policy committee.
Copies of policies will be filed in the Policy handbook.

ATTEST: Susan V. Walde

Susan V. Walde
District Secretary

svw\word
bo14.12

cc
minutes

Strategic Plan for the **Ironhouse Sanitary District**

IRONHOUSE

SANITARY DISTRICT

August 29, 2012

Revised November 21, 2013

Governing Board of Directors

David Huerta, President

David Contreras, Vice President

Dr. Michael Painter, Director

Doug Scheer, Director

Chris Lauritzen, Director

Staff

Tom Williams, General Manager

Consultants

Brent H. Ives, Sr. Consultant

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INTRODUCTION

A strategic plan for a public agency serves as a framework and basis for decision-making and detailed planning in a five year planning horizon. As a top level planning document, a strategic plan:

1.) confirms the overall mission of the organization, looking out into the future, affirms core values as to how a district will do business, then dovetails with current and future activities, actions and initiatives to best position a district for continued mission success.
2.) creates a clear, scheduled, roadmap of actions and activities into the future. It is visionary, conceptual, and provides clear direction for the application of organizational resources.
3.) identifies and forecasts areas where attention is needed, followed with realistic, attainable goals to address critical areas.
4.) seeks to assure that actions will be taken in the proper sequence and at the appropriate time to protect a district and allow for safe, efficient workflow.
5.) takes the form of action or planning efforts that may be conducted annually to identify specific key need areas.
6.) works to build on strengths and opportunities, while addressing any apparent threats or weaknesses.

The Ironhouse Sanitary District (District) uses effective planning, unique methods and teamwork as a formula for success. The District has for years been deliberate in managing its core mission and diligently works to keep strong relationships with ratepayers, regulators and other stakeholders. The District strives to be recognized for providing quality service and insightful forward planning, while carefully watching, and effectively managing, rates for its customers. It is in this spirit of strong future focused planning that the District embarks on this Strategic Plan (Plan) that will to guide it into the future.

It is well understood that only a certain level of confidence can be assigned to future conditions in out years. This Plan seeks to prepare the District for known as well as unanticipated conditions. In recognition of these future uncertainties, the plan also provides for self-maintenance via periodic reviews and updates in a deliberate planned fashion.

Many considerations have been made in conducting this planning effort, and some of these considerations will continue to influence the plan into the future, including the following:

- Collaboration with varied and potential partner agencies.
- Potential for environmental changes.
- Potential for changes in Federal, State and local laws and land use policies.
- Employee succession, development and overall organizational health.

The plan is organized so that strategic elements are derived from, and fully support, the overall mission of the District. Vision takes the Mission forward into the planning years. Core values dictate how the District will conduct itself as it moves forward. Strategic goals follow and are plans, actions and activities that assure the mission and strategic elements are well planned and accomplished within the planning horizon.

OUR STAKEHOLDERS

- **Customers** (public health and safety, rates, quality and timely service, reliability, open and transparent public interaction/communication, integrity)
- **Regulators** (compliance)
- **Employees** (communication, stability, support, acknowledgment, work environment/culture)
- **Development Community** (availability, timeliness, value, clear communication, consistency)
- **Other Agencies and Partners** (opportunity, partnerships)
- **Community** (protection of the environment, District reputation, stability)

PROCESS

The Board of Directors began the strategic planning process by engaging a consultant, BHI Management Consulting (Consultant), to coordinate the planning process. Input was gathered from the District employees in the areas of core values, mission statement, current issues, and known future issues as well as first cut strategic elements. This input process allowed all employees of the District to play a foundational role in the development of the Plan.

The Board also asked the Consultant to seek input from stakeholders. Two meetings were conducted with local agencies and the public specifically invited to participate and provide input to the planning process of the District.

The Board of Directors completed a questionnaire that facilitated the strategic outlook process. The Board participated in a workshop where members spent significant time with the Consultant and senior District staff. At the workshop the Board considered all of the inputs from employees and stakeholders as well as completed a revised mission statement, vision statement, core values, identified strategic elements, objectives for each element, and worked through initial supporting strategic goals.

The five–year goals were further developed over the period of several weeks and are detailed herein and scheduled in the five-year timeframe to allow District leadership to plan the resources necessary to assure completion.

The process culminated in the development of this report. Initial drafts were vetted with interested stakeholders to assure proper coverage and perspective relative to all aspects of the plan. Strategic plan self-maintenance is also included to allow future Boards and staff to continue the strategic planning process.

MISSION STATEMENT, VISION STATEMENT AND CORE VALUES

MISSION

We protect public health, safety and the environment through responsible wastewater collection, treatment and water reuse.

VISION

In five years we will have:

- ***managed costs and investments to protect future rate affordability,***
- ***enhanced our customer service, public education and information methods to assure the public trust and support,***
- ***a qualified, long-term and productive workforce matched to insure effective completion of our Mission,***
- ***enhanced environmental stewardship for multiple benefits and protecting our resources, and***
- ***significantly invested in our infrastructure to maintain reliable and efficient services.***

CORE VALUES

We will achieve this through a common set of values:

- ***Environmental Integrity***
- ***Customer Service***
- ***Commitment to Quality, Efficiency***
- ***System Maintenance***
- ***Immediate response to needs***
- ***Opportunities for Partnerships***
- ***System flexibility***
- ***Employee welfare and empowerment***
- ***Public education and involvement***
- ***Financial responsibility***
- ***Meet the needs of growth***
- ***Carefully Manage Rates***

STRATEGIC ELEMENTS AND GOALS

Strategic elements represent vital areas of the District operations, planning, and management that will be specifically addressed in the next five years. Strategic elements are linked to the District's mission and philosophy via the core values and mission statement. They are also linked to action in the form of strategic goals that serve to implement the plan in the future. Strategic goals and projects are listed on Table -1.

Strategic Planning Linkages – the following graph shows how Strategic Goals and resultant actions are linked to the Core Values and Mission of the District.

- Mission Statement
  - Vision Statement
    - Core Values
      - Strategic Elements
        - Strategic Goals

ACTIONS & PROJECTS

Strategic Elements

- **1.0 Fiscal Planning**
- **2.0 Public Affairs/ Regulatory Relations**
- **3.0 Infrastructure**
- **4.0 Administrative Management /Organizational Health**
- **5.0 Environmental Integrity**
- **6.0 Jersey Island Management**

1.0 Fiscal Planning

Element Objective and Strategy: Our objective for this element is to insure financial health for the District now and in the future. We will do this by solid fiscal analysis, forecasting, looking at and analyzing trends, insisting on efficiencies and seeking opportunities for alternative sources of funds.

1.1 ***Develop and implement a Multi-year operating budget*** – The District has relied on a budget process in the past that has looked at a single, upcoming, fiscal year. As the District continues to grow and evolve, the need for a multi-year budget forecast will become a necessity in adequately planning and anticipating the financial requirements of the District one to two years beyond the upcoming fiscal year. This process should provide the District Board, as well as staff, with a better understanding of future needs and help the District better react to changing needs or demands.

1.2 ***Investigate alternate sources of funding*** – The District will investigate alternate sources of funding in an effort to keep its fees and rates as low as possible. Sources of funds such as recycled water, grants, cost share arrangements, land leasing, crop sales, cattle sales, etc., will be investigated more formally and optimized.

1.3 ***Conduct Annual Audit of District Funds and Financial Practices*** – The District will continue to conduct annual independent audits to assure proper financial management, review financial statements, review major fund status, and assess accounting principles and overall financial practices. As a matter of practice, the auditing firm, and/or the principals from a larger auditing firm, should be changed periodically to assure objectivity.

1.4 ***Institute a Reserve policy and program – The*** District will investigate and institute a formal reserve policy that will serve as a rate stabilization fund for future needs and potential emergencies. The policy will look for ways to minimize the potential cost impacts to the rate payer, while still providing reliable sources of funding for the reserves, such as non-operating revenue not already committed to other expenditures.

1.5 ***Conduct Update of the District's Capacity Fee Study*** – The District will initiate and update its Capacity Fee Study to assure new development fees are based on up to date estimates, cost factors and planning. The update will further investigate on-going developer financed infrastructure and developer connection fee contributions to help pay for new and existing infrastructure.

1.6 ***Investigate and implement financial infrastructure upgrades*** – The District will review its existing financial infrastructure and practices to stay current and assure efficiency in financial practices. Staff will make the Board aware of these improvements as they occur.

1.7 ***Conduct update of the District's Financial and Rate Projections*** – The District will complete an update to its 2011 Financial and Rate Projection Study. The study will look at the actual and estimated revenue projections, expenses, and liabilities over the next seven to ten years. This longer horizon look will provide an estimate of where the District's annual sewer service charge needs to be set in the coming years.

2.0 Public Affairs /Regulatory Relations

Element Objective and Strategy: Our objective in this area is to inform and educate the public and our regulators to accomplish an informed community and beneficial relationship with our regulators. We will do this by proactive communication of our vision, our plans, our activities and our results.

2.1 ***Website*** - The District will continue to maintain and upgrade its website and other forms of social media; offering the public up-to date information on Ironhouse Sanitary District at www.ironhousesanitarydistrict.com, Facebook and Twitter. This will be accomplished with the assistance of its Public Outreach Committee.

2.2 ***Newsletter*** - The District will continue to publish, assess increased use of and enhance the *Ironhouse Insider*, the District's official newsletter, three times a year, and mail it to all addresses in our communities of Oakley, Bethel Island, and other unincorporated areas of our service area.

2.3 ***Public Relations*** –

2.3.1 The District will continue to be proactive in the community, working with area stakeholders such as Bethel Island Municipal Improvement District, BIMAC, the City of Oakley, local school districts, local special districts and the Oakley and Bethel Island Chambers of Commerce; representing the District at public events to educate the public on the proper care, treatment and utilization of our communities water resources.

2.3.2 The District will continue to hold public workshops to educate and make its customers aware of changes in the District, keep the public involved, and solicit the public's input on District activities.

2.4 ***Develop and Maintain Strategic and Beneficial ties with regulators and other governmental agencies*** - The District must, as the owner of strategic land holdings in the Western Delta, and as a protector of strategic water resources for the state, strive to be recognized as a responsible, reliable, and progressive land owner. The District will continue to seek and maximize strategic relationships with local, state, and federal regulators and government agencies to improve its position in protecting its water resources, benefit its rate-payers, and protect the Delta environment. Both short and long term associations will be considered.

2.5 ***Professional Associations*** – The District will continue to encourage its staff members to participate and, in some cases, lead in their association with professional organizations such as California Association of Sanitation Agencies (CASA), Central Valley Clean Water Association (CVCWA), Water Environment Federation (WEF), California Special District's Association (CSDA), etc.

2.6 ***Open Governmental Process*** - The ISD Board will be trained semi-annually in Ethics, per the Fair Political Practices Commission and the State Attorney General. The ISD Board will also be trained in the different areas of good governance (financial, ethical, management, and communications) annually, or as needed for updating, through different professional organizations such as CSDA and CASA.

2.7 ***ISD Board Bylaws*** – The ISD Board, through its bylaws subcommittee and General Manager will review its governing bylaws annually and, will recommend changes, if any, to the full Board of Directors for consideration. Additionally, bi-annually the Board will review these bylaws to assure that the Board and any new Board members are fully aware and knowledgeable of the bylaws.

3.0 Infrastructure

Element Objective and Strategy: Our objective for this element is to plan, build and maintain safe and reliable wastewater infrastructure for current and future customers. We will do this through knowledge based decision making, using quality materials, employing proven methods, and continuing preventative maintenance programs.

3.1 **New Water Recycling Facility (WRF)** –

3.1.1 NPDES permit renewal- The District will undertake its National Pollutant Discharge Elimination System (NPDES) permit renewal beginning in fiscal year 2012/13. The required permit renewal for the District's river discharge permit may span two fiscal years and will require outside professional services to supplement staff for completion.

3.1.2 WDR permit renewal- The District applied for its Waste Discharge Requirement permit renewal in Fiscal year 2011/2012 and is currently waiting for the State to respond to its application and begin negotiation of its permit. The WDR permit renewal for the land application may span two fiscal years and will require outside professional services to supplement staff for completion.

3.1.3 Salt reduction management plan – The District will complete its salt reduction management plan in fiscal year 2014/15 and will develop necessary ordinances and programs to implement the plan. The salt reduction management plan will be developed and implemented in accordance with the requirements of the District's NPDES permit.

3.1.4 WRF standard operating procedures/standard operating guidelines (SOP's & SOG's) - The District will develop its SOP's & SOG's for the new WRF using in-house staff. The SOP's & SOG's will clearly identify and describe equipment, processes, and tasks associated with operating each component of the WRF and will be revised as needed on an ongoing basis.

3.1.5 WRF operations and maintenance manual (O&M manual) - The District will develop its O&M manual for the new WRF using in-house staff. The O&M manual will list and categorize WRF equipment and will identify necessary maintenance schedules to keep the equipment in compliance with manufactures warranties and performing efficiently.

3.1.6 WRF laboratory certification – The District completed its laboratory certification in fiscal year 2013/14 Plant operations staff will continue to be trained and reviewed in the performance of running these testing procedures. Through a staff training and rotation program the facility will provide operational depth and redundancy in laboratory operations.

3.2 ***Recycled Water Reuse –***

3.2.1 Recycled water feasibility study – The District will apply for grant money and will begin its recycled water feasibility study in fiscal year 2013/14. The study will identify potential markets for selling the water for rate stabilization purposes and prioritize recycled water users, analyze and identify recycled water infrastructure financing options, and will prioritize recycled water infrastructure implementation.

3.2.2 Recycled water reuse on Jersey Island – The District will continue to utilize its recycled water for irrigation of its hay fields on Jersey Island. The District will investigate opportunities to further improve its annual hay production, as well as investigate new opportunities to grow crops of higher cash value.

3.3 ***Collection System Expansion*** – The District will expand and upgrade its wastewater collection system as necessary to meet growth needs, as identified in the District's Sewer Master Plan, last updated in February 2007. Capacity expansion of the collection system will be funded solely through new development fees. Expansion of the collection system will require the District to do the following:

- Review and update the Sewer Master Plan at appropriate intervals to reflect changes as they occur in the service area.
- Work with Developers to implement collection system improvements necessary for new development plus those noted in the Sewer Master Plan that are triggered by new development.
- Work with Developers on trunkline capacity fee payments and/or infrastructure installation in accordance with the District's adopted Credit and Reimbursement policy.
- Work with residents within the District's Sphere of Influence that currently do not have sewer but wish to have sewer. This, in part, may be accomplished through new development and the District's Sewer Master Plan.

3.4 ***Preventative Maintenance Program*** – The District owns and operates an extensive array of infrastructure, facilities, and real-estate that support the District's Mission Statement. To insure these extensive holdings are appropriately operated and maintained, the District will continue to implement its preventative maintenance program. The preventative maintenance plan will require the District to do the following to be completed in FY 2014/15:

- Continue to utilize, maintain and/or develop its manuals of Standard Operating Procedures "SOP's".
- Annually monitor buildings and grounds for inclusion into the budget process for maintenance.
- Utilize its NEXGEN computerized maintenance monitoring system to track, schedule and monitor maintenance activities of its infrastructure.

- Continue to implement and update its Replacement and Repair Plan in accordance with California State mandates for Sewer System Management Plan (SSMP's).
- Continue to implement and update its plan to reduce Sewer System Overflows (SSO's) and mitigate their effects.

4.0 Administrative Management/Organizational Health

Element Objective and Strategy: Our objective in this area is to ensure sound management of the District and preserve a safe, productive and healthy work environment for our employees. We will do planned, periodic review and updating of our policies and procedures and will do this by offering competitive compensation and benefits, insisting on a safe workplace, providing training and opportunities for advancement, and utilizing sound management practices and policies.

4.1 ***Maintain Rules and Regulations Manual*** – The District's Rules, Board Manual, Bylaws and Regulations Manual should be dynamic and reflect current legal requirements and Board-adopted policies. This will be done through developing and implementing a regular consistency review and revision schedule for the Rules and Regulations Manual. While an outside firm may be used to perform an objective review to assure completeness, Staff will perform most of this work in-house to be completed in FY 2013/14.

4.2 ***Conduct Job Description review*** – The responsibilities of positions within the District evolve somewhat over time and/or are altered by additional requirements and duties. While an outside firm may be used to perform an objective review to assure completeness, Staff will perform most of this review and update work in-house.

4.3 ***Annually update/review the District Strategic Plan*** - It is in the District's best interest to annually review and update this Plan as part of its commitment to providing services in a responsible, efficient and reliable manner.

4.4 ***Adequately staff ISD through a Staffing Succession Plan*** – The District will experience relatively significant staff turnover within the next 5-10 years. A Staffing Succession Plan will be developed in FY 2013/14 using this information to include staffing "triggers" based on increased service connections, anticipated retirements, expansion of treatment facilities, and other additional facilities. This Plan will take an organized look at the entire organization, its needs and potential workforce issues to provide a roadmap outlining areas within the workforce that need deliberate and proactive planning.

4.5 ***Supervisory training*** – The District recognizes the importance of the first-line supervisor to organizational health and will provide supervisory training to assure excellence in supervision. The District will engage an outside firm and potentially outside trainers to provide District specific training to the supervisors and applicable staff.

5.0 Environmental Integrity

Element Objective and Strategy: Our objective in this area is to preserve, protect and enhance our environment. We will do this by maintaining and improving effluent water quality, promoting recycling, practicing good stewardship over our land holdings, and encouraging environmental projects and education.

5.1 ***Encourage and participate in environmental projects and education -***

5.1.1 The District will evaluate opportunities for environmental enhancement on ISD owned lands (both Jersey Island and the Mainland properties) to the extent possible projects, in partnership with State, local and/or private enterprises, can benefit multiple stakeholders and the environment (win-win projects), while always keeping the ISD ratepayer foremost in all consideration processes.

5.1.2 The District will evaluate opportunities to support, partner and/or develop education about our Delta environment, wastewater collection, treatment and reuse, water supply and water reuse resources, pollution control and prevention, conservation, sustainable farming and ranching practices, recycling, water science, sustainable practices and careers in water related fields.

5.2 ***Participate in the activities of the Delta Science Center*** – The District will stay involved (financially and via designated ISD representatives) in the activities of the Delta Science Center to encourage and support education of water science as it relates to the Delta and to ISD's recycled water treatment process.

5.3 ***Projects related to and in support of the environment*** -

5.3.1 The District will investigate opportunities to develop renewable energy projects on ISD owned lands with the goal of reducing ISD energy costs while supporting the environment through reduction of greenhouse gases

5.3.2 The District will investigate opportunities to develop and implement greenhouse gas reduction programs on Jersey Island through carbon sequestration of oxidizing peat soils. As a side benefit of carbon sequestration opportunities, investigate the benefits of peat soil subsidence reversal and possible state and federal grant opportunities to support implementation of such programs.

5.3.3 The District will continue to work with Reclamation District No. 830 to sell dirt to RD 830, in support of enhanced vegetation (tidal marsh and upland areas) on ISD property adjacent to Marsh Creek.

5.3.4 Develop plan for Biosolids application on Jersey Island and Timeline

6.0 Jersey Island Management Plan

Element Objective and Strategy: Our objective in this area is to provide the District with a strategy to utilize, protect, preserve and leverage this valuable asset. We will do this by working with Reclamation District 830, and other agencies as appropriate, to plan for the future of Jersey Island and implement strategies for management, projects and activities into the future.

6.1 ***Initiate and complete a comprehensive Jersey Island Management Plan*** –

6.1.1 Develop a Jersey Island Management Plan that will evaluate and document the existing conditions of the Island, list the key short and long term priorities for the Island as determined by the Ironhouse Sanitary District Board of Directors, evaluate possible opportunities for the Island (including, but not limited to, environmental, regulatory, revenue generation, staffing, partnering, recreation, natural resources, management control structures, etc…), evaluate possible liabilities of the Island (including, but not limited to, levee breach, flood inundation, major utility infrastructure, regulatory constraints, environmental concerns, etc…), involve a broad range of stakeholders in the development of the plan, and finally, set the direction, schedule, and control structures that will serve as the guiding principles for the ISD Board of Directors and ISD staff in the short and long term management of Jersey Island.

6.1.2 Evaluate the schedule, cost, and need for outside assistance to develop item 6.1.1 above – As the Jersey Island Management Plan is expected to be a substantial undertaking, involving multiple stakeholders and possibly outside professional assistance, an early evaluation of the overall project should be developed. The early evaluation can be accomplished through the development of a detailed scope of work for the Jersey Island Management Plan, which evaluates the individual tasks of the project, associated costs, and associated schedule to complete each task.

STRATEGIC PLAN MAINTENANCE

Review and minor updating of this plan will be conducted annually, with revaluation and significant updates of the plan being carried out every five years. Plan reviews may be conducted internally, by staff or facilitated, and presented to the Board with updated strategies are recommended. Review actions will be carefully documented in Board meeting minutes and yearly Strategic Plan supplements. Plan updates will involve a facilitated comprehensive overview of the existing plan with a 5-year planning horizon. Updates will result in and be documented by an updated plan with new and revised elements as needed.

