



AGENDA

NOTICE OF REGULAR MEETING

TIME: 6 p.m.

PLACE: Teleconference

DATE: Tuesday, August 2, 2022

Pursuant to the authorizations provided by Government Code section 54953(e), and local county health orders issued to address the COVID-19 pandemic, the Board meeting will be held via Teams Teleconference.

The District Boardroom will be closed to the public.

The public may observe and comment by electronic means as described on Page 4.

See Page 4 of the Agenda Packet for Teams Teleconference Access Information

Our mission is to protect public health and the environment by providing reliable and sustainable water, recycled water, and wastewater services in a safe, efficient, and fiscally responsible manner.

1. CALL TO ORDER
2. PLEDGE TO THE FLAG
3. ROLL CALL – Members: Goel, Halket, Johnson, Rubio, Vonheeder-Leopold
4. DECLARATION OF TELECONFERENCE MEETINGS
 - 4.A. Authorize Remote Teleconference Meetings until September 1, 2022, Pursuant to California Government Code Section 54953(e)
Recommended Action: Authorize by Resolution
5. SPECIAL ANNOUNCEMENTS/ACTIVITIES
6. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC)
At this time those on the teleconference call are encouraged to address the Board on any item of interest that is within the subject matter jurisdiction of the Board and not already included on tonight's agenda. Comments should not exceed five minutes. The President of the Board will recognize each speaker, at which time the speaker should introduce him/herself, and then proceed with his/her comment. Written comments of five minutes or less and received by 5 p.m. on the day of the meeting will be read into the meeting record.
7. AGENDA MANAGEMENT (CONSIDER ORDER OF ITEMS)
8. CONSENT CALENDAR
Matters listed under this item are considered routine and will be enacted by one Motion, in the form listed below. There will be no separate discussion of these items unless requested by a Member of the Board or the public prior to the time the Board votes on the Motion to adopt.
 - 8.A. Approve Regular Meeting Minutes of July 19, 2022
Recommended Action: Approve by Motion

8.B. Award Construction Agreement to SSB Construction for the FOF Roof Replacement (CIP 22-A030), WWTP Roof Replacements (CIP 22-P011), and Field Operations Facility-Skylight Replacements (CIP 20-A024) Projects

Recommended Action: Approve by Motion

8.C. Consider Approval of Director Reimbursement for Attendance at the City of Dublin's 40th Anniversary Gala Celebration "The Ruby Affair"

Recommended Action: Approve by Motion

9. **BOARD BUSINESS**

9.A. Public Hearing: Approve the Annual Delinquency Water and Sewer Charges Levy Report and Direct the Levy and Collection of Delinquent Water and Sewer Charges on the 2022–2023 Alameda County and Contra Costa County Secured Property Tax Rolls

Recommended Action: Approve by Resolution

9.B. Public Hearing: Approve the Annual Wastewater Service Charges Levy Report and Direct the Levy and Collection of Wastewater Service Charges on the 2022–2023 Alameda County and Contra Costa County Secured Property Tax Rolls

Recommended Action: Approve by Resolution

9.C. Receive Report on Low Income Assistance (LIA) Program and Provide Direction

Recommended Action: Receive Report and Provide Direction

9.D. Receive Report and Authorize Early Payoff of the 2017 Interfund Loan to the Local Wastewater Replacement Fund from the Local Wastewater Expansion Fund

Recommended Action: Receive Report and Authorize by Resolution

9.E. Adopt Revised Director Travel and Expenses Policy and Rescind Resolution No. 1-20

Recommended Action: Adopt Policy by Resolution

9.F. Adopt Revised Guidelines for Conducting District Business Policy and Rescind Resolution No. 38-14, and Rescind Processing Board Correspondence Policy and Resolution No. 1-14

Recommended Action: Adopt by Resolutions (2)

9.G. Progress Report on the Strategic Plan for Fiscal Years Ending 2022–2026

Recommended Action: Receive Report

10. **REPORTS**

10.A. **Boardmember Items**

10.A.1. Joint Powers Authority and Committee Reports

10.A.2. Submittal of Written Reports for Day of Service Events Attended by Directors

10.A.3. Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda

10.B. **Staff Reports**

10.B.1. Event Calendar

10.B.2. Correspondence to and from the Board

11. ADJOURNMENT

All materials made available or distributed in open session at Board or Board Committee meetings are public information and are available for inspection during business hours by calling the District Secretary at (925) 828-0515. A fee may be charged for copies. District facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed, please contact the District Secretary as soon as possible, but at least two days prior to the meeting.

Teams Teleconference Access Information

Dublin San Ramon Services District
Regular Board Meeting
Tuesday, August 2, 2022

If the public wishes to provide comments during Agenda Item 6 – Public Comment, or on any of the agendized items, please join the meeting using the teleconference instructions below, or email written comments to the Board of Directors at board@dsrsd.com by 5 p.m., Tuesday, August 2, 2022. Written comments, of five minutes or less, will be read into the meeting record during the public comment portion of the agenda or during discussion of the subject of the comment.

To Join by Computer or Device:

1. Click [Join Meeting](#).
2. Select how you want to join the Teams meeting.
3. Click “**Join now.**” You can personalize your video and audio preferences before or after joining.
4. Public participants would wait for the meeting host to admit you.
5. You must unmute yourself when you wish to speak by clicking the microphone icon, which is also used to mute yourself when you finish speaking.

To Join by Phone Only:

1. Dial **(831) 256-7773** USA Toll from any telephone.
2. Enter Conference ID **518 077 161#** when prompted. DO NOT PRESS *.
3. Wait for the meeting host to admit you. If you are unsuccessful in joining, hang up and dial in again.
4. You must unmute yourself when you wish to speak by pressing *6, which is also used to mute yourself when you finish speaking.

Video Teleconference Meeting Instructions and Information:

- Stay muted unless speaking.
- Listen for prompts to know when public comments are solicited.
- You must unmute yourself when you wish to speak during Public Comment or during discussion of a particular agenda item. The meeting host can mute but cannot unmute participants.
- Announce yourself and speak slowly and clearly when commenting.
- Call (925) 875-2214 if you experience any technical difficulties.

Boardmembers and staff will be attending the meeting via teleconference. The Board will convene any Closed Sessions on a separate teleconference line and return to the open teleconference meeting for the next agenda item when the Closed Session is completed. The open teleconference meeting will be muted during this time and will resume for the Closed Session report and meeting adjournment.

The Boardroom is closed to the public.

All votes during the meeting will be taken by roll call vote.



TITLE: Authorize Remote Teleconference Meetings until September 1, 2022, Pursuant to California Government Code Section 54953(e)

RECOMMENDATION:

Staff recommends the Board of Directors authorize, by Resolution, conducting open and public meetings via remote teleconference pursuant to California Government Code Section 54953(e) from August 2, 2022, through September 1, 2022.

DISCUSSION:

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to the threat of COVID-19, which prompted the Governor to issue Executive Order N-29-20 permitting local governments to meet remotely without following all the teleconferencing requirements contained in the Ralph M. Brown Act. With the expiration of Executive Order N-29-20 on September 30, 2021, the Governor signed Assembly Bill 361 adding Government Code Section 54953(e) to make provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions. Under the new law, agencies can conduct virtual meetings where the Governor has proclaimed a State of Emergency and the Board of Directors has declared the need to meet remotely to protect the health and safety of attendees.

Due to the recent surge in COVID-19 cases in the District's service area and public health orders issued by Alameda County to minimize the spread of the virus, staff is recommending that the Board approve the attached resolution which would authorize the Board to conduct meetings remotely for a 30-day period from August 2 through September 1, 2022. The Board's adoption of the resolution would allow, but not require, virtual meetings to be conducted for the next 30 days. At the August 16 regular Board meeting, the Board can direct staff to extend the remote meeting authorizations or return to in-person meetings.

Originating Department: Office of the General Manager	Contact: V. Chiu/D. McIntyre	Legal Review: Yes
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input type="checkbox"/> None <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)		

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT FINDING THAT THERE IS A PROCLAIMED STATE OF EMERGENCY BY GOVERNOR NEWSOM DUE TO COVID-19, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT FOR THE PERIOD AUGUST 2, 2022 THROUGH SEPTEMBER 1, 2022, PURSUANT TO THE AUTHORIZATIONS PROVIDED FOR IN CALIFORNIA GOVERNMENT CODE SECTION 54953(E)

WHEREAS, the Dublin San Ramon Services District (the “District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (California Government Code Sections 54950–54963), so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom did declare a State of Emergency, which continues in effect, to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State respond to the spread of the novel coronavirus disease 2019 (“COVID-19”); and

WHEREAS, Government Code Section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body subject to the existence of certain conditions and findings; and

WHEREAS, while the District believes District work-related activities may be conducted safely in person through imposition of various safety protocols, including wearing of appropriate and approved face coverings, sanitizing of equipment, social distancing (which continues to be recommended by the Centers for Disease Control for certain persons), minimizing in-person contacts between staff and public, daily self-symptom checks, and contact tracing of possible virus exposure, Board meetings present a unique challenge due to their being open to the public generally, with limited space in the Boardroom, limited ability to enforce self-symptom checks, and limited ability to provide contact tracing for potentially exposed individual attendees; and

WHEREAS, Alameda County is currently experiencing a surge in COVID-19 cases, which is impacting the ability of the DSRSD Board of Directors and staff to meet safely in person due to the unique challenges presented with in-person Board meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Res. No. _____

Section 2. Findings. The Board hereby finds that the Governor of the State of California has proclaimed a State of Emergency, effective as of its issuance date of March 4, 2020, due to COVID-19. The State of Emergency, as declared by the Governor and District, and as specifically related to the highly transmissible nature of COVID-19 and its variants, has caused, and will continue to cause, conditions of concern to the safety of certain persons within the District, including those who are not fully vaccinated and older and immunocompromised individuals which conditions are likely to be beyond the control of the services, personnel, equipment, and facilities of the District which directly impacts the ability for the District Board of Directors, staff, and members of the public, to meet safely in person.

Section 3. Remote Teleconference Meetings. The General Manager, or designee, are hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution including, providing for each of the District's legislative bodies to continue to conduct their meetings without compliance with Government Code Section 54953(b)(3), as authorized by Section 54953(e), and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in Section 54953(e)(2).

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) September 1, 2022, or (ii) such time the Board of Directors adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the legislative bodies of the District may, in its discretion, continue to teleconference without compliance with Section 54953(b)(3).

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 2nd day of August, 2022, and passed by the following vote:

AYES:

NOES:

ABSENT:

Richard M. Halket, President

ATTEST: _____
Nicole Genzale, District Secretary

DUBLIN SAN RAMON SERVICES DISTRICT
MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS

July 19, 2022

Pursuant to the authorizations provided by Government Code Section 54953(e), and local county health orders issued to address the COVID-19 pandemic, the Board meeting was held via Teams Teleconference. The District Boardroom was closed to the public. The public could observe and comment by electronic means as described on Page 3. As required by the Brown Act, all votes were taken by roll call vote due to the attending Directors participating via teleconference.

1. **CALL TO ORDER**

A regular meeting of the Board of Directors was called to order at 6 p.m. by Vice President Rubio.

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

Boardmembers present at start of meeting:

Vice President Marisol Rubio, Director Arun Goel, Director Georange M. Vonheeder-Leopold, and Director Ann Marie Johnson.

President Richard M. Halket was absent.

District staff present: Dan McIntyre, General Manager; Jan Lee, Assistant General Manager; Carol Atwood, Administrative Services Director/Treasurer; Steve Delight, Engineering Services Director/District Engineer; Jeff Carson, Operations Director; Douglas E. Coty, General Counsel; and Nicole Genzale, Executive Services Supervisor/District Secretary.

4. **SPECIAL ANNOUNCEMENTS/ACTIVITIES**

4.A. New Employee Introductions:

Arup Paul, Instrumentation & Controls Technician II

Horacio Munoz Gomez, Instrumentation & Controls Technician I

Sonny D'Amico, Electrician II

Jonathan Howell, Electrician I

Andrew Phillips, Maintenance Worker I

Adam Roberson, Maintenance Worker II

Clint Byrum, Water/Wastewater Systems Superintendent

Dave Money, Maintenance Worker II

Rene Escobar, Financial Analyst

5. **PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC)** – 6:14 p.m. No public comment was received.

6. **AGENDA MANAGEMENT (CONSIDER ORDER OF ITEMS)** – General Manager McIntyre stated that the Board may wish to remove Item 7.B for discussion due to written public comments received.