Table-1 Strategic Elements and Goals

Strategic Element	Strategic Goals	Timeframe (FY)
1.0 Fiscal Planning		
	1.1 Develop and implement a Multi-year operating budget	2013/14
	1.2 Investigate alternative funding sources	2013/14 & On-going
	1.3 Conduct Annual District Audit	On-going
	1.4 Institute a Reserve policy and program	2012/13
	1.5 Update of the District's Capacity Fee Study	2012/13
	1.6 Investigate and implement Financial Infrastructure upgrades	On-going
	1.7 Update District's Financial and Rate Projections	2012/13
2.0 Public Affairs/ Regulatory Relations		
	2.1 Manage District Website	2012/13 & On-going
	2.2 Newsletter	On-going
	2.3 Public Relations	On-going
	2.4 Regulatory and Governmental relations	On-going
	2.5 Professional Associations	2014/15 & On-going
	2.6 Open Governmental Process	On-going
	2.7 ISD Board Bylaws	On-going
3.0 Infrastructure		
	3.1 New Water Recycling Facility	2013/14
	3.2 Recycle Water Reuse	2013/14
	3.3 Collection System Expansion	2014/15
	3.4 Preventative maintenance program	2014/15 & On-going
4.0 Administrative Management/Organizational Health		
	4.1 Maintain Rules and Regulations Manual	2013/14 & On-going
	4.2 Conduct Job Description Review	2014/15
	4.3 Annually update District Strategic Plan	Annually
	4.4 Staffing Succession Plan	2013/14
	4.5 Supervisory Training	On-going
5.0 Environmental Integrity		
	5.1 Encourage and participate in environmental projects	On-going
	5.2 Participate in Delta Science Center	On-going
	5.3 Participate in Projects to Support the Environment	On-going
6.0 Jersey Island Management		
	6.1 Initiate and complete a comprehensive Jersey Island management plan	Phase 1 – 2012/13 Phase 2 – 2013/14

ISD RECORDS RETENTION SCHEDULE

ARTICLE 1 HOW TO USE RETENTION SCHEDULES

A legend explaining the information presented in the retention schedule is printed on the back of each page for your easy reference; an index to locate records will also be provided.

The specified retention period applies regardless of the media of the record: If a record is stored on paper and a computer file on a hard drive, both records should be destroyed (or erased) after the specified period of time has elapsed.

Copies or duplicates of records should never be retained longer than the prescribed period for the original record.

ARTICLE 2 STRUCTURE

The District-wide retention schedule includes those records all departments have in common (letters, memorandums, purchase orders, etc.). These records are NOT repeated in the Department retention schedule, unless that department is the Office of Record, and therefore responsible for maintaining the original record for the prescribed length of time.

Each department has a separate retention schedule that describes the records that are unique to their department, or for which they are the Office of Record. Where appropriate, the department retention schedules are organized by Division within that Department. If a record is not listed in your department retention schedule, refer to the District-wide retention schedule. An index will be provided for your reference.

ARTICLE 3 DESTROYING RECORDS

Records must be destroyed only in the ordinary course of business in accordance with the District's policies and procedures, and in full compliance with applicable Federal, State and Municipal laws.

INDEX

Abbreviations:

OW- District-Wide Standards
E – Engineering
F- Finance
GM/DS – General Manager and District Secretary
HR- Human Resources
OPs – Operations
SFTY- Safety

D

M

S

X
Y
Z

Office of Record (OFR)	Records Series No.	Records Description	Retention / Disposition: Active (in office)	Inactive (Off-site, ODor Mfr)	Total Retention	Vital?	Media Options	Image: !=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
Retentions apply to the department that is NOT the Office of Record (OFR) or the "Lead Department". If you are the OFR refer to your department retention schedule.										
Retentions begin when the act is completed and imply a full file folder (e.g. last document+ 2 years). since destruction is normally performed by file folder.										
Litiaation (pending or reasonably anticipated), complaints, claims, Public Records *Act* Requests, *and investigations and audits suspend normal retention periods; retention begins after settlement or completio*										
Lead Dept.	DW-48	Reports and Studies - White Papers, Issue Papers, Scientific Studies (other than Annual Reports- e.g. Water Rate Study)	Minimum 2 years		Minimum2 years		Mag, Mfr. OD, Ppr	S	Yes: After Inactive	GC §60201
Finance	DW-49	Reports: Financial Reports (e.g. Encumbrance, Labor, Budget, etc (Capital.)	Copies- When No Longer Required		Copies- Wben No Lqnger Required		Mag, Mfr. OD, Ppr	S/1	Yes: When Inactive	Financial Services is OFR; GC §60200
GM / District Secretary	DW-50	Resolutions	.When No Longer Required		WhenNo Longer Required	Yes. depending upon subject	Mag, Mfr. OD, Ppr	S	No	copies; GC §60200
Lead Dept.	DW-51	Surveys / Questionnaires (that the District issues). If a summary of the data is compiled, the survey forms are considered a draft or transitory record, and can be destroyed when no longer required.	When No Longer Required		WhEmNo longer Req!Jired		Mag, Ppr			GC §§60200, 60201
Finance	DW-52	Time Sheets & Payroll Leave Requests	Copies- When No Longer Required		Copie&- When No Longer Reqqited		Ppr			GC §60201
Safety	DW-53	Training (In-house training - Attendance Rosters, Outlines and Materials)	Copies- When No Longer Required		Copies- When No Longer Required		Mag Ppr			Copies; GC §60200
Op eations	DW-54	Work Orders / Maintenance Requests / Service Requests	Copies- When No Longer Required		Copies- When No Longer Required		Mag Ppr			Copies; GC §60200

Office of Record (OFR)	Records Series No.	Records Description	Retention / Disposition: Active (in office)	Inactive (Off-site, ODor Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
Retentions aoolv to the department that is NOT the Office of Record (OFR) or the "Lead Department". If vou are the OFR refer to your department retention schedule.										
Retentions begin when the act is completed, and imply a full file folder (e.g. last document+ 2 years), since destruction is normally performed by file folder.										
Litigation (pending or reasonably anticipated), complaints, claims, Public Records Act Requests, and investigations and audits suspend normal retention periods; retention begins after settlement or completior										
	DW-39	Policies & Procedures- See Reference Manuals								
Lead Dept.	DW-40	Press Releases / News Releases	2 years		2 years		Mag, Ppr			Department Preference; GC §60201
Lead Dept.	DW-41	Public Records Act Requests	2 years		2 years		Mag, Ppr			GC §60201(d)(5)
Finance / Purchasing	DW-42	Purchase Orders	Copies- When No Longer Required		copies- : WhenNo Longer ReqJ;Jired		Mag, Ppr			Purchasing maintains originals; Financial records are audited annually; GC §60200
GM / District Secretary	DW-43	Records Destruction Lists	Copies- When No Longer Required		Copies- .'When No Longer Required		Mag, OD, Mfr. Ppr			Copies; GC §60200
Lead Dept.	DW-44	Reference Materials: Brochures, Manuals, Policies, Procedures & Reports: Produced b:i YOUR Department	When No Longer Required-Minimum of Supersede		, When No L,onger , Required- 'Minimum of Supersede		Mag, Mfr. OD, Ppr	S / I	Yes: When Super-seded	Documents of historical significance should be retained longer; GC §60201
Lead Dept.	DW-45	Reference Materials: Brochures, Manuals, Policies, Procedures & Reports: Produced b:i OTHER Departments	When Superseded		When Superseded		Mag, OD, Mfr, Ppr			Copies; GC §60200
Lead Dept.	DW-46	Reference Materials: Brochures, Manuals, Policies, Procedures & Reports: Produced by OUTSIDE ORGANIZATIONS	When No Longer Required		When No Longer Required		Mag, Ppr			Non-Records
	DW-47	Reference or Working Files: See Correspondence_								

Office of Record (OFR)	Records Series No.	Records Description	Retention / Disposition: Active (in office)	Inactive (Off-site, OO or Mfr)	Total Retention	Vital?	Media Options	Image: !=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
Retentions apply to the department that is NOT the Office of Record (OFR) or the "Lead Department". If you are the OFR refer to your department retention schedule.										
Retentions begin when the act is comQleted and imply a full file folder(e.g. last document+ 2 years). since destruction is normallv performed bv file folder.										
Litigation (pending or reasonably anticipated), complaints, claims, Public Records Act Requests, and investiqations and audits suspend nonnal retention periqds; retention begins after settlement or completio										
Safety	DW-34	Material Data Safety Sheet (MSDS) / Chemical Use Report Form	When Chemical No Longer Used		When Chemical No Longer Used		Mag, Mfr, OD, Ppr	S	Yes: After Inactive	District preference; MSDS may destroyed as long as a record c the chemical/ substance / ager where & when it was used is maintained for 30 years; Applie qualified employers; 8 CCR 3204(d)(1)(B)(2 and 3) GC §60
GM / District Secretary	DW-35	Ordinances (these are copies)	Copies- When No Longer Required		Copies- When No Longer Required	Yes	Mag, Mfr, OD, Ppr			Originals maintained by Clerk a the Board Permanently; GC §60201
Lead Dept.	DW-36	Permits	Expiration	p	p		Mag, Mfr, OD, Ppr	S	No	District preference; GC §60200
Human Resources	DW-37	Personnel Files - Department-level Copies	Send to Human Resources Upon Separation		Send to Human Resources Upon Separation•	Before Separation	Mag, Ppr			Ensure records kept in Departrr files comply with District policy; Originals are maintained by PersonneL Supervisors notes should be maintained in a sepa folder and be incorporated in th employee's annual performanc{ review; 29 CFR 1602.31 & 1627.3(b)(ii), 8 CCR §3204(d)(et seq., GC §§12946, 60201
Human Resources	DW-38	Personnel Files - Department-level Supervisor's Notes.	1 year		1 year	Before Separation	Mag, Ppr			Supervisors notes should maintained in a separate folder and be incorporated in the employee's annual performancE review; 29 CFR 1602.31 & 1627.3(b)(ii), 8 CCR §3204(d)(et seq., GC §§12946, 60201

Office of Record (OFR)	Records Series No.	Records Description	Retention / Disposition: Active (in office)	Inactive (Off-site, ODor Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
Retentions apply to the department that is NOT the Office of Record (OFR) or the "Lead Department". If you are the OFR refer to your department retention schedule.										
Retentions beain when the act is completed and imply a full file folder (e.g. last document+ 2 years), since destruction is normally performed by file folder.										
Litigation (pending or reasonably anticipatedl, complaints, claims, Public Records Act Requests, and investigations and audits suspend nonnal retention periods; retention begins after settlement or completio1										
Lead Dept.	DW-29	Grants (SUCCESSFUL- all records, including FEMA claims)	2 years	After Funding Agency Audit, if Required- Minimum 7 years	Aft€lr Funding Agency Audit, if required- Minimum? years		Mag, Mfr, OD, Ppr	S/1	Yes: After Inactive	District Preference (may includE records pertaining to independe contractor's compensation, or expense reimbursement); Meet auditing standards; Uniform Admin. Requirements for Grant Local Governments is 3 years fr expenditure report or final paym of grantee or subgrantee; 21 CF 1403.36 & 1403.42(b); 24 CFR 85.42, 91.105(h), 92.505, & 570.502(b), 28 CFR 66.42; 29 C 97.42; 40 CFR 31.42; 44 CFR 13.42; 45 CFR 92.42; OMS Circular A-133; GC §60201
Lead Dept.	DW-30	Gffin: UNSUCCESSFUL (Applications, Correspondence, etc.)	When No Longer Required		When No Longer Requir!;ld		Mag, Ppr			GC §60201
Lead Dept.	DW-31	Incidents: Violations, Spills, Investigations and Corrective Actions	Last Action + 3 years		LastAction + 3years	Yes: Before Resolution	Mag, Mfr, OD, Ppr	S/1	Yes: 1 year	Code of Federal Regulations requires 3 years; 40 CFR 122.410)(2) & 40 CFR 141.33(b
	DW-32	Invoices - see Accounts Payable								
Engineering	DW-33	Master Plans (Water System, Water Availability, Urban Water Master Plan, etc.)	Copies- When No Longer Required		Copies- WhenNo Longer Required	Yes	Mag, Mfr, OD, Ppr	S/1	Yes: After Inactive	Copies; GC §60200

Office of Record (OFR)	Records Series No.	Records Description	Retention / Disposition: Active (in office)	Inactive (Off-site, ODor Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
Retentions apply to the department that is NOT the Office of Record (OFR) or the "Lead Department". If you are the OFR refer to vour department retention schedule.										
Retentions beqin when the act is completed and imply a full file folder (e.g. last document+ 2 years), since destruction is normally performed by file folder.										
Litiqation (pendinq or reasonably anticipated), complaints, claims, Pub lic Records Act Requests, and investigations and audits suspend normal retention periods; retention begins after settlement or com_pletio										
Lead Dept.	DW-24	Correspondence- Routine (e.g. Administrative, Chronological, General Files, Letters, Memorandums, Miscellaneous Reports, Reading, Working Files, etc. Does NOT include Regulatory Agency Correspondence)	2 years		2years		Mag, Ppr			GC §60201
Lead Dept.	DW-25	Correspondence - Transitory / Preliminary Documents not retained in the ordinary course of business (e.g. e-mail, calendars, checklists, invitations, logs, mailing lists, notes, supply inventories, telephone messages, transmittal letters, thank yous, meeting room registrations, voice mails etc.)	When No Longer Required		WhenNo Longer Require.c!		Mag, Ppr			These records do not have a material impact on the conduct the public's business. GC §60: GC §6252
Lead Dept.	DW-26	Drafts & Notes: Drafts that are revised (retain final version)	When No Longer Required		When No Longer Required		Mag, Ppr			As long as the drafts and notes not retained in the "Regular Course of Business". GC §60: GC §6254
Lead Dept.	DW-27	Equipment Diagrams, Instructions, Manuals, Specific Parts Lists, Specifications and Warrantees	Until Disposal of Equipment		Until Disposal of Equipment	Yes	Mag, Mfr, OD, Ppr	S/1	Yes: After Inactive	RFPs, contracts & agreement maintained for appropriate peri GC §60201
Lead Dept.	DW-28	Equipment Inventories, Parts On Hand	5 years		5 years		Mag, Ppr			Meets auditing standards; Fixe Asset Inventory is maintained t Financial Services for a longer [period; GC i;!60201 et seq.

Office of Record (OFR)	Records Series No.	Records Description	Retention / Disposition: Active (in office)	Inactive (Off-site, ODor Mfr)	total Retention·	Vital?	Media Options	Image: !=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
Retentions apply to the deQartment that is NOT the Office of Record (OFR) or the "Lead Department". If you are the OFR refer to your department retention schedule.										
Retentions begin when the act is completed and imply a full file folder (e.Q. last document+ 2 years)_, since destruction is normally performed by file folder.										
Litigation (pending or reasonably anticipated}, complaints, claims, Public Records Act Requests, and investigations and audits sus end normal retention periods; retention begins after settlement or comp/etiol										
GM / District Secretary or Human Resources	DW-17	Claims / Litigation	Copies- When No Longer Required		Copies.- When No Longer Required	Yes: Before Settlement	Mag, Mfr. 00, Ppr			GC §§60200, 60201 et seq.
Lead Dept.	DW-18	Committees or Task Forces: Internal (e.g. Records Management Committee, etc.)	When No Longer Required		When No Longer Required		Mag, Ppr			GC §60201
	DW-19	Committees, Task Forces, Associations, Commissions, & Boards: External Organizations (e.g. Association of California Sanitation Agencies, etc.)	When No Longer Required		WhenNo Longer Required		Mag, Ppr			Non-records
	DW-20	Contracts: See Agreements								
	DW-21	Copies or duplicates of any record	When No Longer Required		When No Longer Required		Mag Ppr			GC §60200
Lead Dept.	DW-22	Correspondence- Establishing Policy {documents formation of policies or decision making iorocess.)_	Until Superseded	Superseded + 2 years	,Superseded + 2years		Mag, Mfr, 00, Ppr	S/1	Yes: When Superseded	Statewide guidelines propose Superseded + 2 or 5 years; GC §60201
lead Dept.	DW-23	Correspondence - Regulatory Agencies	When No Longer Required- Minimum 10 years		When No Longer Required- Minimum tOvears	Yes: While Active Issues	Mag, Mfr, 00, Ppr	S I I	No	District preference; some correspondence from Regulate Agencies need to be retained fc long periods of time; GC §6020

Office of Record (OFR)	Records Series No.	Records Description	Retention / Disposition: Active (in office)	Inactive (Off-site, OD orMfr)	Total Retention	Vital?	Media Options	Image: !=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
Retentions apply to the department that is NOT the Office of Record (OFR) or the "Lead Department". If you are the OFR refer to your department retention schedule.										
Retentions beain when the act is completed and imply a full file folder (e.g. last document+ 2 years), since destruction is normally performed by file folder.										
Litigation (pending or reasonably anticipated), complaints, claims, Public Records Act Requests, and investigations and audits suspend normal retention periods; retention begins after settlement or completio										
Lead Department	DW-08	Agreements & Contracts: Unsuccessful bids	Bid Opening +2 years		Bid Opening +2 years		Ppr			Special Districts are required tc keep public works unaccepted for 2 years; GC §60201(d)(11)
Finance	DW-09	Audits - District	Copies- When No Longer Required		Copies- WhenNo Longer Required		Mag, Ppr			GC §60200
Lead Dept.	DW-10	Backup Tapes / COs / DVDs	When No Longer Required		When No Longer Required		Mag.			Considered a copy and can be destroyed when no longer requ (backups are for disaster recov purposes); GC §60200
	DW-11	Bids: See Agreements								
Lead Department	DW-12	Bids: Unsolicited (for unsuccessful bids submitted in response to a District RFP / RFQ, see Agreements & Contracts: Unsuccessful Bids)	When No Longer Required		When No Longer Required		Mag, Ppr			GC §60200
Technical Services / Engineering	DW-13	Blueprints, Drawings or Plans (Finals, As Builts)	Copies- When No Longer Required		Copies- WhenNo Longer Required	Yes	Mag, Mfr. 00, Ppr	S / I	Yes: 2 years	Copies; GC §60201 et seq.
	DW-14	Brochures: See Reference Manuals								
	DW-15	Budget Reports: See Financial Reports								
GM / District Secretary	DW-16	Budgets- Finals, Drafts, Reports	Copies- When No Longer Reg_uired		Copies- Wh.enNo Longer _f{ qJ;JirE!d	Yes: Current Fiscal Year	Mag, Mfr. OO, Ppr			Retained permanently as part c the Agenda Packet; GC §§602(53901

Office of Record (OFR)	Records Series No.	Records Description	Retention / Disposition: Active (in office)	Inactive (Off-site, ODor Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
Retentions apply to the department that is NOT the Office of Record{OFR) or the "Lead De{J.artment". Ifyou are the OFR refer to vour department retention schedule.										
Retentions beain when the act is completed and imply a full file folder (e.a. last document+ 2 years), since destruction is normally performed by file folder.										
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Lead Dept.	DW-06	Agreements & Contracts - NON INFRASTRUCTURE - Equipment Purchases, Consulting Services, Leases, Vehicle Purchases, etc. Agreement or Contract, Insurance Certificates & Notices of Completion. Agreement or Contract includes all contractual obligations (e.g. RFP, Specifications, Successful Proposal/ Scope of Work, Certificate of Insurance, and amendments) Examples of Non-Infrastructure: Consultants, Painting, Maintenance, etc.	Completion	10 years·	Completion +to years	Yes: Before Completion	Mag, Mfr, OD, Ppr	S	Yes: After Inactive	Department Preference; Cover E&O Statute of Limitations; Published Audit Standards=4-7 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 yea Developers=comp. + 10 years; Statewide guidelines propose termination + 5 years; CCP §§336(a), 337 et. seq., GC §60 et seq.
Lead Department	DW-07	Agreements & Contracts - ALL: ADMINISTRATIVE RECORDS Correspondence, project schedules, certified payrolls, etc.	Completion + 10 years		Completion + toyears		Mag, Mfr. 00, Ppr	S/1	Yes: Upon Completion	Also see Grants. Covers E&O Statute of Limitations (insuranc certificates are filed with agreement); Published Audit Standards=4-7 years; Statute o Limitations: Contracts & Spec's years, Wrongful Death=comp. " years, Developers must retain t records for completion+ 10 yec CCP §§336(a), 337 et. seq., G §60201 . C

Office of Record (OFR)	Records Series No.	Records Description	Retention / Disposition: Active (in office)	Inactive (Off-site, ODor Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
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Lead Dept.	DW-05	Agreements & Contracts - **<u>INFRASTRUCTURE</u> - Architectural, Engineering, JPAs, MOUs and MOAs.** Agreement or Contract, Insurance Certificates & Notices of Completion. Agreement or Contract includes all contractual obligations (e.g. RFP, Specifications, Successful Proposal / Scope of Work, Certificates of Insurance, and amendments) Examples of Infrastructure: Architects, Treatment Plants, Lines, Buildinas etc.	Completion	p	p·	Yes: Before Completion	Mag, Mfr, OD, Ppr	S	Yes: After Inactive	Department Preference; All infrastructure, JPAs, & Mutual 1- contracts are permanent for emergency preparedness; Statt of Limitations is 4 years; 10 yea for Errors & Omissions; CCP §§337. 337.1(a), 337.15, 343; C §60201 et seq.

RECORDS RETENTION SCHEDULE: DISTRICT-WIDE STANDARDS

Office of Record (OFR)	Records Series No.	Records Description	Retention / Disposition: Active (in office)	Inactive (Off-site, ODor Mfr)	. Total Retention	Vital?	Media Options	Image: !=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
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Human Resources	DW-01	Accident or Damage Reports (Employees and Vehicles)	Copies- When No Longer Required		Copies .. When No Longer Required	Yes: Until Settled	Mag, Mfr, OD, Ppr			Safety maintains originals of al incident reports, Personnel maintains originals of employe(injuries (workers compensatior GC §60200
General Manager& District Secretary	DW-02	Accident, Damage, Incident, Event or Injury Reports (Public)	Copies- When No Longer Required		Copies- WhenNo Longer Required.	Yes: Until Settled	Mag, Mfr, OD, Ppr			Safety maintains originals of al incident reports; GC §60200
Finance / Accounts Payable	DW-03	Accounts Payable (Petty Cash, Invoices, Travel Expense Reimbursements, etc.)	Copies- When No Longer Required		Copies- When No Longer Required	Yes: Until Paid	Mag, Ppr			Also see Grants. copies; GC §60200
Finance / Accounts Receivable	DW-04	Accounts Receivable (cash, checks, deposits, billing for property damage, etc.)	Copies- When No Longer Required		Copies- When No Longer Required	Yes: Until Paid	Mag, Ppr			Financial SeNices Maintains Originals; GC §60200

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Engineering	EN-01	CEQA / NEPA Documents: Prepared by District (Environmental Impact Reports (EIRs}, Environmental Assessments, Negative Declarations, etc)	p		p	Yes: Until Project Completed	Mag, Mfr, OD, Ppr	S/1	No	Usually filed in the project file; Final environmental determinations are required to b kept a "reasonable period of time"; 14 CCR §15095(c); GC §60201 1
Engineering	EN-02	CEQA / NEPA Documents: Prepared by Others {District comments) (Environmental Impact Reports (EIRs}, Environmental Assessments, Negative Declarations, etc)	p		p	Yes: Until Project Completed	Mag, Mfr, OD, Ppr	S/1	Yes: 1 year	Department Preference (the lea agency / department retains the original); GC §60200
Engineering	EN-03	Collection System Spill Reports (monthly, inter-office, etc.)	Last Corrective Action+ 3 years		Last Corrective Action+ 3 years		Mag, Mfr, OD, Ppr	S /I	Yes: After 1 year	3 years is required; 40 CFR 122.410)(2)

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Engineering	EN-04	Engineering Project Files / CIP (Capital Improvement Project) Files - Administration File: Project Administration, Performance Bonds/Surety, Project Schedules, Certified Payrolls, Cost of Construction, Logs, Insurance Certificates from Contractors, Correspondence, Advertising, Labor Compliance, Temporary Encroachment Permits, etc.	Upon Completion	10 years or After Funding Agency Audit, if required, whichever is longer	Completion + 10 years or After Funding Agency Audit, if required, whichever is longer	Yes: Until Completed	Mag, Mfr. OD, Ppr	S	Yes: 5 years	Statute of Limitations for written contracts are four years from the date of breach; errors and omissions is 10 years; Death during construction is 10 years; CCP §§337., 337.1(a), 337.15 GC §60200, Contractor has retention requirements in 48 CFR4.703
Engineering	EN-05	Engineering Project Files / CIP (Capital Improvement Project) Files - Permanent File: Plans, Specifications, RFis, Materials Testing Reports, Environmental Documents, Notice of Completion, Regulatory Agency Approvals, Shop Drawings, Soils Reports, Structural Calculations, Surveys, Permanent Encroachment Permits, EIRs, Negative Declarations, Materials Submittals, SAMPs, etc.	Upon Completion	p	p	Yes: Until Completed	Mag, Mfr. OD, Ppr	S	Yes: 5 years	For disaster preparedness purposes; GC §60201 et seq.
Engineering	EN-06	Line Database	Indefinite		Indefinite	Yes	Mag.			Data is interrelated; GC §60200, 60201 et seq.
Engineering	EN-07	Maps	p		p	Yes	Mag, Mfr. OD, Ppr	S	Yes: 1 year	Department Preference; GC §60201 et seq.

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RECORDS RETENTION SCHEDULE: ENGINEERING

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Engineering	EN-08	Record Drawings ("As Builts"), Blueprints	p		p	Yes	Mag, Mfr. OD, Ppr	S	No	Department Preference; GC §60201 et seq.
Engineering	EN-09	Preliminary Studies / Project Assessments / Feasibility Studies	When No Longer Required		When No Longer Required		Mag, Mfr, OD, Ppr	S	Yes: 1 year	GC §60201
Engineering	EN-10	Sewer Connections / Laterals / Permits	Upon Completion	p	p	Yes: Until Completed	Mag, Mfr. OD, Ppr	S	No	Department Preference; GC §60201 et seq.
Engineering	EN-11	Tract Files: Send Original Offers o Dedication, Easements and Deeds to the District Secretary	Resolution or Completion + 1 year		Resolution or Completion + 1 year	Yes: Until Completed	Mag, Mfr, OD, Ppr	S	Yes: 1 year	Department preference (Tracts maintained by appropriate County and/or City; original Offers of Dedication, Easements and Deeds to the District Secretary; GC §60201
Engineering	EN-12	Unauthorized Discharges / Violations	3 years		3 years		Mag, Mfr, OD, Ppr	S/1	Yes: 2 years	NPDES records are required for 3 years; 40 CFR 122.410)(2)
Engineering	EN-13	Underground Service Alerts (USA): Utility Cuts, etc.	When No Longer Required		When No Longer Required		Mag, Ppr			GC §60201
Engineering	EN-14	Water Treatment Plant Project Files / CIP (Capital Improvement Project Files)	Upon Completion	p	p	Yes: Until Completed	Mag, Mfr, OD, Ppr	S	Yes: 5 years	For disaster preparedness purposes; GC §60201 et seq.

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FINANCE./ ADMINISTRATION / CONTROLLER / GENERAL LEDGER										
Finance / Admin.	FN-01	Audit Work Papers (Drafts)	2 years	5 years	7 years		Mag, Mfr, OD, Ppr	S/I	Yes: After 1 year	Department Preference; GC §60201
Finance / Admin.	FN-02	Audited Financial Statements / Comprehensive Annual Financial Report (CAFR) with Audit Management Letters	2 years	p	p		Mag, Mfr, OD, Ppr	S/I	Yes: After 1 year	Department Preference for historical purposes; District Secretary retains original permanently; GC §60201 et seq.
Finance / Admin.	FN-03	Audits (Projects, Independent Audits)	2 years	p	p		Mag, Mfr, OD, Ppr	S/1	Yes: After 1 year	Department Preference for historical purposes; GC§60201
Finance / Admin.	FN-04	Bonds / Certificates of Participation / Transcripts / Disclosure Reports	Cancellat., Redemption or Maturity + 10 years		Cancellat., Redemption or Maturity+ 10 years	Yes: Until Maturity	Mag, Mfr, OD, Ppr	S/I	No	Department Preference; Statute of Limitations for bonds, mortgages, trust deeds, notes or debentures is 6 years; Bonds issued by local governments are 10 years; There are specific requirements for disposal of unused bonds; CCP §§336(a)(1) & (2), 337.5(2); GC §43900 et seq. GC_§60201 et seq.
GM/ District Secretary	FN-05	Budgets: Adopted, Budget Hearing, Capital Budget, etc.	10 years		10 years	Yes: Current Fiscal Year	Mag, Mfr, OD, Ppr	S/1	Yes: After 1 year	Department Preference; District Secretary maintains originals; longer for administrative value; GC §60200
Finance / Admin.	FN-06	Budgets: Development, Drafts, etc.	When No Longer Required		When No Longer Required		Mag, Ppr			Department Preference; District Secretary maintains originals; longer for administrative value; GC §60200
Finance / Admin.	FN-07	Chart of Accounts (Print out if a software change is made in order to retain historical account numbers)	2 years	5 years	7 years	Yes	Mag, Mfr, OD, Ppr	S/I	Yes: After 1 year	Department Preference to research Year-end General Ledgers, which are retained permanently; GC §60201

Adopted: 12/06/2005

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Finance / Admin.	FN-08	Depreciation Schedules	2 years	5 years	7 years		Mag, Ppr	S /I	Yes: After Inactive	Department Preference (consistent with audit work papers); Published articles show 7 years after disposal; GC 1§60201
Finance / Admin.	FN-09	Financial Reports: Journals, Ledgers, Reconciliations, Registers, Reports, Transaction Histories, Balance Sheets, Budget Adjustments (MONTHLY OR PERIODIC) Does NOT include year-end General Ledger.	2 years	5 years	7 years		Mag, Ppr			Department preference (consistent with Audit work papers); Draft / Preliminary documents used to produce final year-end general ledger (financial database is the original); GC §60201
Finance / Admin.	FN-10	Financial System Database	Indefinite		Indefinite		Mag			Data is interrelated; system qualifies as a "trusted system"; GC §§60201, 12168.7
Finance / Admin.	FN-11	Fixed Assets -Auction / Disposal/ Sales / Surplused	2 years	5 years	7 years		Mag, Ppr			Consistent with Accounts Receivable; Statute of limitations is 3 years; statewide guidelines propose 2 - 4 years; published articles show 3 - 6 years; GC §60201, CCP §337
Finance / Admin.	FN-12	General Ledger: Final year-end	2 years	5 years	7 years		Mag, Mfr, OD, Ppr	S /I	Yes: After 1 year	Department Preference; Published articles show 3 - 7 years; GC §60201
Finance / Admin.	FN-13	Journal Entries	2 years	5 years	7 years		Mag, Ppr			Department Preference; Statute of Limitations is 4 years; Published articles show 6-7 years; GC §60201, CCP §337
GM/ District Secretary	FN-14	Master Fee Schedule , Connection Fees, Rates & Charges	Copies-When No Longer Required		Copies-When No Longer Required	Yes: Until superseded	Mag, Mfr. OD, Ppr	S /I	Yes: After 1 year	GC §60200

RECORDS RETENTION SCHEDULE LEGEND

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Retentions beain when the act is completed and imply a full file folder (e.a. last document+ 2 years), since destruction is normally performed by file folder.										
'-itigation (pending or reasonabl anticipated}, complaints, claims, Public Records Act Requests, *and investigations and audits suspend normal retention periods; retention begins after settlement or completion.*										
Finance / Admin.	FN-15	State Controller's Report	2 years	5 years	7 years		Mag, Mfr. OD, Ppr	*SII*	Yes: After 1 year	Department Preference; GC §60201
Finance / Admin.	FN-16	Vehicle Titles ("Pink Slips")	Upon Sale of the Vehicle		Upon Sale o the Vehicle	Yes	OD, Ppr	S/1	Yes: After 1 year	Given to the new owner upon sale of the vehicle; GC §60201 et seq.

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Utigation (pending or reasonably anticipated), complaints, claims, Public Records Act Requests, and investig tions and audits suspend nonnal retention periods; retention begins after settlement or completion.										
FINANCE/ ACCOUNTS PAYABLE										
Finance / Accounts Payable	FN-17	1099's Issued	2 years	5 years	7 years		Mag, Mfr, OD, Ppr	S/1	Yes: After 1 year	IRS: 4 years after tax is due or paid (longer for auditing & contractor delinquency); Ca. FTB: 3 years; Published articles show permanent; ; IRS Reg §31.6001-1(e)(2), R&T §19530, GC §60201(d)(12)
Finance / Accounts Payable	FN-18	Accounts Payable Source Records (includes Invoices, Receivers, Travel Expense Reimbursements, etc.)	2 years	5 years	7 years	Yes: Until Paid	Mag, Mfr, OD, Ppr	S/1	Yes: After 1 year	May contain independent contractor's compensation, expense reimbursement, or District credit card records; Meets municipal government auditing standards; Published articles show 3 - 7 years; GC l§60201(d)(12)
Finance / Accounts Payable	FN-19	Bank Reconciliation & Statements (Transaction Statements, Wire Transfers, Check Listing Audit Trail, Deposits, Returned Checks, Treasury Statements, Trustee & Investment Statements, etc.)	2 years	5 years	7 years		Mag, Mfr, OD, Ppr	S/1	Yes: After 1 year	Department Preference; Meets municipal government auditing standards; Published articles show 3 - 7 years; GC §60201, 26 CFR 1.6001-1
Finance / Accounts Payable	FN-20	Check Registers	2 years	5 years	7 years		Mag, Mfr, OD, Ppr	S/1	Yes: After 1 year	Department Preference; Statute of Limitations is 4 years; Meets municipal government auditing standards; GC §60201, CCP § 337
Finance / Accounts Payable	FN-21	Checks- Canceled (Cashed) or Voided	2 years	5 years	7 years		Mag, Mfr, OD, Ppr	S/1	Yes: After 1 year	May contain independent contractor's compensation; Statute of Limitations is 4 years; Meets municipal government auditing standards; GC j§60201(d)(12), CCP § 337

RECORDS RETENTION SCnfDULE LEGEND

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FINANCE / ACCOUNTS RECEIVABLE										
Finance / Accounts Receivable	FN-22	Accounts Receivable Source Records (All Records and Reports, including leases and hay sales)	2 years	5 years	7 years	Yes: Until Paid	Mag, Ppr			Department Preference; Meets municipal government auditing standards; Published articles show 3 - 7 years; GC §60201
County	FN-23	Assessor Property Tax Roll (District Assessments)	2 years	5 years	7 years		Mag, Ppr			Department Preference; Meets municipal government auditing standards; The District has a 3-year refund limit policy; GC 1§60201
Finance / Accounts Receivable	FN-24	Bank Deposits, Daily Banking Report, Cash Receipt Summary, Electronic Payment Report, Host File Summary Reports, Direct Debit Reports	2 years	5 years	7 years		Mag, Ppr			Department Preference; Meets municipal government auditing standards; Published articles show 3 - 7 years; GC §60201
Finance / Admin.	FN-25	Customer Payments and Check Stubs	2 years	5 years	7 years		Mag, Mfr, O[), Ppr	S/1	Yes: After 1 year	Department Preference; GC §60201

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FINANCE /PAYROLL										
Finance / Payroll	FN-26	DE-6 & 941 Forms- Quarterly Payroll Tax Returns	2 years	5 years	7 years		Mag, Ppr			Department Preference; IRS: 4 years after tax is due or paid (longer for auditing & contractor delinquency); Ca. FTB: 3 years; Published articles show permanent; ; IRS Reg §31.6001-1(e)(2), 26 CFR §1.6001-1, R&T §19530, GC §60201
Finance / Payroll	FN-27	Deferred Compensation	7 years		7 years		Mag, Ppr			Department preference; GC §60201 et seq.
Finance / Payroll	FN-28	Garnishments (all records)	2 years	5 years	7 years		Mag, Ppr			Retained to match other auditing !periods; GC §60201
Finance / Payroll	FN-29	Payroll File (taxes and deduction forms, etc.)	Separation + 7 years		Separation + 7 years		Mag, Ppr			Retained to match other auditing periods; GC §60201
Finance / Payroll	FN-30	Payroll Reports	2 years	5 years	7 years		Mag, Ppr			Department preference; Draft / Preliminary documents used to produce final year-end general ledger (financial database is the original); GC §60201
Finance / Payroll	FN-31	PERS Annual Reports	7 years		7 years		Mag, Ppr			PERS is OFR; retained to meet auditing standards; GC §60201 et seq.
Finance 1 Payroll	FN-32	Time Slips / Reports	2 years		2 years		Mag, Ppr			Department preference; Draft / Preliminary documents used to produce final year-end general ledger (financial database is the original); GC §60201
Finance / Payroll	FN-33	Timesheets	7 years		7 years		Mag, Ppr			Department Preference to meet auditing standards; GC §60201 et seq.

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Finance / Payroll	FN-34	W-2's	7 years		7 years		Mag, Ppr			IRS: 4 yrs after tax is due or paid Ca. FTB: 3 years; Articles show 7 years; IRS Reg §31.6001-1(e)(2) R&T §19530; 29CFR 516.5-516.6, 29USC 436, GC §60201(d)(12)
Finance / Pavroll	FN-35	W-4's	When Superseded		When Superseded		Mag, Ppr			Department preference; GC 1&60201 et seq.

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RECORDS RETENTION SCHEDULE: GENERAL MANAGER and DISTRICT SECRETARY

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ADMINISTRATION / GENERAL MANAGER										
GM/ District Secretary	GM-01	Awards	2 years		2 years		Mag, Ppr			Department preference; GC §60201
GM/ General Manager	GM-02	NPDES Permits / Waste Discharge Permits	Expiration	p	p	Yes: Until Expiration	Mag, Ppr			Department Preference (permits may not be renewed in a timely manner); Covers various statute of limitations; Monitoring records required for 3 years; 40 CFR §§122.21, 122.41; CCP §337 et seq.
GM/ General Man	GM-03	Projects & Issues (Issues and/or projects will vary over time)	When No Longer Required		When No Longer Required	Yes: While Active Issues	Mag, Ppr			GC §60201

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DISTR.ICT SECRETARY										
GM/ District Secretary	DS-01	Affidavits of Postings and Publications	2 years		2 years		Mag, Ppr			Brown Act challengesmust be filed within 30 or 90 days of action; GC §§60201, 54960.1(c)(1)
GM/ District Secretary	Ds o2	Agenda Packets - District Board of Directors, Subcommittees of the Board (Includes Agenda Staff Reports, Annotated Agendas, etc.)	p		p	Yes: Before Meeting Date	Mag, Mfr, OD, Ppr	s	Yes: After 2 years	Department preference; GC §60201
GM/ District Secretary	DS-03	Annexations / Detachments	p		p		Mag, Mfr, OD, Ppr	S/1	No	GC § 60201
GM/ District Secretary	DS-04	Annual Report from Bond Counsel	10 years		10 years		Mag, Mfr, OD, Ppr	S / I	Yes: After 1 year	Department preference; GC §60200
GM/ District Secretary	DS-05	Association Records (external associations -e.g., ACSA, CASA, etc.)	When No Longer Required		When No Longer Required		Mag, Ppr			Non-records; GC §60201 et seq.
GMI District Secretary	DS-06	Bonds / Certificates of Participation (issued by the District)	Cancellat., Redemption or Maturity + 2 years	8 years	Cancellat., Redemption or Maturity + 10 years	Yes: Until Maturity	Mag, Mfr, OD, Ppr	S / I	No	Statute of Limitations for bonds or coupons is 10 years; There are specific requirements for disposal of unused bonds; CCP 337.5(2); GC §60201
GMI District Secretary	DS-07	Chron Files: Correspondence	2 years		2 years		Mag, Ppr			Department preference; GC §60201
GM/ District Secretary	DS-08	Claims & Litigation (except Personnel issues)	Final Disposition	5 years	Final Disposition 5 years	Yes: Until Final Disposition	Mag, Mfr, OD, Ppr	S / M /I	Yes: After Final Disposition	Department Preference; Statute of Limitations for most contracts is 4 years; wrongful death for construction is completion + 5 years; CCP §§ 337 et seq.; GC §§ 945, 60201 et seq.; PC §832.5

Adopted: 12/06/2005

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GM/ District Secretary	DS-09	Conflict of Interest Code	p		p		Mag, Mfr, OD, Ppr	S	No	GC §60201
GM/ District Secretary	DS-10	Deeds, Easements, Conveyances, Condemnations and Property records (property acquisition files, including variances, title insurance and orders of condemnations, conservation easements, etc.)	p		p	Yes (all)	Mag, Mfr, OD, Ppr	S	No	GC §60201(d)(8)
GM/ District Secretary	DS-11	District Formation, Mergers, Boundary Changes, Organization or Reorganizations Approved by the Board	p		p		Mag, Ppr			Part of the Agenda Packet, which is maintained permanently; Required for formal changes to the district approved by the Board only; GC §60201
GM/ District Secretary	DS-12	District Seal, Logo	p		p		Mag, Ppr			Department preference (historical purposes); GC §60201
GM/ District Secretary	DS-13	File Indexes, Lists, Locations of Records	Follows Retention of Record		Follows Retention of Record	Yes	Mag, Ppr			Department preference; GC §60201
GM/ District Secretary	DS-14	FPPC 700 Series Forms (Statement of Economic Interests): DESIGNATED EMPLOYEES (specified in the District's Conflict of Interest code)	7 years		7 years		Mag, Mfr, OD, Ppr	S	Yes	Department preference (originals are filed with the County); GC §81009(e)(g), GC §60200
GM/ District Secretary	DS-15	FPPC 700 Series Forms (Statement of Economic Interests): PUBLIC OFFICIALS (elected & not elected. Includes District Board Members, General Manager)	7 years		7 years		Mfr, OD, Ppr	S	After2 years	Department preference (only required for 4 years); District maintains copies only; original statements are filed with County and FPPC; GC §81009(f)(g); GC 1§60200

Adopted: 12/06/2005

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RECORDS RETENTION SCHEDULE: GENERAL MANAGER and DISTRICT SECRETARY

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GM/ District Secretary	DS-16	Historical Records	p		p		Mag, Mfr, OD, Ppr	S	No	District Secretary Determines Historical Significance; GC §60201
GM/ District Secretary	DS-17	Insurance Policies (District-owned)	p		p		Mag, Mfr. OD, Ppr	S	No	Department preference; GC §60201
GM/ District Secretary	DS-18	Legal Opinions	p		p		Mag, Mfr. OD, Ppr	S	No	Department Preference; GC §60201
GM/ District Secretary	DS-19	Minutes: District Board of Directors	2 years	p	p	Yes (all)	Mag, Mfr, OD, Ppr	S	No	GC §60201(d)(3)
GM/ District Secretary	DS-20	Ordinances	2 years	p	p	Yes (all)	Mag, Mfr, OD, Ppr	S	No	GC §60201 et. seq.
GM/ District Secretary	DS-21	Records Destruction Lists		p	p		Mag, OD, Mfr, Ppr	S	Yes: After 2 years	Department Preference; GC §60201(b)(1)(8)
GM/ District Secretary	DS-22	Records Retention Schedules	When Superseded	p	p		Mag, OD, Mfr. Ppr	S	Yes: After 2 years	Department Preference; GC §60201(b)(1)(8)
GM/ District Secretary	DS-23	Resolutions	2 years	p	p	Yes (all)	Mag, Mfr. OD, Ppr	S	No	GC §60201 et. seq.
GM/ District Secretary	DS-24	Subpoenas	2 years		2 years		Mag, Ppr			GC §60201

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GM/ District Secretary	DS-25	Tapes & Recordings (Audio) District Board meetings	30 days, or After Minutes are Approved, whichever is longer		30 days, or After Minutes are Approved, whichever is longer		Tape {Mag), OD			Department Preference; legally required for 30 days (or adoption of the minutes); GC §54953.5(b)

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Human Resources	HR-01	Applications for Employment or Resumes / Recruitment Files: Solicited: Brochure, advertisement, unsuccessful applications (with or without interviews), selection materials, interview notes, results, etc.	3 years		3 years		Mag, Ppr			The District does not use eligibility lists; EEOC / FLSA / ADEA (Age) statue of limitations is 1-3 years; State L,aw requires 2 years; Reports & Data used to compile EEO reports are required for 3 years; 29 CFR 1602 et seq & 1627.3(a)(5) and (6), 2 CCR 7287 et seq., 8 CCR §11040.7(c), GC §§12946,60201
Human Resources	HR-02	Applications for Employment or Resumes: Unsolicited (no open position), candidates not hired	1 year		1 year		Ppr			No positions open; therefore not deemed part of District recruitment practices; considered a transitory record not materially impacting the conduct of the public's business; GC §60201
Human Resources	HR-03	Billing: COBRA and Retiree Medical	Termination of Service+ 7 years		Termination of Service+ 7 years	Yes: During Service	Mag, OD, Mfr. Ppr	S/1	Yes: After 1 year	Retained to cover auditing standards; General rule under ERISA (Employee Retirement Income Security Act) is 7 years; 29 CFR 1627.3(b)(2); 29 USC 1027; GC §60201
Human Resources	HR-04	Classification and Compensation Studies / Surveys	When No Longer Required		When No Longer Required		Mag, Ppr			Department Preference; GC §60201

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Human Resources	HR-05	Department of Fair Employment & Housing (DFEH or EEOC) Claims that are resolved administratively	Final Disposition + 5 years		Final Disposition + 5 years		Mag, Ppr			Consistent with other claim retentions (District Attorney handles cases that are not resolved administratively); All State and Federal laws require retention until final disposition of formal complaint; State requires 2 years after action is taken; GC §§12946,60201
GMI District Secretary	HR-06	District CSRMA Policy	p		p		Mag, OD, Mfr, Ppr	S/1	Yes: After 1 year	Department Preference (copies); GC §60200
Human Resources	HR-07	DMV Pull Notices (retained in binder)	Separation + 1 year		Separation + 1 year		Mag, Ppr			District preference (DMV record that the District considers a non-record used for reference); DMV audits every 2 years; Bureau of National Affairs recommends 2 years for all supplementary Personnel records; GC §60201
Human Resources	HR-08	Drug and Alcohol Testing / D.O.T files (ALL Files - Random, Post-Accident & Reasonable Suspicion Tests, refusals, annual summaries, etc.)	2 years	3 years	5 years		Ppr			D.O.T. Requires 5 years for positive tests, refusals, annual summaries, etc, 1 year for negative tests; EEOC / FLSA / ADEA (Age) requires 3 years physApplicical examinations; State Law requires 2 years; 29 CFR 1627.3(b)(v}, 49 CFR 382.401 et seq.; GC §§12946, 60201, 49 CFR 653.71 et seq.