7. **CONSENT CALENDAR**

Director Vonheeder-Leopold requested Item 7.B be removed for discussion. The Board agreed to remove Item 7.B for discussion, and took Consent Calendar Items 7.A and 7.C through 7.F and passed these items first.

Director Vonheeder-Leopold MOVED for approval of Items 7.A and 7.C through 7.F on the Consent Calendar. Director Johnson SECONDED the MOTION, which CARRIED with FOUR AYES, and ONE ABSENT (Halket), per roll call vote.

- 7.A. Approve Regular Meeting Minutes of June 21, 2022 – Approved
- 7.B. REMOVED – Ratification of an Agreement with the City of Livermore, the City of Pleasanton, and the Zone 7 Water Agency for a Temporary Joint Residential Recycled Water Fill Station – Approved – Resolution No. 35-22
- 7.C. Authorize the General Manager to Execute Contract with Univar Solutions USA for the Supply and Delivery of Sodium Hypochlorite 12.5% – Approved
- 7.D. Authorize the General Manager to Execute Contract with Chemtrade Chemicals US LLC for the Supply and Delivery of Aluminum Sulfate – Approved
- 7.E. Authorize the General Manager to Execute Contract with Buckles-Smith for the Process Control System Software and Hardware Support – Approved
- 7.F. Authorize the General Manager to Execute Contract with GE Digital LLC for SCADA Software Support – Approved

The Board and staff discussed Item 7.B regarding use of the Zone 7 Water Agency (Zone 7) facility, known as “Parkside,” for the location of the Temporary Joint Residential Recycled Water Fill Station in Pleasanton.

General Manager McIntyre reported on and summarized five email comments received from Pleasanton residents stating opposition to the fill station location. The Board and staff discussed the residents’ concerns regarding the station’s location, which is adjacent to the Parkside residential area and across the street from the Ken Mercer Sports Park, its hours of operation, traffic and safety concerns for residents and sports park users, and lack of proper notice about the project. Staff reported that the agreement has already been approved by the project partners (Cities of Livermore and Pleasanton, Zone 7, and DSRSD) and that they cannot adequately comment on the location concerns since it is not in DSRSD’s service area. They also reported that based on the current project status, the station would likely open in early September.

Speaker: Ms. Susan Schall (Pleasanton’s Parkside resident) – Ms. Schall addressed the Board and reiterated her comments sent to the Board regarding traffic and safety concerns as well as lack of proper public notice to the Parkside residents impacted by the station location. She stated she was supportive of a community recycled water fill station but the Parkside location was not appropriate.

Director Johnson MOVED for approval of Item 7.B on the Consent Calendar. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with THREE AYES, ONE NO (Vonheeder-Leopold), and ONE ABSENT (Halket), per roll call vote.

8. BOARD BUSINESS

8.A. Public Hearing: Establish Local and Regional Wastewater Service Charges Under Chapter 5.30.020 of the District Code and Rescind Resolution No. 33-17

Vice President Rubio announced the item and declared the Public Hearing open. She asked for the staff presentation. Administrative Services Director Atwood reviewed the item for the Board. She introduced consultant Mr. Shawn Koorn, from HDR Engineering Inc, who was in attendance for any questions. She reported that a revised resolution containing new language from General Counsel Coty was provided to the Board and added to the website as supplemental materials.

Vice President Rubio inquired if there were any comments from the public. There was no public comment received. Vice President Rubio declared the Public Hearing closed.

The Board and staff discussed the proposed 2% rate increase and its sufficiency, given inflation has reached 9.1%, and staff confirmed it will cover District needs given the District's working capital fund balances. Staff also confirmed that four written customer protests (out of more than 20,000 accounts), were received and that a summary is attached to the item for reference.

Director Vonheeder-Leopold MOVED to approve Resolution No. 36-22, Establishing Local and Regional Wastewater Rates Under Section 5.30.020 of the District Code and Rescinding Resolution No. 33-17. Director Johnson SECONDED the MOTION, which CARRIED with FOUR AYES, and ONE ABSENT (Halket) per roll call vote.

8.B. Receive Presentation on District's Water Conservation Status

Senior Engineer Irene Suroso reviewed the item for the Board. She gave a presentation that was provided to the Board and added to the website as supplemental materials.

The Board and staff discussed challenges and remedies for notifying the proper commercial customer contacts for non-compliance issues. They also discussed the District's total current water use levels for both potable and recycled water, and if other opportunities exist to help meet the current 15% conservation target. Staff explained that DSRSD converted parks and medians to a recycled water system several years earlier, thereby reducing current opportunities to reduce further under the Stage 2 conservation level. Staff also noted that comparing 2022 water use to 2020 water use during the pandemic is a somewhat unbalanced comparison.

9. REPORTS

9.A. Boardmember Items

9.A.1. Joint Powers Authority and Committee Reports
LAVWMA – June 29, 2022

Vice President Rubio invited comments on recent JPA activities. Directors felt the available staff reports adequately covered the many matters considered at

the JPA meeting and Director Johnson made a few comments about some of the JPA activities, including that she is no longer LAVWMA Chair.

9.A.2. Submittal of Written Reports for Day of Service Events Attended by Directors

Director Vonheeder-Leopold submitted written reports to Executive Services Supervisor/District Secretary Genzale. She reported that she attended the joint Alameda County and Contra Costa County Special Districts Association chapter meeting on July 11 and the California Association of Sanitation Agencies (CASA) Board of Directors meeting on July 14. She summarized the activities and discussions at the meetings. She also reported that she is expected to be elected CASA President at the annual CASA conference next month.

Vice President Rubio submitted a written report to Executive Services Supervisor/District Secretary Genzale. She reported that she attended the Association of California Water Agencies conference in Washington DC July 11–14. She stated she will give a verbal report on the activities and discussions at the conference at the next Board meeting.

9.A.3. Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda

Director Johnson requested two items be scheduled for an upcoming meeting regarding: 1) status of the residential recycled water fill station operations, and 2) a briefing on new PFAS (perfluoroalkyl and polyfluoroalkyl substances) standards.

Vice President Rubio requested an item be scheduled for the August 2 meeting regarding ticket reimbursement for the City of Dublin 40th Anniversary Celebration.

9.B. Staff Reports

9.B.1. Event Calendar – General Manager McIntyre reported on the following:

- The City of Dublin is hosting its 40th Anniversary Celebration “The Ruby Affair” on Saturday, August 6, at 6 p.m., at Dublin Heritage Park and Museums.

9.B.2. Correspondence to and from the Board on an Item not on the Agenda – None

10. ADJOURNMENT

Vice President Rubio adjourned the meeting at 7:20 p.m.

Submitted by,

Nicole Genzale, CMC
Executive Services Supervisor/District Secretary



TITLE: Award Construction Agreement to SSB Construction for the FOF Roof Replacement (CIP 22-A030), WWTP Roof Replacements (CIP 22-P011), and Field Operations Facility - Skylight Replacements (CIP 20-A024) Projects

RECOMMENDATION:

Staff recommends the Board of Directors approve, by Motion, the following actions:

1. Reject the bid submitted by CWRS Inc. dba Allied Construction Services for failure to substantially comply with the requirements of the FOF Roof Replacement (CIP 22-A030), WWTP Roof Replacements (CIP 22-P011), and Field Operations Facility – Skylight Replacements (CIP 20-A024) Projects; and
2. Award a construction agreement for the FOF Roof Replacement (CIP 22-A030), WWTP Roof Replacements (CIP 22-P011), and Field Operations Facility – Skylight Replacements (CIP 20-A024) Projects to SSB Construction, the lowest responsive, responsible bidder, in the amount of \$356,749.

DISCUSSION:

The Capital Improvement Program (CIP) Ten-Year Plan and Two-Year Budget for Fiscal Years Ending 2022 and 2023 includes three projects to rehabilitate the roofs and skylights of various District facilities. The WWTP Roof Replacements Project (CIP 22-P011) will replace the roofs for buildings B, Q, and R within the WWTP; and the FOF Roof Replacement Project (CIP 22-A030) will rehabilitate the roof for the Field Operations Facility (FOF). The Field Operations Facility – Skylight Replacements Project (CIP 20-A024) will replace all of the skylights at the FOF building. The skylights were originally installed in 1997 and have been the cause of recent leaks at the FOF building during rainstorms. Rather than execute each project separately, the scopes of all three projects were solicited as a single bid package. Combining these projects into a single project (“Project”) will reduce administrative costs and leverage economies of scale.

Award Construction Agreement

The bid period for the Project began on June 22, 2022, and seven bids ranging from \$324,438 to \$588,947 were received on July 14, 2022. The engineer’s estimate was \$330,000. As provided for in the Bid/Contract Documents, the Board of Directors retains sole discretion to reject any or all non-responsive bids, to waive minor irregularities in a bid and award the contract, or to reject all bids. However, the Board of Directors may not waive a bid irregularity that is materially non-responsive (i.e., gives a bidder an unfair advantage over other bidders). Section 00100 of the Bid/Contract Documents stipulates that “bids which contain omissions, erasures, or irregularities of any kind may be rejected.”

The apparent low bid received from CSRW Inc. dba Allied Construction Services (Allied Construction Services) was deemed non-responsive. The bid submitted by Allied Construction Services failed to provide a complete response to Part A of Section 00460 (Certification of Bidders Experience and Qualifications); pages 1 and 2 of Section 00490 (Affidavit of Safety Compliance) were not properly completed, signed nor notarized; and a preliminary project schedule was not submitted, as was explicitly required by the Bid/Contract Documents. These irregularities were determined to be material by staff in consultation with legal counsel.

The second lowest bid was received from SSB Construction and contained one irregularity: the date and printed name on page 1 of Form 00490 was missing. The failure to include the date of execution and the printed name of the signee, however, is resolved by the bidder’s notarization of that form. The notarization confirms the date on which the form was executed and the name of the signee. Furthermore, this irregularity does not provide SSB Construction any advantage

Originating Department: Engineering and Technical Services	Contact: S. Mann/S. Delight	Legal Review: Yes
Financial Review: Not Required	Cost and Funding Source: \$356,749 with \$182,673.50 from Water Replacement (Fund 610); \$32,236.50 from Local Wastewater Replacement (Fund 210); \$141,839.00 from Regional Wastewater Replacement (Fund 310)	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Bid Results	12 of 230

over other bidders, and therefore this deficiency may be considered a minor irregularity and waived. Attachment 1 provides a summary of the bid results.

Staff recommends the Board waive the minor irregularity and award the construction contract for the Project to SSB Construction, the lowest responsive, responsible bidder, in the amount of \$356,749.

A Notice of Exemption for the Project per California Environmental Quality Act ("CEQA") was filed on June 22, 2022. The Project is exempt from CEQA pursuant to CEQA Guidelines 15301 and 15302.

The contract time for the Project is 90 calendar days and is estimated to be completed in November 2022.



**Dublin San Ramon
Services District**

Water, wastewater, recycled water

Results of Bid Opening for
FIELD OPERATIONS FACILITY – SKYLIGHT REPLACEMENTS (CIP 20-A024)
FOF ROOF REPLACEMENT (CIP 22-A030)
WWTP ROOF REPLACEMENTS (CIP 22-P011)
Thursday, July 14, 2022 @ 2 p.m.

Engineer's Estimate: \$ 330,000

No.	Name of Bidder	Bid Amount
1	Allied Construction Services, Livermore, CA	\$ 324,438
2	SSB Construction, Salinas, CA	\$ 356,749
3	Alcal Specialty Contracting, Inc., Fremont, CA	\$ 505,142
4	Stronger Building Services, San Leandro, CA	\$ 570,660
5	Best Contracting Services, Inc., Gardena, CA	\$ 586,536
6	Brazos Urethane, Inc., Madera, CA	\$ 587,019
7	Andy's Roofing Company Inc., San Leandro, CA	\$ 588,947

Contractor/Subcontractor	Contractor License No.	PWC Registration No.	Location	Trade	Amount of Work to be Performed
Allied Construction Services					
None listed					\$ -
SSB Construction					
None listed					\$ -
Alcal Specialty Contracting, Inc.					
None listed					\$ -
Stronger Building Services					
None listed					\$ -
Best Contracting Services, Inc.					
None listed					\$ -
Brazos Urethane					
B & M Tear Off	769864	1000009312	Brentwood, CA	Roof demo	5%
Andy's Roofing Company Inc.					
Alliance	948348	1000002516	San Leandro, CA	Demo	\$ 39,600



TITLE: Consider Approval of Director Reimbursement for Attendance at the City of Dublin's 40th Anniversary Gala Celebration "The Ruby Affair"

RECOMMENDATION:

Staff recommends the Board of Directors consider approval, by Motion, of Director reimbursement for attendance at the City of Dublin's 40th Anniversary Gala Celebration "The Ruby Affair."

DISCUSSION:

At the July 19, 2022 Board meeting, the Board requested staff present an agenda item at this evening's meeting for the Board to consider approval of Director reimbursement for attendance at the City of Dublin's 40th Anniversary Gala Celebration "The Ruby Affair."

The City of Dublin's website describes the event, as follows:

On February 1, 2022, the City of Dublin celebrated its 40th anniversary of incorporation. Throughout the year, the City has been marking the occasion through a series of programs and events. The celebration will continue with a gala event, "The Ruby Affair," taking place on Saturday, August 6, at 6:00 p.m., at Dublin Heritage Park and Museums (6600 Donlon Way).

The Ruby Affair will include appetizers, dinner, music, and dancing. The event will also feature the screening of a documentary that follows the City's history from the beginning of the community's incorporation efforts to present day. The story is told by residents who participated in the incorporation process and other Dublin leaders from the past 40 years. Cocktail attire is encouraged. For a detailed schedule of events and to purchase tickets, visit www.dublin.ca.gov/rubyaffair.

The event announcement is provided as Attachment 1. Tickets to the event cost \$100 each.

The Director Travel and Expenses policy is provided as Attachment 2 for the Board's reference.

The City of Dublin was incorporated in 1982, and in the years to follow, DSRSD transferred to Dublin the fire, garbage, pools, and parks services it had provided as a general-purpose government to the unincorporated area since the 1960's.

Originating Department: Administrative Services	Contact: N. Genzale/C. Atwood	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: Administrative (Fund 900)	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – City of Dublin Event Announcement Attachment 2 – Director Travel and Expenses Policy	



The City of Dublin presents

The Ruby Affair,

Please join us as we celebrate

40 years of Cityhood

Saturday, August 6, 2022

6:00 p.m.

Heritage Park & Museums
6600 Donlon Way, Dublin, CA

Appetizers
Dinner
Music and Dancing

Cocktail attire is encouraged

Tickets \$100 each at www.dublin.ca.gov/rubyaffair





Policy No.: P100-20-1	Type of Policy: Board Business
Policy Title: Director Travel and Expenses	
Policy Description: Reimbursement of travel and related expenses incurred by Directors in the performance of official duties	
Approval Date: 1/7/2020	Last Review Date: 2020
Approval Resolution No.: 1-20	Next Review Date: 2024
Rescinded Resolution No.: 12-17	Rescinded Resolution Date: 3/21/2017

The purpose of this policy of the Board of Directors of Dublin San Ramon Services District is to establish guidelines for reimbursement of travel and related expenses incurred by Directors in the performance of official duties in accordance with Government Code Sections 53232.2 and 53232.3 as specified in Government Code Section 61047, part of the Community Services District Law, and declare that each Director shall exhibit good judgment in the matter of travel and incidental expenses and shall have proper regard for the propriety and economy of conducting District business.

1. General

Directors may receive reimbursement for reasonable and actual travel and/or incidental expenditures of Directors incurred in the performance of official duties and upon submittal of the monthly Director Expense Sheet and supporting documentation in conformance with this policy.

2. Services Allowed for Reimbursement

Reimbursement of travel and related expenses shall meet the following criteria:

- a. Travel to and from and attendance at conferences and meetings by Directors shall be consistent with the approved budget of the District.
- b. Travel on District business within the States of California and Nevada is pre-approved by adoption of this policy; travel on District business in locations other than California and Nevada require specific Board approval.
- c. Expenses incurred in connection with monthly Chamber of Commerce lunch meetings are pre-approved by adoption of this policy. Such meetings provide opportunities to develop positive relationships with the local business community, when participation is determined by the Board to be in the best interest of the District.

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Policy Title: Director Travel and Expenses

d. Expenses incurred in connection with activities and/or events that are not eligible for compensation under the Day of Service policy may, with prior Board approval, qualify for reimbursement under this policy. Such events include activities of civic and charitable organizations when participation is determined by the Board to be in the best interest of the District. Expenses incurred in connection with partisan or nonpartisan political activities or events are not eligible for reimbursement.

3. Expenses Allowed for Reimbursement

Expenditures of Directors for travel shall be allowed in general accordance with the following criteria:

- a. Registration Fees: A registration or similar fee charged by the organizers of any conference, convention, or meeting.
- b. Lodging: Amounts equivalent to the cost of a standard single occupancy room at the facility at which the conference or meeting is held, or comparable nearby lodging.
- c. Transportation:
 - Air Travel: Amounts equivalent to the cost of coach class round-trip airfare from Oakland, San Jose, Sacramento or San Francisco to an airport reasonably near the destination.
 - Rental Cars: The cost of a mid-size rental car at the destination.
 - Private Automobiles: Travel to and from the destination using a private automobile is allowable at the IRS mileage rate (travel to and from the District for the purpose of attending Board meetings is not eligible for reimbursement), limited to the cost of a pre-purchased round-trip coach class airfare plus ground transportation that would be incurred for the same trip. When more than one District official travels in the same private automobile, allowance will be made to only the owner or lessor of the vehicle used. No credit for airfare or the avoided cost of a second automobile shall be paid to the second person. If the General Manager determines that air transportation is not feasible due to work schedules, time involved or other similar reasons, an allowance for the use of a private automobile shall be determined on the basis of the IRS mileage rate and shall not be subject to the limitation specified herein.
 - Tolls and Parking: Tolls, parking and other similar charges are allowable; parking shall be at "non-valet" and "long-term" rates when available.
 - Public Transportation / Taxis: Expenses for public transportation or private "for hire" ground transportation at the destination, to and from the destination and to and from the departure airport.
- d. Meals: Actual and reasonable costs of meals while traveling are allowable up to the average California city per diem rate. Notification of this rate, along with a breakdown by meal, will be forwarded to the Board each December for the upcoming calendar year. Directors shall exercise discretion in the selection of restaurants and when incurring costs for meals. No costs for any alcoholic beverages shall be eligible for reimbursement. The maximum daily

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reimbursement shall also be reduced by the amount associated with the meals that a Director would normally have taken on his/her personal behalf before departure or after his/her return.

- e. Incidental Expenses: Reasonable incidental expenditures related to travel or the conduct of District business in amounts less than \$10 per item are allowable without receipt. These include items such as parking at meters, baggage handling, phone charges, and other similar expenses.

If a receipt is lost, the Director shall so note that on his/her expense sheet along with a brief explanation and estimate of the expense. In such cases copies of credit card statements and/or checking account charges that show the date and amount of the charge and the payee are acceptable substitutes. The General Manager, or designee, shall apply reasonable discretion, as supported by the evidence of the situation, and determine the actual amount to be reimbursed.

4. Expenses Not Allowed for Reimbursement

- a. Direct or incremental expenses of family members or guests traveling with a Director, such as the added cost of upgrading a room or a rental car to accommodate a non-District traveling companion.
- b. Expenses unrelated to approved travel or event attendance. Allowable expenses as specified herein are reimbursable only for the time while the conference, business meeting, or other District business activity is occurring, with reasonable allowance for the need to arrive in advance of or depart after a conference or business meeting.

5. Review and Approval

The principal responsibility for compliance with this policy rests with each Director. The General Manager, or designee, shall review all expenses submitted for reimbursement to determine conformance with this policy prior to approving payment. When necessary, reasonable discretion in approving reimbursements related to unusual circumstances may be exercised that are not in strict accordance with this policy but that were necessary and prudent and were incurred in performance of official duties while furthering the interests of the District. If a Director disagrees with the determination, the Director submitting the expenses for reimbursement shall make a request at a Board meeting, not later than 60 days after the day for which reimbursement is requested, to schedule an agenda item to review the determination at a future regular Board meeting. The submittal of an expense sheet by a Director shall be deemed a representation by that Director that the request, in the exercise of his or her judgment, complies with the terms of this policy, that any required approval of the Board was obtained at a Board meeting in advance of the activity or event, that any required written report has been submitted at the next Board meeting following the activity or event, and that the Director has considered any issues that the General Manager has identified. If the matter is referred to the Board of Directors, the Board shall approve the expense sheet unless the Board believes it substantially deviates from this policy.

Policy No.: P100-20-1**Policy Title:** Director Travel and Expenses**6. Administration**

The General Manager, or designee, shall administer this policy and shall institute appropriate accounting and control procedures to ensure the policy is being followed.



TITLE: Public Hearing: Approve the Annual Delinquency Water and Sewer Charges Levy Report and Direct the Levy and Collection of Delinquent Water and Sewer Charges on the 2022–2023 Alameda County and Contra Costa County Secured Property Tax Rolls

RECOMMENDATION:

Staff recommends the Board of Directors hold a Public Hearing and approve, by Resolution, the Annual Delinquency Water and Sewer Charges Levy Report and direct the levy and collection of delinquent utility billing water and sewer charges on the 2022–2023 Alameda County and Contra Costa County secured-property tax rolls.

DISCUSSION:

The District currently bills bimonthly for water charges and commercial sewer charges through its Utility Billing & Customer Services Division. If a bill is unpaid, Utility Billing staff follows up with a delinquency notice and courtesy phone calls. Most recently, the District has reinstated door tags and shutoffs in an effort to reduce delinquent receivables. Historically, if payment is still not made, the District forwards the delinquent accounts to collections. Of the District's 26,740 active customers, approximately 494 residential and commercial accounts are currently over 90 days in arrears.

The District Code currently has authority to assess delinquent charges on the property tax roll. Section 4.40.120 specifically provides for collection of water charges using the tax roll, including delinquencies. Sections 5.30.120 and 5.30.140 provide similar authorities with regard to wastewater rates and charges. Finally, Section 1.50.050 provides the General Manager with the broad authority to "...pursue, all legal remedies and appropriate collection means for the enforcement and collection of a fee or charge prescribed by this code..." subject to a requirement to report to the Board on an annual basis.

Beginning in fiscal year 2021-2022, delinquent (over 90 days) water and sewer charges were levied on the tax rolls in lieu of remitting the accounts to a collection agency. This process has streamlined collections and ensures that the District receives 100% of the delinquent amounts from the two counties, less Alameda County and Contra Costa County charges, which are minimal.

Multiple bimonthly past due bills have been sent with follow-up courtesy phone calls to encourage payment on the delinquent accounts. In addition, tenant occupied residential units were tagged and water shutoff procedures implemented now that the State has ended its moratorium on water shutoff. Finally, two (2) delinquency letters were mailed to property owners on June 15 and July 1, 2022, at the service address and the property owners mailing address to encourage payment on the delinquent accounts. Property owners have also been notified of tonight's Public Hearing to provide them the opportunity to contest or pay their delinquent bill before the District forwards the lien to the counties by the August 10 deadline. Property owners will have the opportunity to pay down these balances or set up payment plans with the Utility Billing & Customer Services Division until August 2, 2022, when the final report will be prepared for county submittal. Notices (Attachment 1) for the public hearing were also published in the local newspaper via the Bay Area News Group on July 16 and July 23, 2022.

Approximately \$60,000 remain uncollected on past due accounts as of June 15, 2022. No public protests were received as of the publishing of the meeting agenda.

Originating Department: Administrative Services	Contact: M. Bailey/C. Atwood	Legal Review: Yes
Financial Review: Yes	Cost and Funding Source: Approximately \$2,000 for County Administrative Fee, split among Local Wastewater Enterprise (Fund 200), Regional Wastewater Enterprise (Fund 300) and Water Enterprise (Fund 600)	
Attachments: <input type="checkbox"/> None <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1–Newspaper Notice of Public Hearing	21 of 230

DUBLIN SAN RAMON SERVICES DISTRICT
Board of Directors
NOTICE OF PUBLIC HEARING

DATE: *Tuesday, August 2, 2022*

TIME: *6 P.M.*

PLACE: *Dublin San Ramon Services District*

Due to changing public health directives, in-person attendance at this meeting may be restricted. The public is encouraged to confirm whether in person attendance will be permitted by checking the District website at least 24 hours before the time of the public hearing. A teleconference option will be available for all members of the public regardless of whether in person attendance is permitted.