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Human Resources	HR-09	Grievances	Final Disposition	5 years	Final Disposition + 5 years	Yes: Before Disposition	Mag, Mfr, OD, Ppr	S/1	No	Department preference; All State and Federal laws require retention until final disposition of formal complaint; State requires 2 years after action is taken; GC §§12946, 62021
Human Resources	HR-10	I-9s	Separation + 1 year		Separation + 1 year		Mag, Ppr			Non-citizens must re-certify periodically; Required for 1 year from termination or 3 years from hiring, whichever is later; EEOC / FLSA / ADEA (Age) requires 3 years for "any other forms of employment inquiry"; State Law requires 2 -3 years; 8 CFR 274a.2; 29 CFR 1627.3(b)(i); GC §§12946, 60201
Human Resources	HR-11	Insurance Policy Files (Benefits: Deferred Compensation, Health, Eye, Dental, Life Insurance, Workers Compensation, etc) Includes Policies	Plan Termination	10 years	Plan Termination + 10 years	Yes: Before Expiration	Mag, Mfr, OD, Ppr	S	No	Department preference to be consistent with District-wide standards; EEOC / ADEA (Age) requires 1 year after benefit plan termination; Federal law requires 6 years after filing date; State Law requires 2 years after action; 29 CFR 1627.3(b)(2); 29 USC 1027; GC §§12946, 60201
Human Resources	HR-12	Job Descriptions	Superseded + 3 years		Superseded + 3 years	Yes: Before Superseded	Mag, Ppr			Department Preference; EEOC / FLSA / ADEA (Age) requires 1-3 years; State Law requires 2 - 3 years; 29 CFR 1602 et seq & 1627.3(a)(5) and (6), 8 CCR \§11040.7(c), GC §§12946, 60201

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Human Resources	HR-13	Personnel Files (Includes Application, Awards, DMV Reports, Disciplinary Actions, Certifications, Commendations, Employment Verifications, Evaluations, Licenses, Personnel Action Forms, Policy acknowledgements, Waiver of responsibility for voluntary activities, etc. - Excludes Medical Records)	Separation + 50 years		Separation + 50 years	Yes: Until Separation	Mag, Mfr. OD, Ppr	S	Yes: After Separation	Department Preference; EEOCIFLSAIADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; retirement benefits is 6 years from last action; 29 CFR 1602.31 & 1627.3(b)(ii), 8 CCR §3204(d)(1) et seq., GC §§12946, 60201; 29 USC 1113
Human Resources	HR-14	Personnel Files- Medical (Includes pre-employment physicals, hazmat exposure records, pulmonary tests, vanpool driver Class B medicals, and backgrounds & fingerprint clearances)	Separation + 30 years		Separation + 30 years	Yes: Until Separation	Mag, Mfr. OD, Ppr	S	Yes: When Inactive	Files maintained separately; Claims can be made for 30 years for toxic substance exposure; 8 CCR §3204(d)(1) et seq., GC §§12946,60201

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TREATMENT										
Operations / Treatment	OP-01	Biosolids Reports- Monthly, Quarterly, Annual	5 years		5 years		Mag, Mfr, OD, Ppr	S I I	Yes: After 1 year	Department preference; Consistent sewage sludge requirements; WE §13263.2(b) etseq.; 40 CFR 122.410)(2)
Operations / Treatment	OP-02	CCTV Collection Line Inspection Tapes / Video Inspections / Video Tapes or Digital Recordings - Regular Inspections	10 years		10 years		Mag, OD			Department Preference (5 year cycles for re-taping); GC §60201 et seq.
Finance	OP-03	Chemical Usage Reports I Bills of Lading	When No Longer Required		When No Longer Required		Mag, Mfr, OD, Ppr	S /I	Yes: After1 year	Attached to invoices; GC §60201
Operations / Treatment	OP-04	Customer Issues and Concerns	5 years		5 years	Yes: Before Resolution	Mag, Ppr			Department preference; Statute of Limitations for public official misconduct is discovery of offense + 4 years ; State and Fed laws is until final disposition of formal complaint; State requires 2 years after action; EVC § 1045, GC §§12946, 60201; PC §§801.5, 803(c), VC
Operations / Treatment	OP-05	Daily Plant Operations Checklists / Reports / Round sheets/ Check sheets	3 years		3 years		Mag, Ppr			Department preference; GC §60201
Operations / Treatment	OP-06	Equipment I Vehicle History Files	Sale of Equipment or Vehicle+ 2 years		Sale of Equipment or Vehicle+ 2 years		Mag, Ppr			Department preference; GC §60201

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Operations / Treatment	OP-07	Equipment Hour Readings / Checklists	3 years		3 years		Mag, Mfr, OD, Ppr	S I I	Yes: 2 years	Department Preference - NPDES records are required for 3-5 years; 40 CFR 122.410)(2), 122.44(h)(4)ii
Lead Dept.	OP-08	Generator Operation Logs (for fixed / stationary generators)	2 years		2 years		Mag, Ppr			Required by AQMD; GC §60201
Operations / Treatment	OP-09	Laboratory Analysis / Chain of Custody (ALL)	2 years	8 years	10 years		Mag, Mfr, OD, Ppr	S/1	Yes: 2 years	EPA / Good Laboratory Practice Standards for studies relating to health effects, environmental effects, and chemical fate tests require 10 years for Lab records, raw data, master schedule sheets, protocols, quality assurance inspections. training, experience, job descriptions, maintenance and calibration records and reports; 40 CFR 792.195
Operations / Treatment	OP-10	NPDES / Waste Discharge Monitoring Reports	2 years	8 years	10 years		Mag, Mfr, OD, Ppr	S/1	Yes: 2 years	Department preference (often, permits are not renewed in a timely manner); Monitoring records required for 3 years; 40 CFR §§122.21, 122.41
Lead Dept.	OP-11	Operations and Maintenance Manuals	Upon Disposal of Equipment		Upon Disposal of Equipment		Mag, Ppr			GC §60201
Operations / Treatment	OP-12	Pesticide Applications	2 years		2 years		Mag, Ppr			3 CCR 6623,40 CFR 171.11 et seq.

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Operations / Treatment	OP-13	Process Control Documents / SOPs - Standard Operating Procedures	Superseded + 5 years		Superseded + 5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After 1 year	Department Preference to cover the period of time applicable records are retained; 40 CFR 122.410)(2);WE §13263.2(b) et seq
Operations / Treatment	OP-14	Reports, Monitoring, Samples, Studies & Testing (Annual/ monthly / daily)	2 years	8 years	10 years		Mag, Mfr, OD, Ppr	S / I	Yes: After 1 year	EPA / Good Laboratory Practice Standards for studies relating to health effects, environmental effects, and chemical fate tests require 10 years for Lab records, raw data, master schedule sheets, protocols, quality assurance inspections, training, experience, job descriptions, maintenance and calibration records and reports; 40 CFR 792.195
Operations / Treatment	OP-15	SCADA: Supervisory Control and Data Acquisition	Indefinite		Indefinite		Mag, Mfr. OD, Ppr			Data is interrelated; system qualifies as a "trusted system"; GC §§60201, 12168.7
Operations / Treatment	OP-16	Sewage Sludge Handling Logs and Weigh Tickets	5 years		5 years		Mag, Mfr. OD, Ppr	S	After1	40 CFR 122.410)(2); GC §60200

RECORDS RETENTION SCHEDULE LEGEND

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LIVESTOCK										
Operations / Livestock	OP-17	Livestock- Individual Records (includes Quarantines. Veterinary Treatment Records, etc.)	Sale / Disposition + 3 years		Sale/ Disposition + 3 years	Yes	Mag, Ppr			Records are required for 2 years after the year of the transaction, or 3 years; FA §32003(e), PC §597.1(d); 9 CFR 320.3; GC §60201
Operations / Livestock	OP-18	Livestock Database (contains controlled substance inventories, veterinary treatments, etc.)	Indefinite		Indefinite	Yes	Mag			Department Preference; Covers various statute of limitations; 3 years is required; FA §32003(e), PC §597.1(d); CCP §§336(a), 337 et. seg.,QQ §60201

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Safety	SF-01	Calibration Records for Fixed Gas Detectors / Portable Gas Detectors	3 years		3 years		Mag, Ppr			Department Preference; GC §60201
Safety	SF-02	Cal-OSHA Inspections & Citations, Log 200, 300, 301, 301A, etc.	7 years		7 years		Ppr			Department Preference; Calif. Labor Division is required to keep their records 7 years; OSHA requires 5 years; State law requires 2 years; 8 CCR 14300.33(a); 29 CFR 1904.33, 29 CFR 1904.44; GC §60201 et seq.; LC §6429c
Safety	SF-03	Investigations: Incidents, Unusual Occurrences or Near Misses	7 years		7 years		Mag, Mfr, OD,	S	Yes (after inactive)	Department preference; GC §60200
Safety	SF-04	Material Data Safety Sheet (MSDS) Logs	5 years	25 years	30 years		Mag, Mfr, OD, Ppr	S	Yes (after inactive)	A record of the chemical / substance / agent, where & when it was used is maintained for 30 years; Applies to qualified employers; 8 CCR 3204(d)(1)(8)(2 and 3) GC §60200
Safety	SF-05	Monthly and Quarterly Safety Inspections	5 years		5 years		Mag, Ppr			Department preference; GC §60201 et seq.

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Safety	SF-06	Personnel Files (Training File)	Separation + 10 years		Separation + tO years	Yes: Until Separation	Mag, Mfr, OD, Ppr	S	Yes: After Separation	Department Preference (placed in Personnel File upon separation); Statewide guidelines propose 7 years; Calif. Labor Division is required to keep their OSHA records 7 years; EEOCIFLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 - 3 years; 29 CFR 1627.3(b)(ii), 8 CCR §3204(d)(1) et seq., GC §§12946,34090
Safety	SF-07	Safety Checks / Pre-Starts / Commercial vehicle Prestarts and Forklift Inspections	2 years		2 years		Mag, Ppr			Department preference; If a motor carrier, required for 3 and 14 months; 49 CFR 396.11(c)(2); 49 CFR 396.21(b)(1); GC §60201
Safety	SF-08	Workers Compensation Files - Regular	Final Settlement	30 years	Final Settlement + 30 years		Mag, Mfr, OD, Ppr	S	Yes: When Inactive	Claims can be made for 30 years for toxic substance exposure; 8 CCR §3204(d)(1) et seq., GC §§12946, 60201
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UPC: Uniform Plumbing Code
W&I: Welfare & Institutions Code (CA)

POLICY ON CREDITS AND REIMBURSEMENTS FOR TRUNKLINE EXPANSION FEES AND FACILITIES

BOARD ORDER NO. 14-21

BOARD OF DIRECTORS OF
IRONHOUSE SANITARY DISTRICT

Adopted this Order on May 6, 2014 by the following vote:

AYES: D. Contreras, D. Huerta, M. Painter and D. Scheer

NOES: None

ABSENT: C. Lauritzen

ABSTAINED: none

SUBJECT: UPDATES TO POLICIES RELATED TO ISD FINANCIAL RESERVES, TRUNKLINE FEE CREDIT AND REIMBURSEMENT, NO VIOLENCE IN THE WORKPLACE AND BUSINESS WITH BOARD MEMBERS.

IT IS BY THE BOARD ORDERED that the SUBMITTED updates to the following policies 1) Unrestricted Designated Financial Reserves (with edits), 2) Restricted Financial Reserves, with no changes, 3) Policy On Credits and Reimbursements For Sanitary Sewer Collection Facilities Construction, with no changes, 4) Policy Against Violence In The Workplace, with changes and 5) Policy On Doing Business With Board Members to delete are APPROVED.

Copies of policies will be filed in the Policy handbook.

ATTEST:____,.,l_ .::;;.__au_t_J,LJ_ --
Susan V. Walde
District Secretary

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bol4.21
attachment

cc: Policy Handbook

minutes

IRONHOUSE SANITARY DISTRICT POLICY ON CREDITS AND REIMBURSEMENTS FOR SANITARY SEWER COLLECTION FACILITIES CONSTRUCTION

The following policy adopted by the Board of Directors, as the governing body oflronhouse Sanitary District (lSD), shall be used to determine credits and reimbursements as provided for in the Sewer Use Ordinance, Section 10.

I. DEFINITIONS:

1. Sewer Master Plan. The engineering plan dated January 30, 2004, which shows and lists the size, length, estimated cost and location of necessary sanitary sewer collection system facilities, on a planning level of detail, adopted for the lSD Service Area.

2. Sewer Use Ordinance. Ordinance No. 25, Order No. 93-31 Sewer Use Ordinance -Ironhouse Sanitary District.

3. Trunkline Capacity Fee. The Trunkline Capacity Fee, also known as the Trunkline Fee, means fees, tolls, rates, rentals or other charges collectively necessary to finance the cost of acquiring and constructing in-tract and off-tract sanitary sewer collection facilities, appurtenances and administration as may be required to build sufficient capacity into the District's sanitary sewer collection system, in accordance with the adopted sewer master plan, to service the needs of its increasing population and commercial expansion including credits and reimbursements to others for construction of excess capacity in eligible trunkline facilities. The Trunkline Capacity Fee for a particular type of customer, e.g. Residential, Commercial, etc., is determined according to Section 3 of the Sewer Use Ordinance.

4. Eligible Costs. The cost of installing eligible in-tract and off-tract Sanitary Sewer Collection Facilities as identified and shown in the Sewer Master Plan.

S. In-tract Sanitary Sewer Collection Facilities. Sanitary Sewer Collection Facilities identified in the Sewer Master Plan which are required to serve a customer which either exist or are newly constructed within the limits of the tract or legal parcel occupied by the customer prior to subdivision/development.

6. Off-tract Sanitary Sewer Collection Facilities. Sanitary Sewer Collection Facilities shown in Chapter 5: Capital Improvement Program of the Sewer Master Plan that are required to serve customers that either exist or are constructed outside the limits of the tract or legal parcel occupied by the customers prior to subdivision/development.

7. Credit. The application of eligible construction costs against the Trunkline Capacity Fee obligation otherwise owed by the Installer of in-tract or off-tract Sanitary Sewer Collection Facilities, as permitted by the District Engineer.

8. Reimbursement. The payment by ISD to the Installer of in-tract or off-tract Sanitary Sewer Collection Facilities of all or a portion of the eligible construction cost of such Facilities which are in excess of the Trunkline Capacity Fee obligation otherwise owed by the Installer, as permitted by the District Engineer.

9. Installer. The person or entity who installs Sanitary Sewer Collection Facilities.

II. GENERAL. Installation of Sanitary Sewer Collection Facilities required as a condition of property development can be very costly and, in many cases, benefits other properties within the area served by these Facilities. The Sewer Use Ordinance spreads the costs of the Sanitary Sewer Collection Facilities among all of the benefiting properties and ensures, through a system of fees, credits, and reimbursements, the equitable financial participation in the funding of such Facilities.

The Sewer Use Ordinance creates a fee obligation on all properties within the ISD Service Area. The ordinance becomes operative upon a request to develop or improve a parcel of land. The fee obligation is limited to the fee due and is payable either in the form of cash or the installation of a portion of the in-tract or off-tract Sanitary Sewer Collection Facilities shown in the adopted Sewer Master Plan.

The In-tract or off-tract Sanitary Sewer Collection Facilities required to serve new development or redevelopment, as shown in Chapter 5: Capital

Improvement Program of the Sewer Master Plan, are constructed in one of two major ways. One, ISD builds the off-tract Sanitary Sewer Collection Facilities using Trunkline Fees. Two, the developer privately finances and builds the Facilities and, subject to the District Engineer, may receive a Credit, a Reimbursement or some combination thereof against their trunkline fee obligation. The Sewer Master Plan assumes that new development or redevelopment shall pay for the Sanitary Sewer Collection Facilities necessary to support the new development or redevelopment project and does not require new development to pay for existing deficiencies in the Sanitary Sewer Collection Facilities. New development or redevelopment may precede the construction of off-tract Sanitary Sewer Collection Facilities as shown in Chapter 5: Capital Improvement Program of the Sewer Master Plan by ISD itself using Trunkline Capacity Fees if the developer at its option builds or improves the off-tract Sanitary Sewer Collection Facilities. In such case, ISD may require the developer of the new development or redevelopment to install off-tract Sanitary Sewer Collection Facilities to contain supplemental size, capacity, number or length for the benefit of property not within the new development or redevelopment, and that those Facilities be dedicated to ISD. As determined by the District Engineer, the developer may be eligible for a fee credit or a reimbursement for that portion of the cost of those Facilities in excess of those Facilities required to serve the new development or redevelopment in excess of its Trunkline Capacity Fee Obligation.

III. Eligible Costs. In accordance with Section 10 of the Sewer Use Ordinance, a portion of the cost to install or improve Sanitary Sewer Collection Facilities as shown in Chapter 5: Capital Improvement Program of the Sewer Master Plan may be eligible for credit against the required Trunkline Capacity Fee and for reimbursement of costs in excess of the Trunkline Capacity Fee obligation. Credit or reimbursement shall be limited to the following eligible costs:

1. Actual off-tract construction costs plus a fixed amount of 14 percent of the off-tract or in-tract construction cost for allowance of miscellaneous developer's costs, including design, contract preparation, engineering, bonding, staking, etc. Construction costs do not include utility relocations or the acquisition of rights of way.

2. Actual ISD project inspection fees for only those Sanitary Sewer Collection Facilities as shown in Chapter 5: Capital Improvement Program of the Sewer Master Plan.

3. Actual off-tract utility relocation costs and potential in-tract utility relocation costs.

4. Actual off-tract right of way acquisition costs needed for the installation of Sanitary Sewer Collection Facilities as shown in Chapter 5: Capital Improvement Program of the Sewer Master Plan, provided the developer does not have a beneficial interest in the off-tract property.

The determination of construction costs will be based on at least three independent bids submitted after all of the construction costs have been identified. The developer shall submit said bids to the District for review and concurrence prior to beginning construction. Upon ISD concurrence with the bids, the lowest bid for the sewer improvements shall be the basis for determination of the credit and reimbursement amount.

The District reserves the right to reject the developer's bids or any other proposed value of said eligible costs and to calculate said costs and the fixed markups using then current prices, as determined by the District Engineer.

If the developer elects to install more costly off-tract Sanitary Sewer Collection Facilities than shown in Chapter 5: Capital Improvement Program of the Sewer Master Plan, ISD reserves the right to calculate said eligible costs using the then current prices, as determined by the District Engineer, for only the facilities shown on the adopted Sewer Master Plan.

IV. Credit. When the District Engineer permits the construction of eligible in-tract or off-tract Sanitary Sewer Collection Facilities, the District Engineer may also permit the eligible construction costs to be applied as a credit against the Trunkline Capacity Fee obligation otherwise owed by the Installer of such Facilities.