NOTICE IS HEREBY GIVEN that the Board of Directors of Dublin San Ramon Services District, at its August 2, 2022, regular meeting, to be held at the District Office, Boardroom, 7051 Dublin Boulevard, Dublin, California at 6 p.m. will hold a Public Hearing, to adopt, by Resolution, authorizing the collection of water and sewer charges, which are 90 days or more delinquent, and to levy the delinquencies on the property tax rolls for the counties of Alameda and Contra Costa, as authorized under the California Health and Safety Code Section 5473 and District Code 4.40.120 and 5.30.140.

NOTICE IS FURTHER GIVEN that at the hearing, property owners will have the opportunity to contest or pay off their delinquent bill before the District submits the levy list to the counties by the August 10th deadline. The Delinquent Water and Sewer Service Charge shall appear on the 2022-2023 (July 1, 2022, to June 30, 2023) property tax rolls as "DSRSD UTL DELINQ." Citizens may also participate by calling in by phone. Teleconference access information will be available in the agenda packet on the District's website at www.dsrsd.com/about-us/board-meetings-agendas-minutes-videos.

To get additional information about this action, contact: Dublin San Ramon Services District, Utility Billing and Customer Services Supervisor, Telephone: (925) 875-2274. Written materials may be reviewed by contacting the District Secretary during regular business hours at (925) 828-0515 and is also available online in the August 2, 2022, agenda packet on the District's website at <https://www.dsrsd.com/about-us/board-meetings-agendas-minutes-videos>.

By: Nicole Genzale, CMC
District Secretary

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT APPROVING THE ANNUAL DELINQUENCY WATER AND SEWER CHARGES LEVY REPORT AND DIRECTING THE LEVY AND COLLECTION OF THE OUTSTANDING (OVER 90 DAYS) DELINQUENT UTILITY BILLING WATER AND SEWER RECEIVABLES ON THE ALAMEDA COUNTY AND CONTRA COSTA COUNTY SECURED PROPERTY TAX ROLLS FOR 2022–2023

WHEREAS, Section 4.40.120 of the District Code provides for collection of water charges, including delinquencies, using the tax roll; and

WHEREAS, Sections 5.30.120 and 5.30.140 of the District Code provides for collection of sewer charges, including delinquencies, using the tax roll; and

WHEREAS, Section 1.50.050 of the District Code provides the General Manager with the broad authority to pursue all legal remedies and appropriate collection means; and

WHEREAS, the District had delinquent (over 90 days) water and sewer utility payments of approximately \$60,000 on June 15, 2022; and

WHEREAS, the Board desires to levy the delinquent (over 90 days) water and sewer utility payments on the Alameda County and Contra Costa County property tax rolls for 2022–2023; and

WHEREAS, written notice of a public hearing and the intent to collect of delinquent water and sewer utility payments on the Alameda County and Contra Costa County secured property tax roll for fiscal year ending 2022, was mailed to affected utility billing customers on June 15 and June 28, 2022; and

WHEREAS, no objections or protests were received prior to or at the Public Hearing, which is insufficient to prevent the placement of the levy for delinquent water and sewer service charges for the affected parcels on the property tax rolls for Alameda County and Contra Costa County, as a whole or as to any part thereof.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, as follows:

1. The Annual Delinquency Water and Sewer Charges Levy Report (over 90 days) of water and sewer utility payments as of June 15, 2022, attached hereto, as Exhibit "A," and incorporated herein as if fully set forth, for the purposes of levying the charges on the Alameda County and Contra Costa County secured property tax rolls, is hereby approved and confirmed and shall stand as the Annual Delinquency Levy Report.

Res. No. _____

2. In addition to the billing statements, follow up courtesy phone calls, tagging and water shut off procedures, and two (2) delinquency letters mailed to property owners were done in an effort to collect the delinquent amounts outstanding.

3. A Public Hearing was appropriately noticed for and held on August 2, 2022, to provide property owners the opportunity to contest the charges and/or the levy and provide payments towards the outstanding delinquency prior to submittal to the appropriate County Assessor's Office.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 2nd day of August, 2022, and passed by the following vote:

AYES:

NOES:

ABSENT:

Richard M. Halket, President

ATTEST: _____
Nicole Genzale, District Secretary



**Dublin San Ramon
Services District**

Water, wastewater, recycled water

DUBLIN SAN RAMON SERVICES DISTRICT

**ANNUAL
DELINQUENCY
WATER AND SEWER SERVICE
CHARGES
LEVY REPORT
2022-2023**

Introduction

The District currently bills bimonthly for water charges and commercial sewer charges through its Utility Billing & Customer Services Division. If a bill is unpaid, Utility Billing staff follows up with a delinquency notice and courtesy phone calls in lieu of door tags and shutoffs. Historically, if payment is still not made, the District forwards the delinquent accounts to collections. Of the District's 26,740 active customers, approximately 494 utility accounts are currently over 90 days in arrears.

Beginning in FYE 2021-2022, delinquent (over 90 days) water and sewer charges were levied to the tax rolls in lieu of remitting the accounts to a collection agency. This process has streamlined collections and ensures that the District would receive the delinquent amounts from the two counties in full, less Alameda and Contra Costa charges, which are minimal.

Under the provisions of the District Code, the District is authorized to assess delinquent charges on the property tax roll. Section 4.40.120 specifically provides for collection of water charges using the tax roll, including delinquencies. Code Sections 5.30.120 and 5.30.140 provide similar authorities with regard to wastewater rates and charges. Finally, Section 1.50.050 provides the General Manager with the broad authority to "...pursue, all legal remedies and appropriate collection means for the enforcement and collection of a fee or charge prescribed by this code...," subject to a requirement to report to the Board on an annual basis.

Staff develops a list of delinquent accounts as of June 15, 2022. Delinquency letters were mailed to property owners and occupants of the property on June 15 and July 1, 2022, providing options to pay off the delinquent accounts, including payment arrangements and information on the Low-Income Household Water Assistance Program (LIHWAP), the Federal COVID-relief program. Written notices of a public hearing and the intent to collect delinquent water and sewer utility payments on the Alameda County and Contra Costa County secured-property tax roll for fiscal year ending 2022, was mailed to affected utility billing customers on June 15, June 28 and July 16 and July 23, 2022.

Levy of Charges

Delinquent accounts where payments or payment arrangements have not been established after collection efforts are then levied on the property tax roll.

The following pages show the amount of the charge for each affected parcel of real property for the year, in the form of the levy listing to be placed on the respective secured property tax roll for Alameda County and Contra Costa County for 2022-2023 (July 1, 2022 to June 30, 2023).

Alameda County - City of Dublin

Parcel Number	Land Use Type	Delinquency Amount
986 005818500	RESIDENTIAL	\$ 248.02
986 005807200	RESIDENTIAL	\$ 62.53
986 005703102	RESIDENTIAL	\$ 60.87
986 005407700	RESIDENTIAL	\$ 52.30
986 005204400	RESIDENTIAL	\$ 114.20
986 004813300	RESIDENTIAL	\$ 87.15
986 004805000	RESIDENTIAL	\$ 153.39
986 004803700	RESIDENTIAL	\$ 111.80
986 001904000	RESIDENTIAL	\$ 64.84
986 001903900	RESIDENTIAL	\$ 73.04
986 001501400	RESIDENTIAL	\$ 63.62
986 001500100	RESIDENTIAL	\$ 84.94
986 000703700	RESIDENTIAL	\$ 302.88
986 000702700	RESIDENTIAL	\$ 127.52
985 012810400	RESIDENTIAL	\$ 94.37
985 012805800	RESIDENTIAL	\$ 57.73
985 012610800	RESIDENTIAL	\$ 177.33
985 012604200	RESIDENTIAL	\$ 280.27
985 012506400	RESIDENTIAL	\$ 104.83
985 012506200	RESIDENTIAL	\$ 127.13
985 011612900	RESIDENTIAL	\$ 83.50
985 011506800	RESIDENTIAL	\$ 134.87
985 011306100	RESIDENTIAL	\$ 73.95
985 010101900	RESIDENTIAL	\$ 112.49
985 008502800	RESIDENTIAL	\$ 75.88
985 008301800	RESIDENTIAL	\$ 102.65
985 006812000	RESIDENTIAL	\$ 278.35
985 006808300	RESIDENTIAL	\$ 108.05
985 006808200	RESIDENTIAL	\$ 83.86
985 005703700	RESIDENTIAL	\$ 52.51
985 004904600	RESIDENTIAL	\$ 156.25
985 003707400	RESIDENTIAL	\$ 80.77
985 003608300	RESIDENTIAL	\$ 56.41
985 003502200	RESIDENTIAL	\$ 168.42
985 003404200	RESIDENTIAL	\$ 525.50
985 002510100	RESIDENTIAL	\$ 808.09
985 002502200	RESIDENTIAL	\$ 180.28
985 001804400	RESIDENTIAL	\$ 69.71
985 001702500	RESIDENTIAL	\$ 124.49
941 280612400	RESIDENTIAL	\$ 176.04
941 278306501	RESIDENTIAL	\$ 807.47
941 275307400	RESIDENTIAL	\$ 67.47
941 020306000	RESIDENTIAL	\$ 51.04
941 019901900	RESIDENTIAL	\$ 158.23
941 019607800	RESIDENTIAL	\$ 132.54
941 019604500	RESIDENTIAL	\$ 67.71
941 019305400	RESIDENTIAL	\$ 194.24
941 019300100	RESIDENTIAL	\$ 132.48
941 018604600	RESIDENTIAL	\$ 333.86
941 018506100	RESIDENTIAL	\$ 115.61
941 018502300	RESIDENTIAL	\$ 41.89
941 018007300	RESIDENTIAL	\$ 206.73
941 017607800	RESIDENTIAL	\$ 310.33
941 017206400	RESIDENTIAL	\$ 138.49

Parcel Number	Land Use Type	Delinquency Amount
941 017007900	RESIDENTIAL	\$ 92.21
941 016702500	RESIDENTIAL	\$ 342.94
941 016702000	RESIDENTIAL	\$ 62.14
941 016601900	RESIDENTIAL	\$ 148.90
941 016508200	RESIDENTIAL	\$ 113.56
941 011202900	RESIDENTIAL	\$ 388.05
941 010508300	RESIDENTIAL	\$ 126.24
941 017703500	RESIDENTIAL	\$ 80.94
941 019808000	RESIDENTIAL	\$ 204.96
941 020201500	RESIDENTIAL	\$ 304.69
941 019810600	RESIDENTIAL	\$ 99.00
941 020307100	RESIDENTIAL	\$ 101.58
941 020701300	RESIDENTIAL	\$ 69.71
941 011303100	RESIDENTIAL	\$ 46.71
941 011205200	RESIDENTIAL	\$ 252.96
941 011805100	RESIDENTIAL	\$ 9.21
985 013002200	RESIDENTIAL	\$ 59.02
985 013001500	RESIDENTIAL	\$ 1,179.83
986 005815800	RESIDENTIAL	\$ 798.63
986 005412100	RESIDENTIAL	\$ 101.58
986 005411900	RESIDENTIAL	\$ 96.09
986 005703500	RESIDENTIAL	\$ 260.30
985 013007500	RESIDENTIAL	\$ 1,059.80
941 275102100	RESIDENTIAL	\$ 274.45
941 276904000	RESIDENTIAL	\$ 1,516.91
941 010313600	RESIDENTIAL	\$ 89.01
941 275700200	RESIDENTIAL	\$ 77.28
941 275802700	RESIDENTIAL	\$ 47.35
941 275802400	RESIDENTIAL	\$ 688.44
941 011901800	RESIDENTIAL	\$ 1,094.11
941 277506800	RESIDENTIAL	\$ 163.82
941 278401500	RESIDENTIAL	\$ 17.22
941 278404600	RESIDENTIAL	\$ 940.00
941 280904300	RESIDENTIAL	\$ 441.56
986 005103500	RESIDENTIAL	\$ 391.13
985 010504000	RESIDENTIAL	\$ 224.29
985 010901600	RESIDENTIAL	\$ 236.59
985 011206100	RESIDENTIAL	\$ 118.37
985 011301900	RESIDENTIAL	\$ 147.79
985 009503000	RESIDENTIAL	\$ 377.44
985 009911600	RESIDENTIAL	\$ 26.11
985 008004200	RESIDENTIAL	\$ 159.56
985 009910000	RESIDENTIAL	\$ 619.21
986 001208200	RESIDENTIAL	\$ 174.55
986 001000300	RESIDENTIAL	\$ 96.72
985 005704700	RESIDENTIAL	\$ 77.60
986 001802400	RESIDENTIAL	\$ 9.47
986 002011700	RESIDENTIAL	\$ 401.87
985 002507000	RESIDENTIAL	\$ 22.53
985 002303400	RESIDENTIAL	\$ 32.59
985 002406100	RESIDENTIAL	\$ 271.37
985 004304900	RESIDENTIAL	\$ 666.30
985 004205700	RESIDENTIAL	\$ 152.37
985 004905900	RESIDENTIAL	\$ 163.54
985 004903900	RESIDENTIAL	\$ 480.36

Parcel Number	Land Use Type	Delinquency Amount
985 004901900	RESIDENTIAL	\$ 1,676.44
985 003405800	RESIDENTIAL	\$ 128.36
985 003714000	RESIDENTIAL	\$ 879.29
985 003808300	RESIDENTIAL	\$ 69.24
985 009002600	RESIDENTIAL	\$ 589.10
985 009104300	RESIDENTIAL	\$ 26.65
986 003107800	RESIDENTIAL	\$ 170.62
985 009705703	RESIDENTIAL	\$ 356.79
985 011204000	RESIDENTIAL	\$ 81.99
941 017007900	RESIDENTIAL	\$ 92.21
941 019300100	RESIDENTIAL	\$ 132.48
941 275307400	RESIDENTIAL	\$ 67.47
941 020306000	RESIDENTIAL	\$ 51.04
986 005818500	RESIDENTIAL	\$ 439.05
941 280612400	RESIDENTIAL	\$ 176.04
985 012810400	RESIDENTIAL	\$ 94.37
986 004813300	RESIDENTIAL	\$ 87.15
985 008502800	RESIDENTIAL	\$ 75.88
986 000702700	RESIDENTIAL	\$ 127.52
986 001001800	RESIDENTIAL	\$ 122.83
986 001903900	RESIDENTIAL	\$ 73.04
986 001500100	RESIDENTIAL	\$ 228.16
986 001501400	RESIDENTIAL	\$ 63.62
985 002502200	RESIDENTIAL	\$ 180.28
985 004906700	RESIDENTIAL	\$ 698.23
985 003710100	RESIDENTIAL	\$ 497.37
985 008803900	RESIDENTIAL	\$ 361.96
985 003608300	RESIDENTIAL	\$ 56.41
985 006808200	RESIDENTIAL	\$ 83.86
985 004904600	RESIDENTIAL	\$ 156.25
985 008301800	RESIDENTIAL	\$ 102.65
Total		\$ 32,804.23

Contra Costa County - City of San Ramon Dougherty Valley Area

Parcel Number	Land Use Type	Delinquency Amount
223 770 003	RESIDENTIAL	\$ 435.95
223 750 026	RESIDENTIAL	\$ 447.24
223 700 037	RESIDENTIAL	\$ 191.02
223 660 010	RESIDENTIAL	\$ 99.02
223 650 045	RESIDENTIAL	\$ 239.59
223 640 006	RESIDENTIAL	\$ 54.89
223 590 021	RESIDENTIAL	\$ 295.20
223 580 104	RESIDENTIAL	\$ 212.74
223 520 033	RESIDENTIAL	\$ 291.49
223 340 007	RESIDENTIAL	\$ 359.03
223 330 028	RESIDENTIAL	\$ 472.16
223 320 055	RESIDENTIAL	\$ 244.14
223 300 049	RESIDENTIAL	\$ 113.32
223 300 026	RESIDENTIAL	\$ 55.31
223 240 075	RESIDENTIAL	\$ 1,238.69
223 210 021	RESIDENTIAL	\$ 113.45
223 200 049	RESIDENTIAL	\$ 211.83
223 190 034	RESIDENTIAL	\$ 266.68
223 140 094	RESIDENTIAL	\$ 113.08

Parcel Number	Land Use Type	Delinquency Amount
223 130 021	RESIDENTIAL	\$ 158.75
222 830 043	RESIDENTIAL	\$ 96.74
222 830 014	RESIDENTIAL	\$ 62.64
222 810 023	RESIDENTIAL	\$ 64.37
222 800 003	RESIDENTIAL	\$ 88.27
222 760 112	RESIDENTIAL	\$ 295.81
222 760 048	RESIDENTIAL	\$ 151.79
222 750 054	RESIDENTIAL	\$ 82.59
222 740 043	RESIDENTIAL	\$ 113.40
222 740 016	RESIDENTIAL	\$ 81.77
222 630 025	RESIDENTIAL	\$ 221.79
222 550 052	RESIDENTIAL	\$ 64.17
222 540 074	RESIDENTIAL	\$ 133.92
222 530 015	RESIDENTIAL	\$ 120.00
222 520 006	RESIDENTIAL	\$ 207.15
222 450 032	RESIDENTIAL	\$ 71.87
222 430 123	RESIDENTIAL	\$ 345.19
222 430 011	RESIDENTIAL	\$ 126.28
222 380 022	RESIDENTIAL	\$ 100.76
222 360 044	RESIDENTIAL	\$ 98.71
222 350 008	RESIDENTIAL	\$ 1,671.17
222 350 004	RESIDENTIAL	\$ 225.93
222 340 009	RESIDENTIAL	\$ 178.22
222 330 057	RESIDENTIAL	\$ 86.67
222 300 062	RESIDENTIAL	\$ 82.29
222 300 056	RESIDENTIAL	\$ 204.22
222 250 087	RESIDENTIAL	\$ 71.74
222 250 071	RESIDENTIAL	\$ 138.02
222 520 005	RESIDENTIAL	\$ 459.78
222 520 027	RESIDENTIAL	\$ 218.30
222 490 040	RESIDENTIAL	\$ 568.67
222 790 036	RESIDENTIAL	\$ 793.83
222 770 036	RESIDENTIAL	\$ 115.60
222 720 005	RESIDENTIAL	\$ 531.35
222 480 095	RESIDENTIAL	\$ 338.83
223 150 050	RESIDENTIAL	\$ 43.82
222 250 026	RESIDENTIAL	\$ 858.80
222 260 045	RESIDENTIAL	\$ 138.42
222 400 043	RESIDENTIAL	\$ 800.38
223 370 006	RESIDENTIAL	\$ 1.37
223 370 053	RESIDENTIAL	\$ 121.31
223 350 025	RESIDENTIAL	\$ 144.14
223 550 004	RESIDENTIAL	\$ 231.89
223 460 041	RESIDENTIAL	\$ 5.45
223 460 045	RESIDENTIAL	\$ 727.30
223 460 030	RESIDENTIAL	\$ 161.80
223 440 024	RESIDENTIAL	\$ 3,967.18
223 740 020	RESIDENTIAL	\$ 1,338.70
222 630 025	RESIDENTIAL	\$ 221.79
222 380 022	RESIDENTIAL	\$ 100.76
222 530 015	RESIDENTIAL	\$ 120.00
222 450 032	RESIDENTIAL	\$ 71.87
222 810 023	RESIDENTIAL	\$ 64.37
222 800 003	RESIDENTIAL	\$ 88.27
222 830 014	RESIDENTIAL	\$ 62.64

Parcel Number	Land Use Type	Delinquency Amount
222 330 057	RESIDENTIAL	\$ 86.67
222 750 054	RESIDENTIAL	\$ 82.59
223 210 021	RESIDENTIAL	\$ 113.45
223 200 049	RESIDENTIAL	\$ 211.83
222 430 011	RESIDENTIAL	\$ 126.28
222 250 071	RESIDENTIAL	\$ 138.02
222 250 087	RESIDENTIAL	\$ 71.74
223 150 008	RESIDENTIAL	\$ 503.10
223 700 037	RESIDENTIAL	\$ 191.02
223 300 026	RESIDENTIAL	\$ 55.31
223 320 055	RESIDENTIAL	\$ 244.14
223 590 021	RESIDENTIAL	\$ 295.20
223 240 075	RESIDENTIAL	\$ 1,508.53
223 750 026	RESIDENTIAL	\$ 447.24
Total		\$ 27,170.80
Grand Total Levy (Alameda & Contra Costa)		\$ 59,975.03



TITLE: Public Hearing: Approve the Annual Wastewater Service Charges Levy Report and Direct the Levy and Collection of Wastewater Service Charges on the 2022–2023 Alameda County and Contra Costa County Secured Property Tax Rolls

RECOMMENDATION:

Staff recommends the Board of Directors hold a Public Hearing and approve, by Resolution, the Annual Wastewater Service Charges Levy Report and direct the levy and collection of wastewater service charges on the 2022–2023 Alameda County and Contra Costa County secured property tax rolls.

DISCUSSION:

On July 19, 2022, the Board of Directors adopted Resolution No. 36-22 (Attachment 1), establishing the rates for fiscal year ending (FYE) 2023. For a single-family residential dwelling, the annual Local Wastewater rate is increasing \$2.70 (2%) and the annual Regional Wastewater rate is increasing \$7.02 (2%). The total wastewater rate increase for FYE 2023 is \$9.72 (2%). Wastewater rate adjustments were noticed on customer utility bills beginning with the June 15, 2022 billing cycle with an effective date of September 1, 2022.

Under the provisions of Section 5.30.120 (*Methods of billing wastewater charges*) of the District Code, the District may use a variety of methods to collect wastewater charges as authorized by the Board, whether delinquent or not, including use of the property tax roll, use of internal billing system, third-party billing system, or any other reasonable method. If the District elects to have its wastewater charges collected on the tax roll in the same manner as property taxes, the proceedings shall be those set forth in California Health and Safety Code Section 5473 and California Government Code Section 61115(b). The District has elected to place residential wastewater service charges on the property tax roll since 1971.

It should be noted that the Board is not considering adopting the rates with this agenda item because the rates were previously adopted by Resolution No. 36-22 (Attachment 1) at the public hearing held on July 19, 2022. This evening's public hearing is to elect placing the residential wastewater service charges on the Alameda County and Contra Costa County property tax rolls, in lieu of manually billing all the residential accounts. Wastewater service charges for commercial accounts will continue to be included on the commercial utility bills. Staff has prepared the Annual Wastewater Service Charges Levy Report for fiscal year 2022–2023, describing each affected parcel of real property and the applicable charges for the forthcoming fiscal year to be collected on the property tax roll. On July 14, 2022, a written public hearing notice (Attachment 2) of the wastewater charges to be placed on the property tax roll for the upcoming fiscal year was mailed to affected parcel owners as required under the Community Services District Law, California Government Code Section 61115. Notices (Attachment 3) for the public hearing were also published in the local newspaper via the Bay Area News Group on July 16 and July 23, 2022. One protest was received on the levy of these charges to date (Attachment 4).

Originating Department: Administrative Services	Contact: M. Bailey/C. Atwood	Legal Review: Yes
Financial Review: Yes	Cost and Funding Source: N/A	
Attachments: <input type="checkbox"/> None <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1: Resolution No. 36-22 Attachment 2: Postcard Notification Attachment 3: Newspaper Notice of Public Hearing Attachment 4: Summary of Public Comments	32 of 230

RESOLUTION NO. 36-22

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT ESTABLISHING LOCAL AND REGIONAL WASTEWATER RATES UNDER CHAPTER 5.30.020 OF THE DISTRICT CODE AND RESCINDING RESOLUTION NO. 33-17

WHEREAS, Chapter 5.30.020 of the District Code of Regulations allows the Board of Directors to establish user charges by resolution; and

WHEREAS, the current Local and Regional Wastewater Service Charges were adopted on June 20, 2017, by Resolution No. 33-17; and

WHEREAS, on May 17, 2022, the Board was provided an overview of the rate assumptions and financial review necessary to consider and justify extending the *2017 Regional Sewer Rate Study* and *2017 Local Wastewater Rate Study* for an additional year to develop proposed fiscal year ending 2023 wastewater service charges; and

WHEREAS, the public has received notification of the proposed rate adjustment and the public hearing in accordance with Proposition 218; and

WHEREAS, the Board reviewed the protests and determined that a majority protest does not exist; and

WHEREAS, the rates, as adopted by this resolution, will supersede those previously established in Resolution No. 33-17.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California as follows:

1. The Local and Regional Wastewater Rates as shown in Exhibit "A," attached hereto and incorporated herein as if fully set forth, are hereby established effective September 1, 2022.
2. The General Manager shall post the new Local and Regional Wastewater Rates on the District website following the adoption of this Resolution.
3. Resolution No. 33-17, attached as Exhibit "B," is rescinded effective September 1, 2022.