V. Reimbursements. Where the amount of said eligible costs exceeds the Trunkline Capacity Fee due, the instalfer, upon entering into the ISD standard form Reimbursement Agreement with ISD, shall be eligible for a percentage reimbursement on the amount of the eligible costs determined by Section III, above, in excess of the Trunkline Capacity fee otherwise due, subject to the following limitations:

1. Reimbursements shall be paid by ISD on a semi-annual basis in January and July and mailed to the address as provided by the entity that is a party to a Reimbursements Agreement.

2. Reimbursements shall be paid only from Trunkline Capacity Fees collected pursuant to the Sewer Use Ordinance.

3. If there is more than one Reimbursement Agreement at any one time, the reimbursement payment to each agreement shall be based on the ratio of each agreement's original amount to the total original amount of all outstanding reimbursement agreements.

4. The District reserves the right to utilize not more than 70 percent of the Trunkline Fees collected annually, on a fiscal year basis, for the purpose of making reimbursement payments.

5. Reimbursement payments shall be made semi-annually, except that, during any year the District reserves the right not to make said payments if the amount of available funds to be disbursed is less than $5,000.

6. A Reimbursement Agreement shall remain in effect for ten years. The first year shall be the one following the year in which the first reimbursement payment is made. Any outstanding balance owed under a Reimbursement Agreement at the end of the ten years shall be deemed waived by the party to the Agreement except that if 80% of the reimbursement has not been paid off in the ten years, a ten year extension shall be added to the term of the agreement. If after the second ten year period the reimbursement has still not been paid off, any outstanding balance owed shall be deemed waived by the party to the Agreement.

7. Reimbursement Agreements executed prior to a government loan for the installation of eligible Trunkline facilities shall share with the government loan and other reimbursement agreement(s) the payments calculated in paragraph 3, above.

8. Reimbursement agreement(s) executed subsequent to a government loan(s) for the installation of eligible Trunkline facilities shall have payments "calculated" using the pro-rata basis of paragraph 3, above. However, in order to accelerate repayment of the government loan(s), the

"calculated" payment shall be applied to repayment of the government loan(s), rather than be disbursed to the subsequent reimbursement agreement(s).

9. Upon full repayment of the government loan(s), reimbursement payments shall commence to the subsequent reimbursement agreement(s). The ten-year time limit for a subsequent reimbursement agreement shall not start until the date the first payment is made to the reimbursement agreement.

VI. Applicability: Upon adoption by the ISD Board, this policy shall be the basis for all subsequent Credits and Reimbursement Agreements in the ISD Service Area.

IRONHOUSE SANITARY DISTRICT

Terms and Conditions of Employment

ADOPTED: The Ironhouse Sanitary District's Terms and Conditions of Employment was last revised and approved by the Board of Directors May 2, 2017.

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WELCOME TO IRONHOUSE SANITARY DISTRICT

We have always emphasized that outstanding people are the key to our success. Through the efforts of our people, Ironhouse Sanitary District has become a leader. To ensure continued success, it is important that all employees understand and comply with our policies and procedures. This document will familiarize you with the various aspects of working with Ironhouse Sanitary District; you are encouraged to use it as a valuable resource for understanding the rights, benefits, and obligations of your employment with the District. If you have any questions about this document specifically, or about the District's policies and procedures generally, please do not hesitate to ask them of either your supervisor or any member of the management team.

Best wishes to you, and welcome to Ironhouse Sanitary District.

1. Introduction

The Ironhouse Sanitary District ("District") Terms and Conditions of Employment ("Conditions") is intended to provide useful information regarding current policies and benefits. Any of the District's Conditions and benefit programs currently, with the sole exception of the District's policy on at-will employment, may be added to, revised, suspended, or eliminated by the District with written notice to all employees in response to business needs or changing legal requirements.

District benefit plans are defined in legal documents such as insurance contracts and official plan documents. If a question ever arises about the nature and extent of plan benefits or if there is conflicting language, the formal language of the insurance contracts or plan documents govern. Plan documents are available for inspection in the District administrative office.

2. Ethical Standards/Conflict of Interest

The District has an excellent reputation for conducting its business activities with integrity, fairness, and in accordance with the highest ethical standards. Employees enjoy the benefits of that reputation and are obligated to uphold it in every business activity. If in doubt whether an activity meets District ethical standards or could compromise the District's reputation, seek guidance from your supervisor or management staff, refer to the District's Conflict of Interest Code (Appendix A – http://www.Conflict Of Interest Policy)

Open Door Policy
Employees are encouraged to share their work-related concerns, seek information, provide input, and resolve work-related problems/issues through their immediate supervisor, and as appropriate, consult with any member of management toward those ends. The District's objective is to acknowledge and understand employee concerns, to encourage employee input, and to seek resolution to work-related problems/issues.
The District encourages employee suggestions or ideas to improve methods, procedures, and working conditions, reduce costs or errors, or otherwise benefit the District and its employees and the public we serve. Management will review all suggestions or ideas and decide the best course of action, if any, to take.

3. Duty to Report

To protect the public interests, and in accordance with the District's Whistleblower Protection Code (Appendix B - http://www.Whistle Blower Protection Code) any District employee who believes he/she has witnessed any of the following has a duty to report it:

- Gross mismanagement;
- Misuse of District resources;
- Abuse of authority; or
- Substantial and specific danger or threat of danger to the health or safety of District employees and/or the public.

A report regarding of any of the above must be made in writing, under penalty of perjury, and signed by the reporting employee. This report should be submitted to the employee's direct supervisor, unless the report concerns the conduct of that supervisor. In such case, the report should be submitted either to the General Manager or to the President of the District's Board of Directors.

Employees who, in good faith, report perceived misconduct and/or perceived abuse of the public trust will not be retaliated against. Any employee who violates this policy prohibiting retaliation will be subject to discipline, up to and including termination.

4. District Management Rights

The District shall solely and exclusively retain, whether exercised or not, all express and inherent rights and authority pursuant to law unless modified in writing and approved by the Board. District management rights include, but are not limited to, the right to:

- Determine the mission of the District and all its subdivisions.

- Full and exclusive control of the management and organization of the employer; supervision of all operations; determinations of methods, means, location, and assignments of performing all work; and the composition, assignment, direction, location, and determination of the size and mission of the work force.

- Determine the work to be done by employees, including establishment of service levels, appropriate staffing, and the allocation of funds for any position(s) within the organization.

- Review and inspect, without notice, all employer-owned facilities, including, without limitation, desktop computers, desks, email, facsimile, and copy machines, computer storage drives, voicemail systems, and filing cabinets and systems. This section shall not grant the unfettered right to inspect personal property without legal cause.

- Change or introduce different, new, or improved operations, technologies, methods, or means regarding any work, and to contract out for the work.

- Establish and modify qualifications for employment, including the content of any job classification, job description, or job announcement, and to determine whether minimum qualifications are met.

- Establish and enforce employee performance standards.

- Schedule and assign work, make reassignments, and assign overtime work.

- Hire, fire, promote, reassign, transfer, release, discipline, layoff, terminate, demote, suspend, or reduce in step or grade, all employees.

- Reorganize any of its divisions and reassign workers accordingly.

- Require fitness-for-duty evaluations upon reasonable cause.

- Require drug and/or alcohol tests upon reasonable suspicion of possession of illegal drugs or alcohol in the workplace, or impairment while on the job.

- Investigate regarding complaints or concerns about employee performance deficiencies or misconduct of any sort, including the right to require employees to appear, respond truthfully, and cooperate in good faith regarding any employer investigation.

- Designate employees as exempt or non-exempt pursuant to the Fair Labor Standards Act.

- Maintain orderly, effective, and efficient operations.

5. Employment

At Will Employment
All employment with the District is "at will." That means that both the employee and the District have the right to terminate the employment relationship at any time, without cause or advance notice. This also means that any District employee may be demoted, disciplined, have job responsibilities altered, or be transferred between departments without cause or advance notice. No experience with the District, including, but not limited to, oral statements, length of employment, performance reviews, promotions, salary increases, or disciplinary measures may be regarded as implicitly changing this at-will policy.

Equal Employment Opportunity
The District maintains a policy of equal employment opportunity for all employees and applicants for employment. The District hires, trains, promotes, and compensates individuals on the basis of personal competence and potential for advancement without regard for race, color, religion, sex, sexual orientation, ethnic or national origin or ancestry, veteran status, age, marital status or registered domestic partner status, physical or mental disability, medical condition, pregnancy, or citizenship, or any other classifications protected by applicable federal, state, and local laws.

The District makes reasonable accommodation for employees with disabilities. Requests for reasonable accommodation must be made to the General Manager.

The District's equal employment opportunity policy applies to all aspects of employment with the District, including recruiting, hiring, training, transferring, promoting, job benefits, pay, dismissal, educational assistance, and social and recreational activities.

Any alleged incident of discrimination must be reported in writing, under penalty of perjury, and signed by the reporting employee. This report should be submitted to the employee's direct supervisor, unless the report concerns the conduct of that supervisor. In such case, the report should be submitted either to the General Manager or to the President of the District's Board of Directors.

Employees who, in good faith, report perceived discrimination will not be retaliated against. Any employee who violates this policy prohibiting retaliation will be subject to discipline, up to and including termination.

6. Types of Employment

“Full-time” or “regular” employees are employees who are regularly scheduled to work a minimum of 40 hours per workweek. These employees are eligible for all District-sponsored benefits.

“Part-time” or “Temporary” employees are employees holding jobs of less than 40 hours per workweek, of limited duration and/or arising out of special projects, abnormal workloads, emergencies, or other unique circumstances. An employee does not change from part-time or temporary status to another status unless specifically hired into a “Full-time” position in writing by the General Manager. Part-Time or Temporary employees are not eligible for any District-sponsored benefits.

7. Changes in Employment Status

“Transfer” means movement from one job or classification to another where the employee meets the minimum qualifications and the pay difference is less than or equal to 5%. An employee may be transferred at any time from one position to another position.

“Promotion” means upward movement from one job or classification to another where the employee meets the minimum qualifications and the pay difference is greater than 5%. It is the District’s preference to promote from within when filling job vacancies although this may not always be possible due to legal requirements and the levels of education and other qualifications required for many positions. An employee’s past performance, qualifications, potential abilities, and job experience are important factors that are considered in the selection of employees for promotion.

“Demotion” means downward movement from one job or classification to another where the employee meets the minimum qualifications and the pay difference is greater than 5%. An employee may be demoted for disciplinary reasons, reorganization, economic reasons, or when it is deemed that the employee is better suited to a downgraded position.

“Resignation” means an employee’s voluntary termination of employment. A resignation becomes final when accepted by the District and thereafter cannot be withdrawn. When an employee leaves voluntarily, the District expects at least two weeks’ notice be given in writing and four weeks for Managers and Executives. An employee who fails to provide such advance notice shall be considered ineligible for rehire. The District reserves the right to initiate the resignation anytime between the date the resignation is submitted and the date sought by the employee as the last day of employment.

“Termination” means involuntary termination of employment. An employee may be terminated at any time with or without cause, warning, or advance notice.

“Layoff” means involuntary termination of employment for economic reasons, District reorganization, or other reasons requiring a reduction in the number of District employees. Factors such as job classification, length of continuous service, ability and fitness to perform the required work, and past employment with the District will be considered in determining which employees will be affected.

"Rehire" means an employee who resigned employment with the District but is eligible for rehire at his/her prior benefit status in light of seeking reemployment with the District within six months of the date resignation. If an employee who resigned seeks reemployment more than six months following his/her resignation, the employee is only eligible for the same benefits as newly hired employees.

8. Employment of Relatives

"**Relative**" means a spouse, domestic partner, child, step-child, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, in-laws of those enumerated by marriage or domestic partnership, or those with an *in loco parentis* relationship to another employee.

"**Spouse**" means two persons who have a valid marriage, or two people who are registered domestic partners pursuant to California Family Code Sections 297 *et seq*.

"**Supervisory relationship**" means one in which one employee exercises the right to control, direct, reward, or punish another employee by virtue of his/her District duties and responsibilities.

"**Employee**", for purposes of this section only, is one who receives a District payroll check for services rendered.

A. Policy as to Relatives

The District has the discretion not to hire, appoint, promote, or transfer a person to a position within the same department in which the person's relative already holds a position, when such employment would result in any of the following:

- A direct or indirect supervisory relationship;
- The two employees having job duties which require performance of shared duties on the same or related work assignment(s);
- Both employees having the same immediate supervisor; or
- A potential for creating an adverse impact on supervision, safety, security, morale, or efficiency that is greater for relatives than for unrelated persons.

B. Employees Who Become Spouses or Domestic Partners

If two District employees who work in the same department become spouses or domestic partners, the District has the discretion to transfer one of the employees to a similar position in another department. Although the wishes of the employees in question will be given consideration, the District retains sole discretion to determine which employee is to be transferred based upon District needs, operations, and/or efficiency. Notwithstanding any provision in these Conditions, any such transfer that results in a salary reduction is not disciplinary and is not subject to any grievance or appeal.

If continuing employment of both employees cannot be accommodated in a manner consistent the District's interest in the promotion of safety, security, morale, or efficiency, then the District retains sole discretion to terminate one employee from employment. Any such termination is not considered disciplinary and is not subject to any grievance or appeal.

9. Recruitment, Examination, and Hiring

Recruitment
The District may utilize any reasonable recruitment process for attracting qualified applicants. Recruitments may be open or may be limited to District employees. When in the best interest of the District, the General Manager may make appointments without going through a recruitment process.

Announcements
Recruitments for positions will be publicized by methods the District deems appropriate. Recruitments shall be conducted in accordance with equal employment opportunity guidelines as well as appropriate and valid selection procedures.

Application Materials
Application materials shall require information covering training, experience, and other pertinent information designed to determine if the applicant meets the minimum qualifications for the position. Application materials may include references and background checking, including fingerprinting. Applications and examination records are confidential and shall not be returned to or shared with applicants. No applicant shall be asked information that is prohibited under any state or federal law.

Disqualification
An applicant may be disqualified for good cause. An applicant has no right to grieve or appeal any such actions by the District. Reasons for disqualification include but are not limited to:

- Improperly Completed Application: The applicant did not properly complete the application materials.

- Minimum Qualifications: The application indicates on its face that the applicant does not possess the minimum qualifications for the position.

- Essential Duties: The applicant is unable to perform the essential functions of the position with or without reasonable accommodation.

- Illegal Drugs: The applicant is currently using illegal drugs.

- Conviction of a Crime: The applicant has been convicted of a crime that may have an adverse impact on the applicant’s ability to perform the job for which the applicant is applying.

- Legal Right to Work: The applicant is not legally permitted to work within the United States.

- False Statements: The applicant has made a false statement of any material fact or practiced or attempted to practice deception or fraud in the application or examination process.

- Material Cause: Material cause, in the judgment of the District, would render the applicant unsuitable for the position, including a prior resignation or termination from District service, or significant disciplinary action.

Examination Process
All hiring shall be made according to merit and fitness. The District may utilize any legitimate objective method to determine the qualifications of applicants, including, but not limited to, written tests, physical agility tests, oral examinations, training and experience review, panel interviews, and assessment centers. The selection practices used shall be impartial and relate to those subjects that fairly measure the relative capacities of the applicants to execute the duties and responsibilities of the position.

The District may conduct the selection processes itself or contract with any competent organization, individual, or firm for preparing and/or administering examinations.

Examination results will not be provided to applicants. However, if requested, a debriefing with the applicant may be given, within the sole discretion of the General Manager.

When necessary to meet continued requirements for filling positions, the closing date for any selection process may be indefinite and applicants may be tested continuously in such manner and at such times and places as may be determined by the General Manager.

Backgrounds
As part of the pre-employment procedure, the District shall have the right to conduct a complete and exhaustive background investigation on all applicants seeking employment, including reference and public records check, a criminal background check, where applicable, and when deemed appropriate by the District, a medical and/or psychological examination by District-retained medical practitioners. Any medical or psychological examination may be conducted only after a conditional job offer has been made by the District, in accordance with applicable law.

Appointments
The General Manager has the sole authority to hire. The General Manager may appoint any competent applicant to a position for which the applicant is qualified. Positions may be full-time or part-time, long-term or short-term, depending on the needs of the District. The General Manager may appoint a designee to perform this function.

10. Job Abandonment

An employee is deemed to have resigned if the employee is absent for three consecutive work days without prior authorization and without notification during the period of the absence. Employees will be given an opportunity to explain the absence and failure of notification to the General Manager or designee before final action is taken. An employee terminated from employment for job abandonment may be reinstated upon proof of justification for such absence, such as severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification. An employee terminated for job abandonment has no right to file a grievance or otherwise appeal.

11. Employee Performance Evaluation and Performance Based Salary Increases

A. Evaluations

It is the responsibility of every supervisor to formally evaluate and document employee performance. Evaluations are to be true reflections of employee performance supported with documentation and examples. New employees are evaluated upon completing approximately 1040 hours of active duty and then, along with existing employees, annually thereafter upon completing approximately 2080 hours of active duty. Supervisors may also conduct interim progress assessments as necessary for remedial or recognition purposes.

Supervisors are responsible for keeping employees apprised of their ongoing performance, including areas where performance needs improvement and where performance exceeds expectations.

B. Performance Based Salary Increases

A Performance Based Salary Increase is advancement to a higher salary level within the employee’s classification salary range. All such increases must be justified by a formal evaluation of employee performance which is overall satisfactory or better. Supervisors have the discretion to recommend salary increases based on the evaluation and subject to approval of the General Manager.

12. Acting Pay When Assigned Full Scope of Vacant Position

At times when a position of employment is vacant, the District may temporarily appoint a subordinate employee to fill the position. A vacant position means the incumbent has left employment, is on an extended leave, been temporarily reassigned, transferred or promoted to another position.

If an employee is temporarily appointed by the District in writing to fill a more senior position (e.g., one with greater responsibility, higher necessary knowledge, skills, and abilities), he/she shall receive increased compensation in the higher position’s salary range that is at least a five percent (5%) increase above the employee’s current base pay if: (1) the employee holds the position for over 30 day; (2)the employee meets the minimum qualifications of the at time of the employee performs the full scope of duties.

13. Hours of Work and Overtime

Schedules

Full-time District employees work one of the following schedules:

Regular schedule: Monday through Friday, 8 hours per day.

9/80 Schedule A: Monday through Thursday, 9 hours per day and every other Friday for 8 hours.

9/80 Schedule B: Tuesday through Friday, 9 hours per day and every other Monday for 8 hours.

Construction, assignment, and beginning and ending times of any shift are subject to change and determined solely by the District.

“Work Week” Defined

For all employees, the “work week” is defined as the seven (7) calendar day period commencing at 12:00 a.m. Sunday through 11:59 p.m. Saturday.

“Fair Labor Standards Act” (FLSA) Work Period” Defined

Regular schedule: the FLSA work period coincides with the work week.

9/80 Schedule A: the FLSA work period is defined as the seven (7) consecutive 24-hour periods commencing mid-shift on the 8-hour Friday worked.

9/80 Schedule B: the FLSA work period is defined as the seven (7) consecutive 24-hour periods commencing mid-shift on the 8-hour Monday worked.

14. Breaks and Meal Periods

Full-time employees are allowed two paid 15-minute breaks per shift (one during each half of the shift), and one unpaid meal period of at least 30 minutes in length. Supervisors control when breaks and meal periods are taken to ensure that employees’ positions and duties are covered, as necessary, for efficient operations. While permissive and not an employee right, supervisors will make reasonable effort to allow all breaks and meal periods.

15. “Overtime” Defined.

“FLSA Overtime” is all hours an FLSA non-exempt employee works over 40 hours in his/her work week. Paid time off shall not count as hours worked for FLSA Overtime. Overtime is compensated at 1.5 times the employee’s FLSA regular rate of pay.

“Shift Overtime” is all hours an FLSA non-exempt employee actually works over his or her scheduled 8 or 9 hour shift in a work day. Overtime is compensated at 1.5 times the employee’s FLSA regular rate of pay.

For purposes of both FLSA Overtime and Shift Overtime, an employee’s use of accrued vacation, compensatory time off, floating holidays, and 9/80 accumulated hours during a work week or shift will be counted as time worked.

16. Prior Approval and Mandatory Overtime

Absent a true emergency where prior authorization would cause a detrimental impact, employees are not permitted to work overtime except as authorized or directed. Working overtime without prior authorization, or refusing to work overtime as directed, is grounds for discipline. While employees can be ordered to work overtime, reasonable efforts will be made to plan and assign overtime work with consideration for employees’ individual needs.

17. Option for Compensatory Time Off

Upon employee request, the District may grant compensatory time off (CTO) at 1.5 times the employee's FLSA regular rate in lieu of monetary overtime compensation. Accumulated CTO shall not exceed 240 hours. Any request for CTO in lieu of monetary overtime compensation that would exceed a total of 240 compensatory hours will automatically be paid as compensation at the rate of one and one-half times the employee's regular rate of pay.

18. Standby Duty

Standby duty may be assigned and scheduled according to the needs of the District. Normally, standby duty will be assigned and rotated amongst qualified staff in one (1) week intervals, beginning and ending every Wednesday at 7:00 a.m. The District shall pay $450 per calendar week to employees assigned standby duty regardless of Holidays. The total number of employees receiving standby pay at any given time shall not exceed two, (2) unless approved in advance by the General Manager.

19. Call Out

If an employee is physically called out to work outside of the employee's regular work hours, the employee shall be compensated for a minimum of two (2) hours that day or four (4) hours if on a District holiday, at the applicable rate pursuant to the District's Overtime Hours Policy, with any service beyond such being logged to the nearest fifteen (15) minute increment.