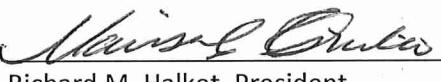
Res. No. 36-22

ADOPTED by the Board of Directors of the Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 19th day of July, 2022, and passed by the following vote:

AYES: 4 – Directors Georange M. Vonheeder-Leopold, Ann Marie Johnson, Arun Goel, Marisol Rubio

NOES: 0

ABSENT: 1 – Director Richard M. Halket


for Richard M. Halket
Richard M. Halket, President

ATTEST: 
Nicole Genzale, District Secretary

Exhibit A

Customer Class	Billing Unit	Local Wastewater	
		Current	Proposed
Residential			
Single-family home or townhouse	Annual	\$135.84	\$138.54
Condominium	Annual	102.00	103.92
Duplex	Annual	271.68	277.08
Apartments and Accessory Dwelling Units	Bimonthly	14.78	15.08
Commercial			
Low: ≤ 300 mg/L	ccf	1.21	1.23
Medium: > 300 mg/L and ≤ 600mg/L	ccf	1.21	1.23
High: >600 mg/L	ccf	1.20	1.22
Institutional			
Schools (submetered)	ccf	1.20	1.22
Schools (not submetered)	ccf	1.20	1.22
Other Institutions	ccf	1.20	1.22
Industrial			
Low: ≤ 1,000 mg/L	ccf	1.20	1.22
Medium: > 1,000 mg/L and ≤ 1,500mg/L	ccf	1.20	1.22
High: >1,500 mg/L	ccf	1.20	1.22

Customer Class	Billing Unit	Regional Wastewater	
		Current	Proposed
Residential			
Single-family home or townhouse	Annual	\$350.16	\$357.18
Condominium	Annual	232.98	237.66
Duplex	Annual	700.32	714.36
Apartments and Accessory Dwelling Units	Bimonthly	32.48	33.14
Commercial			
Low: ≤ 300 mg/L	ccf	2.65	2.70
Medium: > 300 mg/L and ≤ 600mg/L	ccf	5.32	5.43
High: >600 mg/L	ccf	7.43	7.58
Institutional			
Schools (submetered)	ccf	2.65	2.70
Schools (not submetered)	ccf	2.03	2.07
Other Institutions	ccf	2.65	2.70
Industrial			
Low: ≤ 1,000 mg/L	ccf	9.12	9.30
Medium: > 1,000 mg/L and ≤ 1,500mg/L	ccf	11.46	11.69
High: >1,500 mg/L	ccf	13.81	14.09
Septic Haulers	gallon	0.067	0.069

RESOLUTION NO. 33-17

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT ESTABLISHING LOCAL AND REGIONAL WASTEWATER RATES UNDER SECTION 5.30.020 (SERVICE AND DEMAND CHARGES) OF THE DISTRICT CODE AND RESCINDING RESOLUTION NO. 31-10.

WHEREAS, Section 5.30.020 of the District Code of Regulations allows the Board of Directors to establish user charges by resolution, and

WHEREAS, the current Local and Regional Wastewater Service Charges were adopted on July 20, 2010 by Resolution No. 31-10, and

WHEREAS, cost of service studies were completed to determine the rates needed for the Local and Regional Wastewater Enterprise, and

WHEREAS, on April 18, 2017, the Board was provided a comprehensive overview of the rate study process and assumptions, a financial review of the Wastewater Enterprises and a presentation of rate allocations to review and provided guidance on the adoption thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California as follows:

1. The Consumer Price Index — All urban Consumers for the San Francisco-Oakland-San Jose, California area (CPI), provides an appropriate and accurate measure of the increases in operating costs of the sort used to calculate the amount of the District's user charges, and the Board therefore adopts said Consumer Price Index as the index for measuring increases in the cost of such costs for the purpose of future automatic adjustments to the District's user charges.
2. The Local and Regional Wastewater Rates as shown in the attached Exhibit A are hereby established effective July 1, 2017.
3. Unless otherwise acted upon by the Board, the amount of the Local Wastewater Rates will be adjusted automatically effective July 1 of each year as shown in the attached Exhibit A, commencing with FYE 2018 and ending with FYE 2022, unless further authorized pursuant to the procedures specified in section 6 of article XIIID of the California Constitution and Government Code section 53755.
4. Unless otherwise acted upon by the Board, the amount of the Regional Wastewater Rates will be automatically adjusted effective July 1 of each year by the CPI as defined above and as described in the sentence that follows. The General Manager is authorized and directed to increase the Regional Wastewater Rates by the percentage by which the most recent CPI available as of the last day of February for that calendar year has increased in relation to the most recent corresponding CPI available the last day of February of the preceding calendar year. Examples of how a 2% CPI would affect the Regional Wastewater Rates is shown in the attached Exhibit A. These automatic increases shall apply to FYE 2019, FYE 2020, FYE 2021 and FYE 2022, unless further authorized pursuant to the procedures specified in section 6 of article XIIID of the California Constitution and Government Code section 53755.

Res. No. 33-17

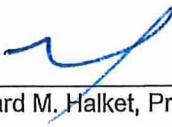
5. The General Manager shall post the new Local and Regional Wastewater Rates on the District's website by March 31 of each year and customers shall receive notification thereof in accordance with section 53756 of the Government Code.
6. Resolution No. 31-10 is rescinded effective July 1, 2017, and is included as Exhibit B to this document.

ADOPTED by the Board of Directors of the Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 20th day of June 2017, and passed by the following vote:

AYES: 4 - Directors D.L. (Pat) Howard, Georgean M. Vonheeder-Leopold, Edward R. Duarte, Richard M. Halket

NOES: 0

ABSENT: 1 - Director Madelyne A. Misheloff


Richard M. Halket, President

ATTEST:


Nicole Genzale, District Secretary



PUBLIC HEARING RESCHEDULED TO AUGUST 2, 2022

This notice serves to inform our customers that the public hearing on July 19, 2022, has been rescheduled to August 2, 2022, at 6:00 p.m. The public hearing is to continue placing the sewer service charge on the secured property tax roll for the counties of Alameda and Contra Costa. The District has placed this charge on the property tax roll since 1971.

Written protests may be emailed to board@dsrsd.com, or by mail to Dublin San Ramon Services District, District Secretary, 7051 Dublin Blvd., Dublin, CA 94568, by 5:00 p.m. on August 2, 2022.

This charge will appear on the 2022-2023 (July 1, 2022, to June 30, 2023) secured property tax bill as "DSRSD SEWER SVC" mailed in the fall:

Residential Wastewater Collection and Treatment Annual Service Charge		
Dwelling Type	2021-2022 Service Charge	2022-2023 Service Charge
Single-Family Home or Townhouse	\$486.00	\$492.76
Condominium	\$334.98	\$339.56
Duplex	\$972.00	\$985.50
Residential Multi-Family	\$283.56	\$298.62
Accessory Dwelling Units (per unit)	\$283.56	\$298.62

Any parcels not billed on the secured tax roll will be billed on the bimonthly utility bill.



**Dublin San Ramon
Services District**
Water, wastewater, recycled water



**Dublin San Ramon
Services District**

Water, wastewater, recycled water

7051 Dublin Blvd.
Dublin, CA 94568
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**PUBLIC HEARING
RESCHEDULED
FOR ANNUAL NOTICE OF
SERVICE CHARGE LEVY
ON SECURED
PROPERTY TAX ROLL**



Visit [https://www.dsrsd.com/about-us/
board-meetings-agendas-minutes-videos](https://www.dsrsd.com/about-us/board-meetings-agendas-minutes-videos) for
information on the Public Hearing

DUBLIN SAN RAMON SERVICES DISTRICT**Board of Directors****NOTICE OF PUBLIC HEARING****DATE:** *Tuesday, August 2, 2022***TIME:** *6 P.M.***PLACE:** *Dublin San Ramon Services District*

Due to changing public health directives, in-person attendance at this meeting may be restricted. The public is encouraged to confirm whether in person attendance will be permitted by checking the District website at least 24 hours before the time of the public hearing. A teleconference option will be available for all members of the public regardless of whether in person attendance is permitted.

NOTICE IS HEREBY GIVEN to inform Dublin San Ramon Services District customers that the public hearing on Tuesday, July 19, 2022, has been rescheduled to Tuesday, August 2, 2022.

NOTICE IS FURTHER GIVEN that the Board of Directors of Dublin San Ramon Services District, at its August 2, 2022, regular meeting, to be held at the District Office, Boardroom, 7051 Dublin Boulevard, Dublin, California at 6 p.m. will hold a Public Hearing, to adopt, by Resolution, to continue placement of sewer service charges for the purpose of wastewater collection, disposal and treatment on the secured property tax rolls for the counties of Alameda and Contra Costa. The District has placed this charge on the property tax roll since 1971

The wastewater service charges shall appear on the 2022-2023 (July 1, 2022 to June 30, 2023) secured property tax rolls as “DSRSD SEWER SVC” and are summarized below.

Dwelling Type	2021-2022 Service Charge	2022-2023 Service Charge (1)
Single-Family Home or Townhouse	\$486.00	\$492.76
Condominium	\$344.98	\$339.56
Duplex	\$972.00	\$985.50
Residential – Multi-Family	\$283.56	\$298.62
Accessory Dwelling Units (2)	\$283.56 per dwelling unit	\$298.62 per dwelling unit

(¹) Prorated charge; July 2022-Aug 2022 (FYE2022 rates) Sep 2022-Jun 2023 (FYE2023 rates).
 (²) This charge is in addition to the primary dwelling unit charge

NOTICE IS FURTHER GIVEN that a copy of the *Annual Wastewater Service Charge Levy Report*, and a copy of the proposed Resolution, is on file in the office of the District Secretary and is also available on the Rates and Fees webpage on the District's website at www.dsrsd.com

**SUMMARY OF PUBLIC COMMENTS MADE IN PROTEST LETTERS RELATED TO
AUGUST 2, 2022 SEWER SERVICE CHARGE ON SECURED PROPERTY TAX ROLL
("DSRSD SEWER SVC" ON TAX BILL)**

No.	Date Received	Apparent Protest?	Summary of Comments Made
RECEIVED BEFORE AGENDA PREPARATION DEADLINE (SUMMARIZED IN STAFF REPORT FOR SEWER SERVICE CHARGE)			
1	July 21, 2022	Yes	<ul style="list-style-type: none">• Protesting against the "Sewer Service Charge" assessment to my home. It's Not fair that we keep getting charged for these services in spite the astronomical costs in the Bay Area. We just DON'T Agree to keep paying more assessments in taxes.

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT APPROVING THE ANNUAL WASTEWATER SERVICE CHARGES LEVY REPORT AND DIRECTING THE LEVY AND COLLECTION OF WASTEWATER SERVICE CHARGES ON THE ALAMEDA COUNTY AND CONTRA COSTA COUNTY SECURED PROPERTY TAX ROLLS FOR 2022–2023

WHEREAS, Section 5.30.020 of the District Code allows the Board of Directors to establish user charges by resolution; and

WHEREAS, on June 20, 2017, a public hearing was held, and the Board adopted Resolution No. 33-17, establishing the Local and Regional Wastewater Rates and adopted a five-year schedule of increases for Local and Regional Wastewater Rates for the period of July 1, 2018, to June 30, 2022; and

WHEREAS, on May 26, 2022, the District mailed out notices of proposed rate increases under the provisions of Article XIII(D), Section 6 of the California State Constitution, known as Proposition 218; and

WHEREAS, on July 14, 2022, a written notice of collection of wastewater service charges on the Alameda and Contra Costa Counties secured property tax roll for fiscal year ending 2023 was mailed to parcel owners for all affected parcels; and

WHEREAS, on July 19, 2022, a public hearing was held, and the Board adopted Resolution No. 36-22 establishing the Local and Regional Wastewater Rates and adopted a one-year schedule of increases for Local and Regional Wastewater Rates for the period of September 1, 2022, to June 30, 2023; and

WHEREAS, under Section 5473.1 of the California Health and Safety Code and Section 61115(b) of the California Government Code, the Board may provide that any charges and penalties may be collected on the tax roll in the same manner as property taxes; and

WHEREAS, Section 5.30.120 “Methods of billing wastewater charges,” of the District Code allows the District to use a variety of methods to collect wastewater charges as authorized by the Board, whether delinquent or not, including use of property tax roll, use of internal billing system, third-party billing system, or any other reasonable method; and

WHEREAS, the District has been collecting wastewater charges on the property tax roll since 1971.