An employee may be assigned multiple tasks during a single call out. Subsequent call outs for the same or a directly related incident after the initial event minimum within the following 24 hours shall be logged to the nearest fifteen (15) minute increment and compensated at the at 1.5 times the employee's FLSA regular rate of pay. However, under extenuating circumstances, a second call out minimum may be approved. Subsequent call outs not related to the initial incident shall be deemed a new call-out event as defined above.

In the event an employee is not physically called back as defined above, but rather provides service via electronic means (telephone, computer, tablet, etc.), the employee shall be compensated for any service provided beyond ten (10) minutes at minimum of thirty (30) minutes, with any service beyond such being logged to the nearest fifteen (15) minute increment, at 1.5 times the employee's FLSA regular rate of pay.. If multiple calls requiring ten (10) minutes or less of service are received within a single pay period, the amount of actual service time for each call shall accumulate and be recorded to the nearest fifteen (15) minute increment and shall be compensated at 1.5 times the employee's FLSA regular rate of pay.

To qualify for the minimums identified, the employee must receive a call outside of their respective work hours and must not be present on District property. However, under no circumstances shall such premium compensation continue beyond the employee's regular starting time, nor shall premium compensation be compounded as a result of overlapping events.

Call out compensation is not intended to include inconveniences incurred on standby duty and/or off duty such as interruptions, telephone calls, test alarms, etc. All call out related compensation is subject to review and approval by a District Supervisor and/or Manager, including the General Manager.

20. Pay Period

For all District employees, the standard pay period is semi-monthly, from the 1st thru the 15th and the 16th thru the last day of the month. Paychecks are distributed on the 22nd for the 1st thru the 15th pay period and on the 7th for the 16th through the end of the month pay period.

When a payday falls on a weekend or holiday, paychecks will be distributed on the last working day prior to the weekend or holiday.

21. Vacation

All Full-time employees are eligible to accrue paid vacation time beginning on their hire date.

Part-time and Temporary employees are not eligible to accrue and will not be paid out for vacation.

Annual vacations for Full-time employees are determined by their length of tenure as an employee and are accrued as follows:

Length of Service	Days of Vacation Accrued Annually
Hire date up through 3rd year	80 hours (accrued at 6.67 hrs./mo.)
4th through 10th year	120 hours (accrued at 10 hrs. /mo.)
11th through 15th year	160 hours (accrued at 13.33 hrs. /mo.)
16th year	168 hours (accrued at 14 hrs. /mo.)
17th year	176 hours (accrued at 14.67 hrs. /mo.)
18th year	184 hours (accrued at 15.33 hrs. /mo.)
19th year	192 hours (accrued at 16 hrs. /mo.)
20th year and beyond	200 hours (accrued at 16.67 hrs. /mo.)

Except for emergencies, time off requests should be made at least three (3) work days prior to the requested time off. Vacations may be requested to occur at any time during the year, except that they should be scheduled to avoid conflicts with other employees' vacations and with busy periods of the year. Time off conflicts shall be resolved at the District's discretion.

Accrued but unused vacation days may be carried over to the next year. Accrual of vacation days may not exceed 1.5 times the employee's annual maximum vacation accrual at any time. For example, an employee with two years of service may accrue up to a maximum of 120 hours of vacation. Once the vacation accrual has reached this cap, the employee ceases accruing any additional vacation until she/he has used sufficient vacation to bring the accrual below the cap.

Financial compensation is not provided in lieu of vacation except in two instances. First, employees that have completed at least two years of service with the District may elect to cash out up to fifty percent (50%) of their annual accrued vacation. That is, eligible employees may request to receive pay instead of paid time off for up to one-half of their annual accrued vacation time. For example, an employee in his twelfth year with 160 hours annual accrual may request to take up to 80 hours in pay, even though he/she may have accrued a total vacation bank in excess of 160 hours. This cash-out election may be used one time per calendar year. Second, any employees who resign, are laid off, or are terminated will be paid out all accrued and unused vacation time.

22. Sick Leave – Full-time Employees

Beginning July 1, 2015, new Full-time employees accrue sick leave at a rate of no less than one (1) hour for every 30 hours worked until they have worked for the District for 90 days, and thereafter credited with 6.67 hours of paid sick leave at the beginning of each month. Any accrued and unused paid sick leave carries over year to year while employees are continuously employed.

Full-time employees may use accrued paid sick leave as follows:

For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.

For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:

- Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.)
- Spouse or Registered Domestic Partner
- Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.)
- Grandparent
- Grandchild
- Sibling

To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:

- A temporary restraining order or restraining order.
- Other injunctive relief to help ensure the health, safety, or welfare of themselves or their children.

- To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.

- To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.

- To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.

- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable. Failure to do so without good reason shall result in that day of absence being treated as a leave of absence without pay.

Paid sick leave will not be considered hours worked for purposes of overtime calculation.

In the event that an employee or a member of the employee's immediate family recovers from any such sickness after being granted sick leave, and during the regularly scheduled hours of work, then such employee shall notify the appropriate immediate supervisor and make himself/herself available to return to duty.

Paid sick leave will not be granted to any employee absent from duty as a result of any sickness, injury, or disability purposely self-inflicted or caused by willful misconduct.

Paid sick leave will not be granted to any employee to permit an extension of the employee's vacation.

Supervisors shall have the discretion to place employees on sick leave when, in the judgment of the supervisor, the presence of the employee at work would endanger the health and welfare of other employees or where the illness or injury of the employee interferes with the performance of such employee's duties.

An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement, or other separation from employment from the District.

If an employee resigns from and is re-hired by the District within one year of the employee's prior last day of work, previously accrued and unused paid sick leave hours shall be reinstated.

An employee shall be subject to disciplinary action for abuse of sick leave, which is defined as a claim of entitlement to sick leave when the employee does not meet the requirements of sick leave as defined herein.

23. Sick Leave – Part-time and Temporary Employees

This paid sick leave policy covers only Part-time and Temporary District employees.

All Part-time and Temporary employees who work at least 30 days per year in California are eligible for paid sick leave under this policy. Part-time and Temporary employees accrue sick leave at a rate of one (1) hour for every 30 hours worked, up to a maximum of 48 hours. Employees may use up to 24 hours of accrued sick leave per year. The year for use of sick leave runs from July 1 through June 30.

Part-time and Temporary employees may use accrued paid sick leave as follows:

For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.

For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:

- Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in *loco parentis*.)
- Spouse or Registered Domestic Partner
- Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in *loco parentis* when the employee was a minor child.)
- Grandparent
- Grandchild
- Sibling

To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:

- A temporary restraining order or restraining order.
- Other injunctive relief to help ensure the health, safety, or welfare of themselves or their children.
- To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
- To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.

- To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.

- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable. Failure to do so without good reason shall result in that day of absence being treated as a leave of absence without pay.

Paid sick leave will not be considered hours worked for purposes of overtime calculation.

In the event that an employee or a member of the employee's immediate family recovers from any such sickness after being granted sick leave, and during the regularly scheduled hours of work, then such employee shall notify the appropriate immediate supervisor and make himself/herself available to return to duty.

Paid sick leave will not be granted to any employee absent from duty as a result of any sickness, injury, or disability purposely self-inflicted or caused by willful misconduct.

Paid sick leave will not be granted to any employee to permit an extension of the employee's vacation.

Supervisors shall have the discretion to place employees on sick leave when, in the judgment of the supervisor, the presence of the employee at work would endanger the health and welfare of other employees or where the illness or injury of the employee interferes with the performance of such employee's duties.

An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement, or other separation from employment from the District.

If an employee resigns from and is re-hired by the District within one year of the employee's prior last day of work, previously accrued and unused paid sick leave hours shall be reinstated.

An employee shall be subject to disciplinary action for abuse of sick leave which, is defined as a claim of entitlement to sick leave when the employee does not meet the requirements of sick leave as defined herein.

24. Sick Leave – Kin Care

Employees may use up to one-half of their yearly sick leave accrual to attend to a child, parent, spouse, registered domestic partner, or registered domestic partner's child who is ill. All conditions and restrictions placed on an employee's use of sick leave apply also to sick leave used under this section. Leave for this purpose may not be taken until it has actually accrued.

For purposes of kin care sick leave use, the following definitions apply:

"Child" is a biological, foster, or adopted child; stepchild; child of the employee's Domestic Partner, or a legal ward. A Child also may be someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child.

"Parent" is a biological, foster, or adoptive parent; stepparent; or legal guardian.

"Spouse" is a legal spouse according to the laws of California, which do not recognize "common law" spouses (a union that has not been certified by a civil or religious ceremony).

"Domestic partner" is another adult with whom you have chosen to share your life in an intimate and committed relationship of mutual caring, and with whom you have filed a Declaration of Domestic Partnership with the Secretary of State.

25. Holidays

Full-time employees are eligible for 8 hours of holiday pay on each paid holiday observed by the District. The following paid holidays are observed:

New Year's Day	Labor Day
Martin Luther King's Birthday	Veterans' Day
Washington's Birthday	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas Day

If a holiday falls on a weekend, the holiday will be observed on the closest Friday or Monday, or on the customary day, at the discretion of the District.

For employees assigned a 9/80 schedule:

In the event a District paid holiday falls on an employee's scheduled day off, the employee will receive 8 hours of 9/80 comp time at the employee's regular rate. Accumulated 9/80 compensatory time shall not exceed 40 hours, with any overage automatically paid to the employee at his/her regular rate.

In the event that a District paid holiday falls on an employee's scheduled 9 hour work day, the employee will receive 8 hours of pay, and may elect to have the 9th hour paid by charging his/her accrued time (i.e. vacation, floating holiday, compensatory time, or 9/80 comp time). Alternatively, the employee can elect to have the 9th hour unpaid. Accrued time used under this section shall count as hours worked for overtime purposes. The employee's choice of having the 9th hour paid or unpaid shall have no impact on overtime compensation.

In the event that a District paid holiday falls during an employee's scheduled paid vacation, the employee will receive the holiday pay for the day, and will not have the paid leave deducted from his/her accrued vacation.

26. Floating Holidays

Full-time employees are eligible to accrue paid floating holiday time at the rate of two hours per month (or an annual accrual rate of 24 hours per year) with a maximum of 36 hours accrued at any time. Once the accrual has reached this cap, the employee ceases accruing any additional floating holiday time until she/he has used sufficient floating holiday time to bring the accrual below the cap. Accrued but unused floating holiday may be carried over to the next year. Any accrued but unused floating holiday time will be paid out to the employee upon separation from employment.

Employees may not elect financial compensation in lieu of taking time off for a holiday or floating holiday. Paid holidays and floating holidays are *not* subject to the vacation buy-back provision discussed in the Vacation Policy.

27. Catastrophic Leave

The Catastrophic Leave Program is for employees who have exhausted all accrued leaves due to a serious or catastrophic illness, injury, or condition. The Catastrophic Leave Program allows employees to donate time to any qualifying District employee, so that he/she can remain in a paid status for a longer period of time, thus partially ameliorating the financial impact of the illness, injury, or condition.

Eligibility
To be eligible for this benefit, the receiving employee must: (1) be a full time employee; (2) have personally sustained, or have an immediate family member who has sustained a life threatening or debilitating illness, injury, or condition certified by a physician; (3) have exhausted all accumulated paid leave; (4) be unable to return to work for at least 30 days, or in the case of the condition affecting the immediate family member, that the member must be in need of prolonged and significant personal care; and (5) conform with the qualifying criteria of the Family and Medical Leave Act.

Benefits
Accrued vacation, administrative leave, and compensatory time off hours donated by other employees will be converted to sick leave and credited to the receiving employee's sick leave time balance on an hour-for-hour basis and shall be paid at the rate of pay of the receiving employee. For as long as the receiving employee remains in a paid status, seniority, and all other benefits will continue, with the exception of paid leave accruals.

Guidelines for Donating Leave Credits
Accrued vacation, administrative leave, and compensatory time off may be donated by any fulltime employee. Time donated will be converted to sick leave hours and credited to the receiving employee's sick leave balance on an hour-for-hour basis and shall be paid at the rate of pay of the receiving employee. The total amount of time donated to one employee by another employee shall not exceed fifty-six (56) hours. The total leave credits received by the employee shall not exceed six calendar months. Leave donations must be in a minimum increment of one

hour. An employee cannot donate leave hours that would reduce his/her total leave balances (vacation, administrative leave, and compensatory time off combined) to less than fifty-six (56) hours.

Donated leave hours will be used in consecutive hour/day increments necessary to keep the employee whole. While an employee is on leave using donated leave hours, no vacation, administrative leave, sick leave or other paid leave hours will accrue.

Donated leave is only transferred from the donor to the receiving employee as needed and chronologically by date of donation (i.e., first donated, first used). Time donations are irrevocable by the donor once the time has been used by the receiving employee. In the event that the receiving employee does not need to use all donated leave for the catastrophic illness or injury, any unused donations will not be deducted from the donor’s balance.

Taxability of leave donated or received under this program is governed by Internal Revenue Service guidelines.

For the purposes of this Section, “immediate family member” is defined as: mother, father, child, spouse, registered domestic partner, or sibling of the employee. “Child” is a biological, foster, or adopted child; stepchild; child of the employee’s Domestic Partner, or a legal ward. A Child also may be someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child. “Parent” is a biological, foster, or adoptive parent; stepparent; or legal guardian. “Spouse” is a legal spouse according to the laws of California, which do not recognize “common law” spouses (a union that has not been certified by a civil or religious ceremony). “Domestic partner” is another adult with whom you have chosen to share your life in an intimate and committed relationship of mutual caring, and with whom you have filed a Declaration of Domestic Partnership with the Secretary of State. “Sibling” is a biological, step or adopted brother or sister.

Under extenuating and extraordinary circumstances the General Manager may grant exceptions on a case-by-case basis. Such exceptions shall not establish practice nor precedence.

28. Leave of Absence

A leave of absence is a preapproved, defined absence from work without pay following exhaustion of all applicable leave accruals for a period not to exceed six months.

Except in cases of emergency, a written request for a leave of absence, providing an explanation of the circumstances underlying the leave request, must be presented to the employee’s supervisor and General Manager at least two weeks before the requested start date of the leave of absence, and approved by the Board of Directors.

For leaves of absence due to non-work-related medical reasons (other than pregnancy) employees may request a leave of absence during the period of medically-certified inability to work. For leaves lasting longer than three days, the employee is required to submit medical verification of the need for the leave. At the conclusion of the leave, the employee will be required to provide a written release to return to work from his/her health care provider.

Failure to report to work on the first day after the expiration of the leave of absence, without prior approval, may be considered resignation and/or may subject the employee to discipline, up to and including termination.

29. Personal Leave

Requests for personal leaves of absence without pay for up to 30 days will be considered by the General Manager based on criteria including the following: reason for the leave; performance history; length of employment; length of leave requested; and the needs of the District. A request for an extension of personal leave beyond 30 days may be considered by the General Manager in the event of serious or extenuating circumstances.

Employees must first use all applicable leave accruals, if circumstances warrant, for otherwise unpaid periods of personal leave.

30. Jury Duty and Lawsuit Appearances

Jury Duty
An employee who is summoned to serve on a jury must notify his/her supervisor or department director as soon as possible after receiving notice of both possible and confirmed jury service in order to receive time off for the period of actual service required. During jury duty an employee will be paid the difference between his/her regular salary and the amount of court pay received, except travel pay. The time spent on jury duty is not work time for purposes of calculating overtime compensation.

Subpoena
An employee who is noticed or subpoenaed to appear in deposition or in court in a matter regarding an event or transaction resulting from his/her District job duties will do so without loss of compensation. The time spent will be considered work time.

Non-District Related Lawsuits

An employee appearing in court or for administrative proceedings for matters unrelated to his or her District job duties does not receive compensation for time spent related to those proceedings. An employee may request to receive time off without pay or may use accrued leave balances for time spent related to such proceedings.

31. Military Leave

The District will grant military leave as necessary in compliance with all applicable state and federal laws and regulations. An employee requesting military leave shall provide the department head, whenever possible, with a copy of the military orders specifying the dates, site, and purpose of the activity or mission for which the employee requests leave.

For individuals who are Full-time employees and are members of a military reserve unit that requires them to attend a two-week training session annually, the District provides a plan that allows these employees to perform their obligation without loss of income. Upon the eligible employee’s return from duty and presentation of the military reserve pay voucher, the District will arrange to pay such employee any difference between his/her normal pay and the amount received in military pay for the two-week period. Full-time employees attending such sessions are required to provide as much advance notice as practicable to their supervisors for this type of leave.

For longer periods of time on active duty, employees are entitled, upon return to the District, to reinstatement in their former position and certain other benefits in accordance with applicable federal and state law.

Within the limits of the orders, the General Manager or designee may determine when the leave is to be taken and may modify the employee’s work schedule to accommodate the request for leave.

32. Pregnancy Disability Leave

Employees may take up to four months of pregnancy disability leave for the time during which they are actually disabled by pregnancy, childbirth, or a related medical condition. Pregnancy disability leave may be requested for periods of severe morning sickness, prenatal care appointments, and other pregnancy-related disabilities both before and after the birth of the child. Absences for these purposes will be counted against the pregnancy disability leave entitlement.

Employees who are disabled by pregnancy, childbirth, or a related medical condition are not automatically entitled to any specific period of leave. The duration of the pregnancy disability leave will be determined by the period during which the employee is disabled, as verified by her health care provider, and may extend up to four months (88 work days for a Full-time employee).

Transfers to a less strenuous or hazardous position or duties may be available if medically advisable due to pregnancy or a related medical condition and if such a transfer can be reasonably accommodated.

During a pregnancy disability leave, an employee may, at her option, elect to substitute accrued unused vacation time. Employees on pregnancy disability leave are required to exhaust any accrued paid sick time prior to taking pregnancy disability leave.

Employees returning from a pregnancy disability leave of longer than three consecutive work days must submit to the District a written release to return to work from the employee's health care provider. Under most circumstances, employees returning to work from a pregnancy disability leave will be reinstated to her same position held at the time the leave began, or to an equivalent position.

33. Family Care and Leave

Definitions
“12-Month Period” means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

“Single 12-month period” means a 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered servicemember and ends 12 months after that date.

“Child” means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care and includes, a biological, adopted, foster, or step-child.

A child is **“incapable of self-care”** if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as, grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.

“Parent” means the biological, adoptive, step, or foster parent of an employee, or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

“Spouse” means a husband or wife as defined or recognized under California State law for purposes of marriage.

“Domestic Partner” is defined by Family Code §§ 297 and 299.2 and shall have the same meaning as “Spouse” for purposes of CFRA Leave.

“Serious health condition” means an illness, injury impairment, physical, or mental condition that involves:

A. Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery there from); or

B. Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

   i. A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three full consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

      1) Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist by a health care provider, by a nurse, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity; or

      2) Treatment by a health care provider on at least one occasion which must take place within seven days of the first day of incapacity and results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription

medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

ii. Any period of incapacity due to pregnancy or prenatal care. This entitles the employee to FMLA leave, but not CFRA leave. (Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.)

iii. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider or by a nurse;

2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.

iv. A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

v. Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

"Health Care Provider" means:

A. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;

B. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treat or supervise treatment of a serious health condition;

C. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;

D. Nurse practitioners and nurse-midwives, clinical social workers, and physician assistants who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;

E. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and

F. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

"Covered active duty" means: (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with Armed Forces to a foreign country, or (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of a member of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

"Covered Servicemember" means (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

"Outpatient Status" means, with respect to a covered servicemember, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for providing command and control of members of the Armed Forces receiving medical care as outpatients.

"Next of Kin of a Covered Servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

"Serious Injury or Illness": (1) in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or (2) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Statement of Policy
To the extent not already provided for under current leave policies and provisions, the District will provide family and medical care leave for eligible employees as required by state and federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulations of the California Family Rights Act ("CFRA"). Unless otherwise provided by this policy, "leave" under this policy shall mean leave pursuant to the FMLA and CFRA.

Reasons for Leave
Leave is only permitted for the following reasons:

The birth of a child or to care for a newborn of an employee;

The placement of a child with an employee in connection with the adoption or foster care of a child;

Leave to care for a child, parent, spouse, or domestic partner who has a serious health condition;

Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position;

Leave for a "qualifying exigency" may be taken arising out of the fact that an employee's spouse, son, daughter, or parent is on covered active duty or call to active duty status (under the FMLA only, not the CFRA); or

Leave to care for a spouse, son, daughter, parent, or "next of kin" who is a covered servicemember of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces (this leave can run up to 26 weeks of unpaid leave during a single 12-month period) (under the FMLA only, not the CFRA).

Employees Eligible for Leave
An employee is eligible for leave if he/she has been employed for at least 12 months and has been worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

Amount of Leave
Eligible employees are entitled to a total of 12 workweeks (or 26 weeks to care for a covered servicemember) of leave during any 12-month period. Where FMLA leave qualifies as both

military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

Minimum Duration of Leave
If leave is requested for the birth, adoption, or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks' duration on any two occasions.

If leave is requested to care for a child, parent, spouse, or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

Spouses Both Employed by the District
In any case in which two spouses or two domestic partners ("spouses") both employed by the District are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave).

In any case in which two spouses employed by the District are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 26 workweeks during any 12-month period if leave is taken to care for a covered servicemember.

Except as noted above, this limitation does not apply to any other type of leave under this policy.

Employee Benefits While on Leave
Leave under this policy is unpaid. While on FMLA leave, employees will continue to be covered by the District's group health insurance plan for up to 12 weeks each leave year. If the employee is disabled by pregnancy, coverage will continue to be covered for up to 4 months each leave year.

In the event an employee is disabled by pregnancy and uses leave under the CFRA, District will maintain the employee's health benefits while the employee is disabled by pregnancy (up to four months or 17 weeks) and during the employee's CFRA leave (up to 12 weeks). The employee will not continue to receive or accrue any non-medical related benefits provided by the District to its employees during such leave.

Employees may elect to continue coverage under non-health benefit plans, if applicable, by payroll deductions or direct payments for these plans. Depending on the plan, the District will inform the employee whether the premiums should be paid to the carrier or to the District. Coverage on a plan may be dropped if the employee is more than 30 days late in making a premium payment. However, a notice will be provided to the employee at least 15 days before coverage is to cease, advising that he/she will be dropped if the premium payment is not paid by the specified date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the District shall have the right to recover health plan premiums it paid on behalf of the employee for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The District shall have the right to recover premiums through deduction from any sums due the District (e.g. unpaid wages, vacation pay, etc.).

Substitution of Paid Accrued Leaves
While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the District may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and may also require an employee to use family and medical care leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

District Right to Require an Employee to Use Paid Leave When Using FMLA/CFRA Leave
Employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave, with two exceptions:

A. Employees are required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act; and

B. Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.

District Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently with Other Leaves
If an employee takes a leave of absence for any reason which is FMLA/CFRA-qualifying, the District may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

District and Employee's Rights if an Employee Requests Accrued Leave, other than Accrued Sick Leave, Without Mentioning Either the FMLA or CFRA
If an employee requests to utilize accrued vacation leave or other accrued paid time off, other than sick leave, without reference to a FMLA/CFRA-qualifying purpose, the District may not ask the employee if the leave is for a FMLA/CFRA-qualifying purpose. However, if the District denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA-qualifying purpose, the District may inquire further into the reason for the absence. If the reason is FMLA/CFRA-qualifying, the District may require the employee to exhaust accrued leave as described above.

Employee Notice of Leave
Although the District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. Except for qualifying exigency leave, if leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the

employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be orally given. If the District determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the District may delay the granting of the leave until it can, in its discretion; adequately cover the position with a substitute.

For foreseeable leave due to a qualifying exigency, an employee must provide notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

Medical Certification
Employees who request leave for their own serious health condition or to care for a child, parent, or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by the District.

If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.

Employees who request leave to care for a covered servicemember who is a child, spouse, parent, or "next of kin" of the employee must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness.

The first time an employee requests leave because of a qualifying exigency, an employer may require the employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service. A copy of new active duty orders or similar documentation shall be provided to the employer if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member.

Time to Provide a Certification
When an employee's leave is foreseeable and at least 30 days' notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the District within the time frame requested by the District (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

Consequences for Failure to Provide an Adequate or Timely Certification
If an employee provides an incomplete medical certification the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established by this policy, the District may delay the taking of FMLA/CFRA leave until the required certification is provided.

Second and Third Medical Opinions
If the District has reason to doubt the validity of a certification, the District may require a medical opinion of a second health care provider chosen and paid for by the District. If the

second opinion is different from the first, the District may require the opinion of a third provider jointly approved by the District and the employee, but paid for by the District. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a second or third medical opinion sought.

Intermittent Leave or Leave on a Reduced Leave Schedule
If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

Right to Reinstatement
Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and District the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

Employee's Obligation to Periodically Report on His/Her Condition
Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

Fitness-For-Duty Certification
As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her, job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement. The District will uniformly apply this policy to all employees returning from work after illness, injury, disability, or leave.

Reinstatement of "Key Employees"
The District may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the District within 75 miles of the work site) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the District, and the employee is notified of the District's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

Required Forms
Employees must fill out the following applicable forms in connection with leave under this policy:

A standardized District "Request for Family or Medical Leave" (Appendix C - http://www.Request For Family/Medical Leave)

A. Note: employees will receive a district response to their request which will set forth certain conditions of the leave;

B. Medical Certification either for the employee's own serious health condition or for the serious health condition of a child, parent, spouse or domestic partner.

C. Authorization for Payroll Deductions (Appendix D - http://www.Authorization For Voluntary Payroll Deduction) for benefit plan coverage continuation; and

D. Fitness-for-duty to return from leave certification.

Administrative Leave for FLSA Exempt Employees

Full-time exempt employees shall receive 60 hours of administrative leave each January 1. Employees hired into an exempt position midyear shall receive administrative leave on a pro-rata basis for the remainder of that calendar year. Any hours remaining at the close of business each December 31 will be zeroed-out and replaced with a new balance or 60 hours each January 1.

Employee requests for use of administrative leave must be approved by the General Manager.

Administrative leave cannot be cashed out and employees shall not be compensated for any accumulated, unused administrative leave upon separation from employment.

Bereavement Leave

The District does not provide additional paid time off for bereavement leave. Employees who are granted time off for this purpose may request to use their accrued paid time off during this leave (excluding sick leave).

34. Fitness-for-Duty

Conditional Offer of Employment Examinations

After a conditional offer of employment has been extended to an applicant, the District may, in compliance with all applicable laws, require the applicant to submit to a fitness-for-duty examination prior to conferring appointment.

Current Employee Examinations

The District may require an employee to submit to a fitness-for-duty examination to determine if the employee is able to perform the essential functions of his or her job when there is evidence that: (1) the employee appears unable to perform or has difficulty performing one or more essential functions of his/her job; (2) there is reason to question the employee's ability to safely or efficiently complete work duties; or (3) the employee has engaged in disruptive behaviors inconsistent with District policy.

Role of Health Care Provider
A District-selected health care provider will examine the employee at District expense. The District will provide the heath care provider with a letter requesting a fitness-for-duty examination and a written description of the essential functions of the employee's job. The health care provider will examine the employee and provide the District with non-confidential information regarding whether: (1) the employee is fit to perform essential job functions; (2) there are any potential reasonable accommodations that would enable the employee to perform essential job functions; and (3) the employee's continued employment poses a threat to the health or safety of him or herself or others.

Medical Information
During the course of a fitness-for-duty examination, the District will not seek or use information regarding an employee's medical history, diagnoses, or course of treatment without an employee's written authorization. Employee restrictions, limitations, and prognosis are not considered medical information.

Medical Information from the Employee's Health Care Provider
An employee may submit confidential medical information to the District from his/her personal health care provider. If the employee provides written authorization, the District will submit the information that the employee provides to the District-paid health care provider who conducted the examination to determine whether the information alters the original fitness for duty assessment.

Interactive Process
After receipt of both the health care provider's fitness-for-duty report and the analysis of the employee's personal health care information (if any), the General Manager will arrange for a discussion(s) in person or via teleconference with the employee and his or her representatives. The purpose of the discussions will be to discuss in good faith all feasible, potential, and reasonable accommodations. During the discussions, the parties also will discuss, if relevant, alternate available jobs for which the employee is qualified, or whether the employee qualifies for disability retirement or family and medical leave.

Determination
After the foregoing discussions, the General Manager will review the information received and determine if the employee is fit-for-duty and if not fit-for-duty, determine if there is a reasonable accommodation that would enable the employee to perform essential job functions, or if the accommodations would pose an undue hardship on District finances or operations. The General Manager will inform the employee of his or her determination. The General Manager will use his or her discretion based upon the particular facts of each case.

35. Insurance

Medical Insurance
Full-time employees are eligible for medical insurance under the District's current program. This program may be changed at any time. At present, the District provides medical and hospital coverage through the California Public Employees Retirement System (CalPERS) program known as the Public Employees' Medical and Hospital Care Act (PEMHCA).

The District requires a waiting period before coverage begins, within the limits established by CalPERS. The District does not begin paying for any employee's medical or hospital coverage until the first of the month following an employee's completion of 60 days of continuous service.

The District pays a portion of an employee's medical and hospital coverage each month. The District may increase or decrease this amount at any time and from time to time, within the limits established by CalPERS. At present, the District sets its monthly contribution for each employee for each calendar year in resolutions submitted to CalPERS. The District makes only one monthly contribution for each current employee (including his or her covered family). Similarly, the District makes only one monthly contribution for each former employee (including his or her covered family) who qualifies for retiree coverage. Additionally, upon the death of a former employee who qualifies for retiree coverage, the District makes only one monthly contribution for the surviving spouse (including his or her covered family).

Upon termination from employment and certain other qualifying events, an employee or covered dependent may elect to continue medical and hospital coverage under California continuation coverage laws, commonly called CalCOBRA. These laws apply to prepaid health care service plans, such as Kaiser or Blue Cross. If you receive your medical or hospital coverage through a health care service plan with which CalPERS contracts and satisfy the CalCOBRA requirements, you should receive continuation coverage information from that health care service plan. Continuation coverage under CalCOBRA is paid entirely by the employee or covered dependent. The District does not pay any portion of continuation coverage under CalCOBRA for any current or former employee or for any family members.

Any questions about your medical or hospital coverage should be directed to payroll, to CalPERS, or to the health care service plan in which you have enrolled.

Dental Insurance
All Full-time employees are enrolled in dental insurance on the first of the month following 60 days of service. The cost for dental insurance is paid 100% by the District.

Vision Insurance
All Full-time employees are enrolled in vision insurance on the first of the month following 60 days of service. The cost for vision insurance is paid 100% by the District.

Life Insurance
All Full-time employees are enrolled in life insurance on the first of the month following 60 days of service. The cost for life insurance is paid 100% by the District.

Long Term/Short Term Disability Insurance
All Full-time employees are enrolled in long term disability insurance on the first of the month following 60 days of service. The cost for long term disability insurance is paid 100% by the District.

36. Retirement

All Full-time regular employees are enrolled in the CalPERS Retirement System. The District does not participate in Social Security, but does take the mandatory 1.45% Medicare payroll deduction. Personal benefit statements are mailed to employees annually by the CalPERS Retirement System and available online at any time.

The Public Employees' Pension Reform Act (PEPRA) of 2013 applies to all public employers and public pension plans, including CalPERS.

For employees hired on or before December 31, 2012, and employees hired on or after January 1, 2013 and deemed "classic" CalPERS members (classic member is defined as having prior PERS/reciprocal retirement system employment with less than 6 month break in service), the benefits include:

Section 21354.5	2.7% @ 55 Full for Local Miscellaneous Member
Section 20042	One-Year Final Compensation
Section 20055	Prior Service
Section 20481	Local System Transfer
Section 20938	Limit Prior Service to Members Employed on Contract Date
Section 21022	Public Service Credit for Periods of Layoff
Section 21023.5	Public Service Credit for Peace Corps, AmeriCorps VISTA or AmeriCorps
Section 21024	Military Service Credit as Public Service
Section 21027	Military Service Credit for Retired Persons
Section 21335	3% Annual Cost of Living Allowance
Section 21536	Local System Service Credit Included in Basic Death Benefit
Section 21548	Pre-Retirement Option 2W Death Benefit
Section 21551	Pre-Retirement Death Benefit to Continue after Remarriage of Survivor
Section 21574	1959 Survivor Benefit Level Four
Section 21623.5	$5000 Retired Death Benefit
Section 20965	Unused Sick Leave Credit – Local Member

Employees contribute 1% of their earnings and the District pays the remaining 7% of the total 8% "employee" contribution; the District pays 100% of the "employer" contribution - 12.878% in 2016.

For employees hired on or after January 1, 2013 and deemed "new" members (new member is defined as having no prior PERS/reciprocal retirement system employment or a break in service greater than 6 months) the benefits include:

Section 7522.20	2.0% @ 62 Full for Local Miscellaneous Member
Section 20037	Three-Year Final Compensation
Section 20055	Prior Service
Section 20481	Local System Transfer
Section 20938	Limit Prior Service to Members Employed on Contract Date
Section 21022	Public Service Credit for Periods of Layoff
Section 21023.5	Public Service Credit for Peace Corps, AmeriCorps VISTA or AmeriCorps
Section 21024	Military Service Credit as Public Service
Section 21027	Military Service Credit for Retired Persons
Section 21335	3% Annual Cost of Living Allowance

Section 21536	Local System Service Credit Included in Basic Death Benefit
Section 21548	Pre-Retirement Option 2W Death Benefit
Section 21551	Pre-Retirement Death Benefit to Continue after Remarriage of Survivor
Section 21574	1959 Survivor Benefit Level Four
Section 21623.5	$5000 Retired Death Benefit
Section 20965	Unused Sick Leave Credit – Local Member

Employees contribute 6.5% of their earnings for the “employee” contribution; the District pays 100% of the “employer” contribution - 7.066% in 2016.

In the event a conflict exists between this section and the District’s contract with CalPERS, the CalPERS contract shall be controlling.

37. Safety Boots/Shoes

Any employee required to wear safety-toe type work boots/shoes is eligible for an annual reimbursement of up to $220 per year toward the purchase of District approved safety boots/shoes and directly related accessories (e.g., sole inserts, arch supports, "boot saver" type toe guards, etc.). With advance supervisor approval, employees may be granted up to one hour of paid time per year to purchase safety type work boots/shoes.

If an employee reports for work without required footwear, he/she will be sent home on his/her own time.

38. Personnel Files

Employee personnel files are the official records of employment and shall be centrally housed and maintained in the District’s administrative offices. Employees must advise the District of any changes to personal information in a timely fashion to ensure accuracy of records. Failure to keep information current may cause a delay in receipt or loss of benefits. The District maintains the confidentiality of information contained in personnel files consistent with business necessity.

Employees should notify the District if there are any changes in personal information such as:

- home address
- telephone number(s)
- emergency contact(s)
- military status
- marital status
- dependents

Employees may review their personnel file by arranging a time to do so with advance supervisor approval.

Confidential employee medical information and records are not part of employee personnel files and are secured separately with access governed by state and federal law.

39. Outside Employment

To avoid real or perceived conflicts of interest, prior to taking employment outside the District, employees shall notify the District of the name, physical address, email addresses, telephone number, and web address of the prospective employer, and also the job title and specific type of work to be performed. Employees already working in jobs outside the District at the time this policy is reaffirmed shall ensure the above information is in District possession. The District may deny any employee permission to take employment outside the District or decline to hire an individual based on any other employment they engage in.

40. Bulletin Boards

The District maintains physical and electronic bulletin boards to communicate important information to employees. Each employee has the responsibility to read the information that is posted. Employees may not post material on bulletin boards without management approval.

41. Solicitations and Distribution of Literature

Employees may not distribute literature or solicit other employees during working hours or in working areas at any time and for any purpose. Persons who are not employed by the District may not solicit employees or distribute literature on District property at any time for any purpose.

42. Appearance Standards

The District retains the right to determine the professional image projected to members of the public and industry representatives. It is important for all employees to present a businesslike appearance while at work or work-related events.

The District provides the following guidelines for appearance and apparel and retains the right to counsel any employee on improper appearance

- Clothing, accessories, and other ornamentation shall not pose a safety hazard.

- Common sense shall apply in terms of neatness, good taste, and comfort. Provocative clothing is prohibited.

- Tank tops, shorts, jogging suits, tennis shoes, flip flops/sandals, and similar apparel are not permitted unless a management-designated casual or theme day is organized.

- Field Personnel will be provided with and are expected to wear uniforms and safety apparel/equipment.

- No tattoos are allowed anywhere visible on the head, face, or neck. Any visible tattoos elsewhere on the body cannot be obscene, sexually explicit, discriminatory, extremist, hate/gang-related, or otherwise offensive or distracting as determined in sole discretion of the District. Non-conforming tattoos must be covered with clothing or other appropriate covering while at work, or removed.

- Body ornamentation of any kind, including that attached to or through the skin shall be sufficiently understated so as not to draw undue attention, be distracting, or pose a safety hazard. Any non-conforming ornamentation shall be removed, covered with a bandage or other appropriate covering, or replaced with a clear, plastic spacer if appropriate.

Employees who have questions about how this policy applies to them should immediately speak with their supervisor. Employees not meeting District appearance standards will be removed from duty pending compliance.

43. Smoking Prohibition

As required by state law, smoking is prohibited in all District vehicles, facilities, and within 20 feet of any entrances, exits, and windows that can be opened on District property. Smoking is also prohibited while driving or riding in a District vehicle.

44. Political Activity

The District prohibits employees and officers from engaging in political activities during work hours, political campaigning in District buildings or on premises adjacent to District buildings, and employees or officers from using his or her office to coerce or intimidate employees to promote, propose, oppose, or contribute to any political cause or candidate.

Examples of Prohibited Conduct include, but are not limited to:

- Participate in political activities of any kind while in uniform or District clothing;
- Participate in political activities during working hours;
- Participate in political activities on District worksites;
- Place or distribute political communications on District property;
- Use District equipment to produce or distribute political communications;
- Solicit a political contribution from an officer or employee of the District, or from a person on a District employment list, with knowledge that the person from whom the contribution is solicited is a District officer, employee, or employment candidate;
- Favor or discriminate against any employee because of political opinions or affiliations; or
- Interfere with any election.

45. Voting Rights

The right to vote is protected by state and federal law and not considered “political activity” under this policy.

46. Use of District Property and Equipment

General Policies

District property is to be used only for conducting District business unless an employee obtains prior written authorization from his/her supervisor. District property includes, but is not limited to: tools, equipment, supplies, telephones, cell phones, desks, computers (including hardware and software), file cabinets, lockers, communications stored or transmitted on District property (such as e-mails and voice-mails), machinery, vehicles, and any other District property used by employees in their work.

District property may be monitored and searched at any time and for specific business reasons. Messages sent or received on District equipment including computers and cell phones may be monitored, saved, and reviewed by others. District employees have no expectation of privacy in their use of and transmission of messages on District property, equipment, or systems.

Every District employee is required to adhere to all District rules and policies while on District grounds and when using District property, equipment, or systems.

Use of Communications Equipment
District employees may use District telephones, computers, and e-mail for personal use provided that the use: is kept to a minimum and limited to break times or non-work hours; does not have negative impact upon other District employees, operations, or costs; allows the employee to more efficiently perform District work; and is not abusive, illegal, or inappropriate.

Inappropriate Use of Communications Equipment Prohibited
The following are examples of inappropriate and prohibited uses of the District's communications systems:

A. Exposing others, either intentionally or unintentionally, to material which is offensive, obscene or in poor taste;
B. Any use that would be offensive to a reasonable person because it involves an individual's race, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality, bisexuality, or transgender status), ethnic or national origin, ancestry, citizenship status, uniformed servicemember status, marital status, family relationship, pregnancy, age, medical condition, genetic characteristics, and physical or mental disability (whether perceived or actual);
C. Communication of confidential District information to unauthorized individuals within or outside the District;
D. Sending messages with content that conflicts with any District policies, rules, or federal or state laws;
E. Unauthorized efforts to access District data or systems;
F. Theft or unauthorized copying of District maintained records, files, or data;
G. Initiating or sustaining chain letters; and
H. Intentionally misrepresenting one's identity for improper or illegal acts.

47. Vehicle Policies

Vehicle Allowance Policy
In light of their enhanced responsibilities, and in consideration of the fact that District supervisory and management employees may be called out on District business at any time, eligible District supervisors and managers are provided the use of a District vehicle and fuel for commuting purposes only from home to work and work to home.

Should an eligible Supervisor or Manager choose to decline the commute use of the District vehicle, the District may consider compensating the Supervisor or Manager in an amount equal to the current monthly value of the benefit. This benefit is currently valued at $240 per month.

To be eligible for consideration to receive compensation in lieu of the commuter vehicle use, the Supervisor or Manager must submit a written request to the General Manager. The written request must state the reasons for the request and how the needs of the District would be served by approving the request. The acceptance or rejection of the request is solely at the discretion of the General Manager. Moreover, the District reserves the right to deny, modify, or rescind its acceptance/approval of any request at any time.

Requests to decline the vehicle use benefit may be made, and will be considered, only once a year during the period April 1 through May 31, with the decision on the request becoming effective at the start of the new fiscal year (i.e., June 1). Requests to receive compensation in lieu of the commuter vehicle use must be renewed annually.

Use of District Vehicles

District personnel are authorized to use company vehicles throughout the work day for business use only, subject to the following:

A. *De minimis* or incidental personal use (such as a stop for a brief personal errand on the way between the workplace and the business related destination or during the employee's commute; going to lunch in a District vehicle when returning to District property to retrieve a personal vehicle is inefficient or when contamination of a personal vehicle could otherwise result).

B. Use of District vehicles is prohibited outside of normal business hours unless it is directly work related (such as responding to business related emergencies, attending an out of area or after hour conference, or meeting or traveling to and from airports).

C. Transporting any non-business passenger or non-employee in a District vehicle is prohibited.

48. Cellular Telephone Policy

To improve and enhance workplace communication and safety, the District may designate employees to carry cellular telephones in their own names for work use. This will ensure that designated District employees, even those in the field, can be reached at all times during working hours. Similarly, this will enable designated District employees to communicate in a timely manner with District management regarding work-related matters.

The District will reimburse reasonable business-related expenses for those employees affected by this policy in accordance with the individual agreements with each employee.

While operating a District-owned vehicle or equipment, or operating a personal vehicle performing District business, employees are prohibited from using their cellular phones without hands-free devices pursuant to California law.

49. Electronic Communication Policy

Employees of the District are all issued a work e-mail account. Employees must use their work e-mail for work-related communications and shall not use personal e-mail accounts for work-related communications unless absolutely necessary.

Employees shall not send e-mails or text messages on personal electronic devices, including computers, lap tops, tablets, and cellular phones for work-related communications unless absolutely necessary.

In the event the District receives a request under the California Public Records Act, District employees are required to conduct reasonable searches on any personal electronic device or online account potentially used for work-related communications as directed by the General Manager.

50. Employee Protections

Harassment, Discrimination, and Retaliation
The purpose of this policy is to establish a strong commitment to prohibit and prevent discrimination, harassment, and retaliation by and against employees of the District; to define those terms; and to establish a procedure for investigating and resolving internal complaints. The District requires all covered individuals to immediately report any conduct believed to violate this policy.