Res. No. _____

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, as follows:

1. Objections and Protests. One (1) objection, comment, or protest, against the placement of levy of service charges for the affected parcels on the property tax rolls for Alameda County and Contra Costa County, as a whole or as to any part thereof, was received prior to or at the Public Hearing.

2. Collection of Wastewater Service Charges. The Board hereby elects to have those certain wastewater charges established by the District for wastewater services collected on the tax roll of the Counties of Alameda and Contra Costa, and in the manner provided pursuant to Section 5473.1 of the California Health and Safety Code, Section 61115(b) of the California Government Code, and said resolutions of the District.

3. Annual Wastewater Service Charges Levy Report Approved. The Annual Wastewater Service Charges Levy Report, in the form on file with the District, and to which reference is hereby made for further particulars, including levy of service charges to affected parcels, is hereby approved and confirmed and shall stand as the Wastewater Service Charge Annual Report for the Next Fiscal Year.

4. Effective Date. This resolution shall be effective upon the date of its adoption.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting this 2nd day of August, 2022, and passed by the following vote:

AYES:

NOES:

ABSENT:

Richard M. Halket, President

ATTEST: _____
Nicole Genzale, District Secretary



TITLE: Receive Report on Low Income Assistance (LIA) Program and Provide Direction

RECOMMENDATION:

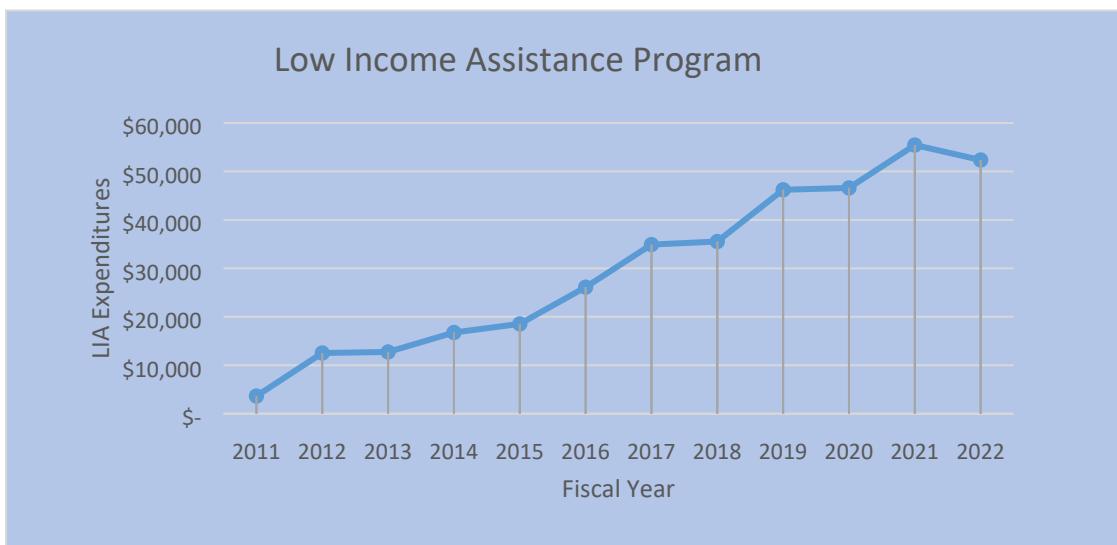
Staff recommends the Board of Directors receive a report on the District's Low-Income Assistance (LIA) Program and provide direction.

DISCUSSION:

On October 5, 2010, the Board of Directors adopted Resolution No. 41-10 to provide rate relief to customers experiencing financial hardship in an amount equal to a percentage of the Fixed Meter Fee. The Board determined, at that time, to set the percentage at 100%, and to review and adjust the percentage on an annual basis. The fixed fee is currently \$36.86.

As of June 2022, 105 households were enrolled in the program with an estimated program cost of approximately \$52,000. Program costs had a slight decline of -5.6 percent (-5.6%) over the past year due to the newly implemented Low-Income Household Water Assistance Program (LIHWAP). LIA participants must maintain good account standing in order to remain in the program where LIHWAP participants can only claim reimbursement for accounts in arrears. A total of 15 LIA participants became delinquent as of June 2022 and were subsequently removed from the program. The District has recommended to these customers that they pursue funding through the LIHWAP service provider, Spectrum Community Services.

The table below provides the LIA expenditures per fiscal year since inception of the program and in total:



Staff is recommending no change in the current program. The program has been well received and is at the maximum rate relief provided under the resolution. In addition, it is paid for by "non-rate revenues" received from cell tower lease revenue, which is compliant with the requirements of Proposition 218. It should be noted that the provisions of Proposition 218 (Articles XIIIC and XIIID of the California Constitution) prohibit explicit subsidies of one class of ratepayers by other classes of ratepayers. Thus, it is not permissible for this program to be funded through water rates.

Originating Department: Administrative Services	Contact: M. Bailey/C. Atwood	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: \$52,000 from Non-Rate Revenues	
Attachments: <input checked="" type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)		



TITLE: Receive Report and Authorize Early Payoff of the 2017 Interfund Loan to the Local Wastewater Replacement Fund from the Local Wastewater Expansion Fund

RECOMMENDATION:

Staff recommends the Board of Directors receive a report on the 2017 interfund loan to the Local Wastewater Replacement (Fund 210) from the Local Wastewater Expansion (Fund 220) to cover significant capital replacement obligations and authorize, by Resolution, an early payoff of the loan.

DISCUSSION:

In 2017, the District faced significant local wastewater capital replacement obligations with the Facilities Relocation for Dublin Boulevard Widening Project (CIP 16-A002) and the Dublin Trunk Sewer Rehabilitation Project (CIP 16- S021). In addition, staff anticipated costs over the next 10 years that were needed to rehabilitate our oldest sewers in the Camp Parks area, as well as the East Dublin Trunk Line. Capital replacement costs for local sewer infrastructure are accounted for in the Local Wastewater Replacement Fund.

As of March 31, 2017, the working capital in the Local Wastewater Replacement Fund was approximately \$9 million. To fund these and other projects, an interfund loan was approved by the Board in the amount of \$5 million from the Local Wastewater Expansion Fund, to be repaid over a six-year period. The Expansion Fund had a working capital of approximately \$8 million at that time, with no major capital projects scheduled during the life of the loan, thus keeping the fund in a healthy financial position.

The loan provided the District the ability to pay for needed replacement projects while the five-year rate increases brought the Local Enterprise (Fund 200) back to target working capital levels, including annual capital replacement transfers to the Replacement Fund. Replacement Fund transfers were reinstated in fiscal year ending (FY) 2023.

The budget for FY 2022 projected the Local Wastewater Replacement Fund's ending working capital at \$2.1 million. This will increase due to the third quarter revenues exceeding budget projections by \$125,000. In addition, with the Board approval on June 21, 2022 of the *Seventh Supplemental Agreement to Agreement for Wastewater Disposal Services* between the District and the City of Pleasanton related to the West Dublin Trunk Sewer Line, the Local Wastewater Replacement Fund will receive an additional \$2 million dollars in working capital for a revised minimum projection of \$4.3 million on June 30, 2022.

The 2017 interfund loan approval authorized staff to pay off the interfund loan before six years if the Local Wastewater Replacement Fund accrued enough working capital. The sixth and final payment of the interfund loan is planned for FYE 2024. Based on the current projected balances at the close of FYE 2022, staff is recommending an early payoff at this time. This prepayment of the sixth and final payment will be for \$833,333.

Originating Department: Administrative Services	Contact: C. Atwood	Legal Review: Not Required
Financial Review: Yes	Cost and Funding Source: \$833,333 Payment from Local Wastewater Replacement (Fund 210) to Local Wastewater Expansion (Fund 220)	
Attachments: <input type="checkbox"/> None <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)	45 of 230	

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT AUTHORIZING
EARLY PAYOFF OF THE 2017 INTERFUND LOAN TO THE LOCAL WASTEWATER REPLACEMENT (FUND 210)
FROM THE LOCAL WASTEWATER EXPANSION (FUND 220)

WHEREAS, it is the policy of the Board that the District's enterprise funds be self-supporting, and therefore maintain positive cash balances in the respective funds; and

WHEREAS, as of March 31, 2017, the working capital balance of the Local Wastewater Replacement (Fund 210) was approximately \$9 million; and

WHEREAS, the District faced significant local wastewater infrastructure capital replacement obligations in fiscal year ending 2017 and beyond, resulting in a negative cash flow projection and a working capital below the District's reserve policy levels for the Local Wastewater Replacement (Fund 210); and

WHEREAS, as of March 31, 2017, the Local Wastewater Expansion (Fund 220) had sufficient working capital to provide a loan of \$5 million dollars to the Local Wastewater Replacement (Fund 210); and

WHEREAS, as of June 30, 2022, the Local Wastewater Replacement (Fund 210) has sufficient working capital to prepay the loan to the Local Wastewater Expansion (Fund 220) and retire the debt outstanding.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, to prepay the remaining balance of the original \$5 million loan to the Local Wastewater Replacement (Fund 210) from the Local Wastewater Expansion (Fund 220) in the amount of \$833,333.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 2nd day of August, 2022, and passed by the following vote:

AYES:

NOES:

ABSENT:

Richard M. Halket, President

ATTEST: _____
Nicole Genzale, District Secretary



TITLE: Adopt Revised Director Travel and Expenses Policy and Rescind Resolution No. 1-20

RECOMMENDATION:

Staff recommends the Board of Directors adopt, by Resolution, the revised Director Travel and Expenses policy and rescind Resolution No. 1-20.

DISCUSSION:

The District's Director Travel and Expenses policy was last revised on January 7, 2020. The purpose of the Director Travel and Expenses policy is to establish guidelines for reimbursement of travel and related expenses incurred by Directors in the performance of official duties in accordance the Community Services District Law and Government Code requirements.

A proposed revised policy was presented to the Board at the July 19, 2022 Board meeting. The Board directed staff to bring the item back to a future meeting with updated pre- and post-lodging criteria to address the Board's input.

The Director Travel and Expenses policy, as revised (Attachment 1), makes the following changes to provide further clarity for Directors travelling on District business, and to ensure consistency for administrative processing:

- Explains the responsible party(ies) for handling travel arrangements and related expenses.
- Adds clarifying language that travel expenses for ACWA and CASA conference dates in Washington D.C. are pre-approved.
- Adds language regarding lodging to state that Directors must make reasonable and prudent determinations regarding pre- and post-lodging arrangements for each approved event. Directors must take into consideration the event program schedule, location and travel mode, and other activities related to the Director's duties or purpose at the event.
- Adds language that a rental car, if one must be utilized, can be used for travel to and from the destination and explains the rental insurance requirements for such use. This update aligns with staff travel procedures.
- Sets forth a deadline of 30 days after expenses are incurred for an expense report to be submitted for reimbursement(s). 30 days provides a reasonable amount of time for Directors to submit expense reports and ensures predictability for processing and payment of reimbursements. This update aligns with staff travel procedures.
- Makes non-substantive language and formatting corrections.

The marked-up policy (Attachment 1) and proposed policy without the markups (Exhibit A) are included for review. In accordance with the District's practice of reviewing each of its policies at least every four years, this policy is scheduled for review again in 2026 if the Board adopts a revised policy this year.

Originating Department: Administrative Services	Contact: N. Genzale/C. Atwood	Legal Review: Yes
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input type="checkbox"/> None <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Marked-up Director Travel and Expenses policy	



Policy No.:	P100-20-1	Type of Policy:	Board Business
Policy Title:	Director Travel and Expenses		
Policy Description:	Reimbursement of travel and related expenses incurred by Directors in the performance of official duties		
Approval Date:	1/7/2006/21/2022	Last Review Date:	2020 2022
Approval Resolution No.:	1-20	Next Review Date:	2024 2026
Rescinded Resolution No.:	12-17 1-20	Rescinded Resolution Date:	3/21/2017 1/7/2020

The purpose of this policy of the Board of Directors of Dublin San Ramon Services District is to establish guidelines for reimbursement of travel and related expenses incurred by Directors in the performance of official duties in accordance with Government Code Sections 53232.2 and 53232.3 as specified in Government Code Section 61047, part of the Community Services District Law, and declare that each Director shall exhibit good judgment in the matter of travel and incidental expenses and shall have proper regard for the propriety and economy of conducting District business.