The District has zero tolerance for any conduct that violates this policy. Conduct need not rise to the level of a violation of law to violate this policy. Instead, a single act can violate this policy and provide grounds for discipline or other appropriate actions.

Harassment or discrimination against an applicant or employee by a supervisor, management employee, elected or appointed official, co-worker, member of the public, or contractor on the basis of race, religion, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation, or any other protected classification as defined below, will not be tolerated.

This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

Disciplinary action or other appropriate action up to and including termination will be instituted for prohibited behavior as defined below.

Any retaliation against a person for filing a complaint, cooperating in an investigation, or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this policy will be subject to disciplinary action or other appropriate action up to and including termination.

Definitions

"Protected Classification" includes race, religion, color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), sexual orientation, national origin, ancestry, citizenship status, marital status, age, medical condition, genetic characteristics or information, and physical or mental disability, or any other classification protected by law.

“Discrimination” means treatment of an individual differently due to the conditions described in this section.

“**Harassment**” includes, but is not limited to, the following types of behavior based on a person’s protected classification. Harassment is not limited to conduct by employees; it can also include conduct taken by elected or appointed officials, persons providing services under contracts, or members of the public.

Speech, such as epithets, derogatory teasing, comments or slurs, and propositioning. Examples include inappropriate comments on appearance, including dress or physical features, race-oriented stories and jokes, ageism.

Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. Examples include pinching, grabbing, patting, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

Visual acts, such as explicit or derogatory posters, cartoons, emails, pictures or drawings related to a protected classification.

Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual’s work performance or create an intimidating, hostile, or offensive working environment.

Guidelines for Identifying Harassment

To help clarify what constitutes harassment in violation of this policy, use the following guidelines:

A. Harassment includes any conduct which would be "unwelcome" to an individual of the recipient’s same protected classification and which is taken because of the recipient’s protected classification.

B. It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or ostracized.

C. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

D. Even visual, verbal, or physical conduct between two employees who appear to welcome the conduct can constitute harassment of a third person who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.

E. Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification.

Retaliation

Any adverse conduct taken because an applicant, employee, or contractor has made a good faith report of harassment or discrimination, or has participated in the complaint or investigation process, is prohibited. “Adverse conduct” includes, but is not limited to: taking sides because an individual has reported harassment or discrimination; spreading rumors about a complaint; shunning and avoiding an individual who reports harassment or discrimination; and real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination.

Complaint Procedure

The District takes a proactive approach to potential policy violations and will conduct a timely, thorough, and objective investigation if any officer, supervisor, or manager becomes aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

An individual who believes he or she has been subjected to or witnessed conduct prohibited by this policy may make a complaint verbally or in writing to his/her immediate supervisor, any other supervisor or manager within or outside of the department, the General Manager or his/her designee. There is no need to follow the chain of command.

Any supervisor or department head who receives a complaint must notify the General Manager or designee immediately.

Upon receiving notification of a complaint, the General Manager or designee shall:

A. Investigate the complaint and/or authorize and supervise the investigation of the complaint. The investigation will include interviews with the complainant, the accused harasser, and other persons who have relevant knowledge concerning the allegations in the complaint.

B. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, discrimination, or retaliation giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.

C. Report a summary of the determination as to whether harassment occurred to appropriate persons, including the complainant, the alleged harasser, the supervisor, and the department head. If discipline is imposed, the level of discipline will not be communicated to the complainant.

D. If conduct in violation of this policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.

E. Take reasonable steps to protect the complainant from further harassment, discrimination, or retaliation.

Option to Report to Outside Administrative Agencies
An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the telephone book or employees can check the posters that are located on District bulletin boards for office locations and telephone numbers.

Confidentiality
Every possible effort will be made to assure the confidentiality of complaints made under this policy. Complete confidentiality cannot always occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by the General Manager. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate action. The District will not disclose a completed investigation report except as necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

Responsibilities of Managers and Supervisors

- Modeling appropriate behavior.
- Taking all steps necessary to prevent harassment, discrimination, or retaliation from occurring.
- Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
- Monitoring the work environment and taking immediate appropriate action to stop potential violations.
- Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
- Assisting in the investigation of complaints involving employee(s) in their departments and, if the complaint is substantiated, recommending appropriate corrective or disciplinary action, up to and including discharge.
- Implementing District authorized disciplinary and remedial actions.
- Reporting potential violations of this policy of which he or she becomes aware, regardless of whether a complaint has been submitted.
- Participating in periodic training and scheduling employees for training.

Employee and Contractor Responsibilities

- Treating all employees and contractors with respect and consideration.
- Modeling appropriate behavior.

- Participating in periodic training.
- Fully cooperating with the District's investigations by responding fully and truthfully to all questions posed during the investigation.
- Maintaining the confidentiality of any investigation that the District conducts by not disclosing the substance of any investigatory interview, except as directed by the General Manager or designee.
- Reporting any act he or she believes in good faith constitutes harassment, discrimination, or retaliation as defined in this Policy, to his or her immediate supervisor, or department head, or General Manager.

51. Policy Against Workplace Violence and Bullying

Violence in the Workplace
The safety and security of its employees is of primary importance to Ironhouse Sanitary District. This policy is aimed to preserve a violence-free workplace for all employees. The following behavior will not be tolerated on District property or during the course of District business:

1. Threats against fellow employees, members of management, visitors, guests or other individuals;

2. Threatening behavior toward fellow employees, members of management, visitors, guests or other individuals;

3. Acts of violence against fellow employees, members of management, visitors, guests or other individuals.

Violation of this policy will lead to disciplinary action, up to an including termination of employment.

Any person who makes threats, or who is suspected of making threats, exhibits threatening behavior, or engages in violent acts on District property or during the course of conducting District business, shall be removed from the premises as quickly as safety permits, and shall remain off District premises pending the outcome of an investigation. The District will investigate the situation and initiate an appropriate response, which may include, but is not limited to, taking disciplinary action against the offending employee, filing criminal charges, and/or any other action deemed necessary.

No existing District policy, practice or procedure should be interpreted to prohibit decisions or actions by any District employee that are designed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing.

Obligation to Report
Every District employee has an obligation to report immediately any violence or threat of violence against any co-workers, supervisors, manager or visitor. This report should be made as quickly as possible- by telephone, pager, or radio -regardless of the time of day or night that the threat or violence occurs. Emergencies should be reported immediately to the general manager, supervisor, and/or most senior supervisor on site. If the situation warrants, the police may also be notified.

Confidentiality
To the extent possible, any employee reporting an act of violence or threat of violence will be accorded confidentiality. However, identities of individuals making such reports may be legally required to be revealed to accused persons during the course of the investigation or when discipline results from such reports. Investigation records will be held in confidence, to the extent permissible by law. The privacy rights of all parties involved in an investigation will be protected to the extent possible.

Retaliation
Employees reporting real or perceived threats in good faith will not be subject to retaliation. Whether or not discipline results from an investigation of a reported instance of violence, the District does not condone retaliation of any kind against employees who make a good faith report and/or who participate in an investigation under this policy. Employees who believe they have been subjected to such retaliation, or who believe they have observed such retaliation, should notify a supervisor or the general manager.

The reports made under this policy must be factual and based upon witnessed events. District employees must:

1. Never make a threat, even if you are "just kidding." All threats are considered serious.

2. Never engage in acts of violence.

3. Report any threat or act of violence immediately to your supervisor, the general manager, or any member of management.

4. Never bring a weapon to work. As used herein, "weapon" includes firearms, knives (except where clearly required by your job and as authorized and approved in writing by your supervisor), explosives, hazardous materials, or any item that could be reasonably be defined as a weapon.

5. Learn to recognize the early warning signs of violence listed below. If you see any of these warning signs report it immediately to your supervisor, general manager, or any member of management.

Early Warning Signs of Possible Impending Violence
1. Any explicit or implicit threat to or about a co-worker, a supervisor or manager, or the District, especially threats of bodily injury or death.

2. Any statement expressing identification with, support or endorsement of, or commenting favorably upon a recent event or perpetrator of violence.

3. Any employee expressing an overwhelming concern that he or she is being persecuted by a supervisor, manager, co-worker, or the District.

4. Any employee who is involved in a physically abusive relationship with another person, or with a person who has made threats of violence.

5. Anyone carrying a weapon on District premises, or in the course of doing business for or with the District.

Supervisor Responsibilities

1. Take appropriate and immediate action to prevent injury.

2. Notify the supervisor and/or general manager as soon as possible with details of the threat or act of violence.

3. Investigate every reported threat or act of violence, as assigned by the general manager. The investigation will be conducted as soon as the circumstances reasonably permit. It will include interviews with people having knowledge of the incident. Documentation of the investigation will be maintained in a confidential file in the Administration office.

4. Carry out appropriate preventive and disciplinary action.

Training

All employees, including managers and supervisors, are trained on general workplace violence prevention issues and on the specifics of this policy. Additional training may be provided to all employees whenever the District is made aware of new or previously unrecognized hazards, or whenever a change to this policy is deemed necessary. The District may also conduct additional training for managers and supervisors, so they can better deal with potentially violent situations.

Bullying

The District considers workplace bullying unacceptable and will not tolerate it under any circumstances. Communication and interaction between employees must be professional, courteous and respectful. Workplace bullying is behavior that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, customers, vendors, or members of the public.

Examples of bullying include, but are not limited to, profane or disrespectful language; hostile and rude behavior and speech directed at a co-worker; derogatory or sarcastic remarks and comments about a co-worker’s appearance or job performance; angry outbursts or yelling; name calling; throwing anything at or toward a co-worker; comments that undermine a co-worker’s trust and confidence; purposefully crowding another’s personal space or physically blocking movement, and retaliation against any person who has reported disruptive behavior.

Managers and supervisors must take reasonable measures to prevent workplace bullying, and to respond promptly if it is identified to address and prevent future instances.

Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially. All employees are encouraged to report workplace bullying. Retaliation against any employee who is a target of bullying behavior, as well as any employee who makes complaints about or participated in any investigation or administrative process related to a complaint of workplace bullying is prohibited.

Disciplinary action will be taken against anyone who bullies a co-employee or retaliates against an employee that has reported workplace bullying. Discipline may involve a warning, transfer, counseling, demotion or termination from employment.

52. Protected Activity

District officials, officers, employees, or contractors shall not retaliate against applicants, officers, officials, employees, or contractors because due to the exercise of protected activity. Those who in good faith report, oppose, or participate (as witnesses or accused) in investigations into complaints of alleged violations of District policy or state or federal law are protected from retaliation. Disciplinary action, up to and including termination, will be taken against any employee or officer who is found to have violated this policy. Any elected official or contractor who violates this policy will be subject to appropriate actions.

"Protected activity" includes any of the following:

- Filing a complaint with a federal or state enforcement or administrative agency.
- Participating in or cooperating with a federal or state enforcement or administrative agency that is conducting an investigation of the District regarding alleged unlawful activity.
- Testifying as a party, witness, or accused regarding alleged unlawful activity.
- Associating with another employee who is engaged in any of the protected activities enumerated here.
- Making or filing an internal complaint with the District regarding alleged unlawful activity.
- Providing informal notice to the District regarding alleged unlawful activity.
- Calling a governmental agency's "Whistleblower hotline."
- Filing a written complaint under penalty of perjury that the agency has engaged in "gross mismanagement, a significant waste of public funds, or a substantial and specific danger to public health or safety."
- Any other activity protected by state or federal law.

"Adverse action" includes, but is not limited to, any of the following:

- Real or implied threats of intimidation.
- Refusing to hire an individual.
- Denying promotion to an individual.
- Taking any form of disciplinary action.
- Extending a probationary period.
- Altering work schedules or work assignments.
- Condoning hostility and criticism of co-workers and third parties.

Any individual who believes he or she has been retaliated against for protected activity may use the Complaint Procedure contained in the Harassment/Discrimination Policy.

53. Grievance Procedure

To facilitate the resolution of work-related issues in a formal fashion, the District provides the following procedure. Employees who have concerns regarding perceived harassment or discrimination may wish to use instead the special procedure outlined in the District's policy prohibiting harassment and discrimination.

Level I

If a District employee believes that he or she has been unfairly subjected to an adverse employment action, or adversely affected by a perceived violation, misapplication, or misinterpretation of the law, or a District rule or policy, the employee first must meet with his/her immediate supervisor to discuss the issue within seven calendar days after the employee becomes aware of the concern. The supervisor will attempt to resolve the matter within five calendar days after their meeting.

Level II

If the grievance has not been resolved to the employee's satisfaction at Level I, the employee may take his/her concern to Level II. To do so, the employee must, within seven calendar days of receiving the supervisor's proposed resolution mentioned in Level I above, present the issue in writing on the Employee Grievance Form (Appendix E - http://www.Employee Grievance Form) to his/her Department Manager. The Department Manager will attempt to resolve the grievance by meeting with the supervisor and employee, either jointly or separately, and will communicate a written decision regarding the matter to the employee within 14 calendar days of receiving the Employee Grievance Form.

Level III

If the grievance has not been resolved to the employee's satisfaction at Level II, the employee may take his/her concern to Level II. To do so, the employee must, within seven calendar days of receiving the Level II written decision, provide the Employee Grievance Form submitted at Level II as well as a copy of the written decision issued at Level II to the General Manager. At this Level, the employee may request, or the General Manager may schedule, a meeting to facilitate resolution of the grievance. Within 14 calendar days after receiving the grievance, or within seven days following a Level III meeting, the General Manager will issue a written decision. Except with grievances involving the employee's suspension exceeding 40 hours, salary reduction exceeding the monetary equivalent of a suspension of more than 40 hours, demotion, and/or termination, the General Manager's decision is final.

Appeal
In the event that the employee is unsatisfied with the General Manager's decision **and** the employee's concern involves suspension for five or more days, demotion, and/or termination, the employee may appeal the decision to the District's Board of Directors. To do so, the employee must, within seven calendar days of receiving the Level III decision, submit a letter to the District's Board requesting an appeal. The letter must include a copy of the Employee Grievance Form, as well as copies of the written Level II and III decisions. The letter must clearly set forth the employee's reasons for requesting the appeal. As soon as practicable at a regularly-scheduled

Board meeting, the Board of Directors will schedule a hearing regarding the matter. Within thirty days following the hearing, the Board will issue a written decision. The Board's decision is final.

No Retaliation
No retaliatory action will be taken against any employee because he/she has elected to use, or otherwise participates in, this grievance process. District employees who violate this non-retaliation provision will be subject to discipline, up to and including termination.

Process
In the event an employee is unsure of what level to file a grievance, he/she may file with the General Manager's Office, and the grievance will be remanded to the appropriate level. The time for that appropriate level to respond shall begin upon receipt from the General Manager's Office.

Failure of District representatives to comply with the time limits shall entitle the employee to appeal to the next level of review; and failure of the employee to comply with the time limits shall constitute abandonment of the grievance, except however, that the parties may extend time limits by mutual written agreement in advance.

The existence and availability of this process does not change in any way whatsoever the at-will nature of employment, does not grant any property interest nor right in employment, and does not grant due process rights.

54. Discipline and Termination

District employees are expected and required to perform to the best of their abilities at all times. Any employee who fails to perform at least at a satisfactory level, who violates a District policy or who otherwise engages in inappropriate conduct may be subjected to discipline, up to and including termination of employment. Employment may be terminated at will by the employee or the District at any time, the District may choose to exercise its discretion to use forms of discipline that are less severe than termination in certain cases. Examples of less severe forms of discipline include, but are not limited to: counseling memos; written reprimands; suspension; reduction in salary; and demotion. Although one or more of these forms of discipline may be administered with respect to a particular employee, no formal order or progressive system is necessary or required.

Employees exempt from the overtime provisions of the FLSA are not subject to any disciplinary penalty which is inconsistent with his/her FLSA overtime-exempt status.

Causes for Discipline
Regular employees may be counseled, admonished, reprimanded, suspended, demoted, terminated, or incur a reduction in pay for, including but not limited to, any of the following:

1. Violation of any District policy, rule, regulation, ordinance or resolution;
2. Absence without authorized leave;
3. Excessive absenteeism and/or tardiness as determined by the District;
4. Use of disability leave in a manner not authorized or provided for pursuant to the disability leave policy or other policies of the District;

5. Making any false statement, omission or misrepresentation of fact;
6. Providing wrong or misleading information or other fraud in securing appointment, promotion, or maintaining employment;
7. Unsatisfactory job performance;
8. Inefficiency;
9. Malfeasance or misconduct, which shall be deemed to include, but shall not be limited to, the following acts or omissions:
    i. Conviction of a felony. "Conviction" shall be construed to be a determination of guilt of the accused by a court, including a plea of guilty or *nolo contendre*, regardless of sentence, grant of probation, or otherwise.
    ii. The damaging of District property, equipment, or vehicles, or the waste of District supplies through negligence or misconduct.
10. Insubordination; or insulting or demeaning the authority of a supervisor or manager;
11. Dishonesty;
12. Theft;
13. Disclosure of confidential District information to any unauthorized person or entity;
14. Misuse or unauthorized use of any District property, including, but not limited to: physical property, tools, equipment, District communication systems, District vehicles or Intellectual Property;
15. Mishandling of public funds;
16. Falsifying any District record;
17. Discourteous treatment of the public or other employees;
18. Failure to cooperate with employee's supervisor or fellow employees;
19. Violation of the District's Drug-Free Workplace Policy (Appendix F-http://www.Substance Abuse Policy)
20. Violation of any of the policies outlined in these Conditions or in the District's Policy and Procedure Manual;.
21. Unapproved outside employment or activity that violates the District's policy, or other enterprise that constitutes a conflict of interest with service to the District;
22. Any conduct that impairs disrupts or causes discredit to the District, the employee's District employment, to the public service, or other employee's employment;
23. Failure to comply with OSHA Safety Standards and District safety policies or Illness and Injury Prevention Plan (Appendix G -http://www.Illness and Injury Prevention Plan)
24. Altering, falsifying, and tampering with time records, or recording time on another employee's time record; and
25. Working overtime without prior authorization or refusing to work assigned overtime.

Administrative Leave

The General Manager may place an employee on an administrative leave with pay pending a potential disciplinary action. Administrative leave with pay is authorized: (1) when the District believes that the employee's continued presence at the work site could have detrimental consequences, or (2) pending investigation into charges of misconduct.

Levels of Discipline

Counseling Memo
An informal yet documented censure of an employee. A counseling memo shall be retained in the supervisor's file for no more than 12 months.

Written Reprimand
A written reprimand is a formal documented censure of an employee and shall be retained in the employee's personnel file. An employee may attach a written rebuttal to the reprimand if submitted to the within 14 calendar days of the date the reprimand was received.

Suspension
A suspension is the removal of an employee from duty without pay. Suspensions shall not exceed 30 calendar days. Documents related to a suspension shall become part of the employee's personnel file.

Reduction in Pay
A reduction in pay may take one of two forms: (1) a decrease in salary to a lower step within the salary range, or (2) a decrease in salary paid to an employee for a fixed period of time. Documents related to a reduction in pay shall become part of the employee's personnel file.

Demotion
A demotion is removal of an employee from his/her current classification and placement into another classification for which the employee is qualified but with a lower salary range. Documents related to a demotion shall become part of the employee's personnel file.

Termination
A termination is permanent separation from District employment. Documents related to discharge shall become a part of an employee's personnel file when the discipline becomes final.

55. Miscellaneous

Deferred Compensation
All regular employees of the District are eligible to participate in the District's Deferred Compensation Plan. The plan is offered through MassMutual Financial Group and include both a 457 and Roth IRA. The Participation is voluntary and solely at employee expense.

Employee Development
The District encourages employees to improve proficiency in their present jobs and prepare for advancement. Employees may request reimbursement for the cost of books and tuition for accredited courses and seminars successfully completed when the following criteria are met:

- Sufficiently prior to the course or seminar start date, the employee submits a request in writing stating the course/seminar title, start and end dates (if applicable), name and web address of the accredited institution,
- The course/seminar is approved by the General Manager or designee to be relevant to the District's business;
- The course/seminar is taken on the employee's own time; and

- A minimum grade of “C” or “pass” is earned.

If approved, and upon submission of receipts and documentation evidencing completion of the coursework at a minimum grade of “C” or “pass,” the District will reimburse 100% of approved educational costs up to $2000 annually.

Supersession
These Terms and Conditions of Employment constitute the complete and entire terms and conditions regarding the matters contained herein, and supersede and abolish all prior or existing practices or provisions related to the subjects herein, whether written or oral, formal or informal, unless expressly stated in these Terms and Conditions of Employment. Any conflicts between these Terms and Conditions of Employment and any other prior or existing practices or provisions shall be resolved in favor of the express terms and intent of these Terms and Conditions of Employment.

Severability
Should any provisions of these Terms and Conditions of Employment be found unlawful or unenforceable by a court of competent jurisdiction, or invalidated by subsequent legislation, the remainder of these Terms and Conditions of Employment. shall continue in full force and effect. Upon occurrence of such an event, the District shall abide by default to the terms of the decision or legislation until a compliant provision is approved by the District. Thereafter, the new, compliant provision shall control.

Acknowledgment

I have received a copy of the Ironhouse Sanitary District Terms and Conditions of Employment. I acknowledge my obligation to read its contents and comply with the policies contained therein. I understand that the District may at any time, add, change, or rescind any policy or practice at its sole discretion, without advance notice except for the policy on at-will employment. I understand that my employment is "at will," i.e., for no fixed term, and may be terminated either by me or by the District at any time, with or without cause or advance notice. I further understand and agree that no person other than the General Manager has the authority to enter into any written or oral agreement different than or inconsistent with my at-will employment relationship with the District.

______________________________ ______________________________

Employee Name (Print) Date

____

Employee Signature