1. General

Directors may receive reimbursement for reasonable and actual travel and/or incidental expenditures of Directors incurred in the performance of official duties and upon timely submittal of the monthly a Director Expense Sheet and supporting documentation in conformance with this policy.

At the request of a Director, the General Manager or designee may directly arrange for registration fees and lodging reservations, and pay those directly. All other arrangements and expenses are the responsibility of the Director, and will be reimbursed after the event in accordance with provisions of this policy.

2. Services Allowed for Reimbursement

Reimbursement of travel and related expenses shall meet the following criteria:

- a. Travel to and from and attendance at conferences and meetings by Directors shall be consistent with the approved budget of the District.
- b. Travel on District business within the States of California and Nevada, as well as travel to Association of California Water Agencies and California Association of Sanitation Agencies conferences in Washington D.C., is pre-approved by adoption of this policy; travel on District business in locations other than California, and Nevada, and Washington D.C. require specific Board approval.

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- c. Expenses incurred in connection with monthly Chamber of Commerce lunch meetings are pre-approved by adoption of this policy. Such meetings provide opportunities to develop positive relationships with the local business community, when participation is determined by the Board to be in the best interest of the District.
- d. Expenses incurred in connection with activities and/or events that are not eligible for compensation under the Day of Service-Director Compensable Activities policy may, with prior Board approval, qualify for reimbursement under this policy. Such events include activities of civic and charitable organizations when participation is determined by the Board to be in the best interest of the District. ~~Expenses incurred in connection with partisan or nonpartisan political activities or events are not eligible for reimbursement.~~

3. Expenses Allowed for Reimbursement

Expenditures of Directors for travel shall be allowed in general accordance with the following criteria:

- a. Registration Fees: A registration or similar fee charged by the organizers of any conference, convention, or meeting.
- b. Lodging: Amounts equivalent to the cost of a standard single occupancy room at the facility at which the conference or meeting is held, or comparable nearby lodging. In instances where conference hotels are filled, the Director should attempt to secure comparable rates at a nearby hotel.
- b. Directors must make reasonable and prudent determinations regarding pre- and post-lodging arrangements for each approved event. Directors must take into consideration the event program schedule, location and travel mode, and other activities related to the Director's duties or purpose at the event.
- c. Transportation:
 - Air Travel: Amounts equivalent to the cost of coach class round-trip airfare from Oakland, San Jose, Sacramento, or San Francisco to an airport reasonably near the destination.
 - Rental Cars: The cost of a mid-size rental car to and from, or at the destination. In the event a rental car must be utilized, the collision waiver must be added to the rental contract to cover any damage that may occur to the rental car.
 - Private Automobiles: Travel to and from the destination using a private automobile ~~is allowable~~ at the IRS mileage rate (travel to and from the District for the purpose of attending Board meetings is not eligible for reimbursement), limited to the cost of a pre-purchased round-trip coach class airfare plus ground transportation that would be incurred for the same trip. When more than one District official travels in the same private automobile, allowance will be made to only the owner or lessor of the vehicle used. No credit for airfare or the avoided cost of a second automobile shall be paid to the

Policy No.: P100-20-1

Policy Title: Director Travel and Expenses

second person. If the General Manager determines that air transportation is not feasible due to work schedules, time involved, or other practical similar reasons, an allowance for the use of a private automobile shall be determined on the basis of the IRS mileage rate and shall not be subject to the limitation specified herein.

- Tolls and Parking: Tolls, parking, and other similar charges ~~are allowable~~; ~~P~~Parking shall be at "non-valet" and "long-term" rates when available.
- Public Transportation / Taxis: Expenses for public transportation or private "for hire" ground transportation at the destination, to and from the destination, and to and from the departure airport.

d. Meals: Actual and reasonable costs of meals while traveling, ~~are allowable~~ up to the average California city per diem rate. Notification of this rate, along with a breakdown by meal, will be forwarded to the Board each December for the upcoming calendar year. Directors shall exercise discretion in the selection of restaurants and when incurring costs for meals. No costs for any alcoholic beverages shall be eligible for reimbursement. The maximum daily reimbursement shall also be reduced by the amount associated with the meals that a Director would normally have taken on his/her personal behalf before departure or after his/her return.

e. Incidental Expenses: Reasonable incidental expenditures related to travel or the conduct of District business in amounts less than \$10 per item ~~are allowable~~ without receipt. These include items such as parking at meters, baggage handling, phone charges, and other similar expenses.

If a receipt is lost, the Director shall so note that on his/her Director Expense Sheet along with a brief explanation and estimate of the expense. In such cases, copies of credit card statements and/or checking account charges that show the date and amount of the charge and the payee are acceptable substitutes. The General Manager, or designee, shall apply reasonable discretion, as supported by the evidence of the situation, and determine the actual amount to be reimbursed.

4. Expenses Not Allowed for Reimbursement

- a. Direct or incremental expenses of family members or guests traveling with a Director, such as the added cost of upgrading a room or a rental car to accommodate a non-District traveling companion.
- b. Expenses unrelated to approved travel or event attendance. Allowable expenses as specified herein are reimbursable only for the time while the conference, business meeting, or other District business activity is occurring, with reasonable allowance for the need to arrive in advance of or depart after a conference or business meeting.
- c. Expenses incurred in connection with partisan or nonpartisan political activities or events are not eligible for reimbursement.

Policy No.: ~~P100-20-1~~**Policy Title:** Director Travel and Expenses

d. Expenses not submitted for reimbursement within 30-days of being incurred.

5. Review and Approval

The principal responsibility for compliance with this policy rests with each Director. The General Manager, or designee, shall review all expenses submitted for reimbursement to determine conformance with this policy prior to approving payment. When necessary, reasonable discretion in approving reimbursements related to unusual circumstances may be exercised that are not in strict accordance with this policy but that were necessary and prudent and were incurred in performance of official duties while furthering the interests of the District. If a Director disagrees with the determination, the Director submitting the

-expenses for reimbursement shall make a request at a Board meeting, not later than 60 days after the day for which reimbursement is requested, to schedule an agenda item to review the determination at a future regular Board meeting. The submittal of an Director Expense Sheet by a Director shall be deemed a representation by that Director that the request, in the exercise of his or her judgment, complies with the terms of this policy, that any required approval of the Board was obtained at a Board meeting in advance of the activity or event, that any required written report has been submitted at the next Board meeting following the activity or event, and that the Director has considered any issues that the General Manager has identified. If the matter is referred to the Board of Directors, the Board shall approve the Director Expense Sheet unless the Board believes it substantially deviates from this policy.

6. Administration

The General Manager, or designee, shall administer this policy and shall institute appropriate accounting and control procedures to ensure the policy is being followed.

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT REVISING THE DIRECTOR TRAVEL AND EXPENSES POLICY AND RESCINDING RESOLUTION NO. 1-20

WHEREAS, on December 6, 2005, the Board revised the policy for the reimbursement of travel and related expenses incurred by Directors while on District business, to conform with two statutes that became effective January 1, 2006: SB 135 (Kehoe), which revised the Community Services District Law, and AB 1234 (Salinas), which required local agencies to adopt a written policy concerning the types of occurrences that qualify a member of a legislative body to receive reimbursement of expenses for travel, meals, and lodging , and impose related requirements, including the filing of expense reports, in order to provide reimbursement for such expenses; and

WHEREAS, on June 16, 2009, the Board adopted a Director Travel and Expenses policy, which was revised during the four-year reviews on February 19, 2013, March 21, 2017, and again on January 7, 2020, to revise the policy to pre-approve travel and other expenses associated with certain events not pre-approved in the Director Compensable Activities policy, but incurred in the performance of official duties, to eliminate the need for the Board to annually pre-approve such events as eligible for reimbursement of travel and other expenses; and

WHEREAS, after recent staff review, the following policy revisions are made to provide further clarity for Directors travelling on District business and to ensure consistency for administrative processing:

- Explains the responsible party(ies) for handling travel arrangements and related expenses.
- Adds clarifying language that travel expenses for ACWA and CASA conference dates in Washington D.C. are pre-approved.
- Adds language regarding hotel bookings, and the reasonable and prudent determination of pre- and post-lodging based on the event program schedule, location and travel mode, and other activities related to the Director's duties or purpose at the event.
- Adds language that a rental car, if one must be utilized, can be used for travel to and from the destination and explains the rental insurance requirements for such use.
- Sets forth a deadline of 30 days after expenses are incurred for an expense report to be submitted for reimbursement(s).
- Makes non-substantive language and formatting corrections.

Res. No. _____

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, that the revised Director Travel and Expenses policy, attached as Exhibit "A," is hereby adopted; and Resolution No. 1-20, attached as Exhibit "B," is hereby rescinded.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 2nd day of August, 2022, and passed by the following vote:

AYES:

NOES:

ABSENT:

Richard M. Halket, President

ATTEST: _____
Nicole Genzale, District Secretary



Policy No.:	Type of Policy: Board Business
Policy Title: Director Travel and Expenses	
Policy Description: Reimbursement of travel and related expenses incurred by Directors in the performance of official duties	
Approval Date: 6/21/2022	Last Review Date: 2022
Approval Resolution No.:	Next Review Date: 2026
Rescinded Resolution No.: 1-20	Rescinded Resolution Date: 1/7/2020

The purpose of this policy of the Board of Directors of Dublin San Ramon Services District is to establish guidelines for reimbursement of travel and related expenses incurred by Directors in the performance of official duties in accordance with Government Code Sections 53232.2 and 53232.3 as specified in Government Code Section 61047, part of the Community Services District Law, and declare that each Director shall exhibit good judgment in the matter of travel and incidental expenses and shall have proper regard for the propriety and economy of conducting District business.

1. General

Directors may receive reimbursement for reasonable and actual travel and/or incidental expenditures of Directors incurred in the performance of official duties and upon timely submittal of a Director Expense Sheet and supporting documentation in conformance with this policy.

At the request of a Director, the General Manager or designee may directly arrange for registration fees and lodging reservations, and pay those directly. All other arrangements and expenses are the responsibility of the Director, and will be reimbursed after the event in accordance with provisions of this policy.

2. Services Allowed for Reimbursement

Reimbursement of travel and related expenses shall meet the following criteria:

- a. Travel to and from and attendance at conferences and meetings by Directors shall be consistent with the approved budget of the District.
- b. Travel on District business within the States of California and Nevada, as well as travel to Association of California Water Agencies and California Association of Sanitation Agencies conferences in Washington D.C., is pre-approved by adoption of this policy; travel on District business in locations other than California, Nevada, and Washington D.C. require specific Board approval.

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- c. Expenses incurred in connection with monthly Chamber of Commerce lunch meetings are pre-approved by adoption of this policy. Such meetings provide opportunities to develop positive relationships with the local business community, when participation is determined by the Board to be in the best interest of the District.
- d. Expenses incurred in connection with activities and/or events that are not eligible for compensation under the Director Compensable Activities policy may, with prior Board approval, qualify for reimbursement under this policy. Such events include activities of civic and charitable organizations when participation is determined by the Board to be in the best interest of the District.

3. Expenses Allowed for Reimbursement

Expenditures of Directors for travel shall be allowed in general accordance with the following criteria:

- a. Registration Fees: A registration or similar fee charged by the organizers of any conference, convention, or meeting.
- b. Lodging: Amounts equivalent to the cost of a standard single occupancy room at the facility at which the conference or meeting is held, or comparable nearby lodging. In instances where conference hotels are filled, the Director should attempt to secure comparable rates at a nearby hotel. Directors must make reasonable and prudent determinations regarding pre- and post-lodging arrangements for each approved event. Directors must take into consideration the event program schedule, location and travel mode, and other activities related to the Director's duties or purpose at the event
- c. Transportation:
 - Air Travel: Amounts equivalent to the cost of coach class round-trip airfare from Oakland, San Jose, Sacramento, or San Francisco to an airport reasonably near the destination.
 - Rental Cars: The cost of a midsize rental car to and from, or at the destination. In the event a rental car must be utilized, the collision waiver must be added to the rental contract to cover any damage that may occur to the rental car.
 - Private Automobiles: Travel to and from the destination using a private automobile at the IRS mileage rate (travel to and from the District for the purpose of attending Board meetings is not eligible for reimbursement), limited to the cost of a pre-purchased round-trip coach class airfare plus ground transportation that would be incurred for the same trip. When more than one District official travels in the same private automobile, allowance will be made to only the owner or lessor of the vehicle used. No credit for airfare or the avoided cost of a second automobile shall be paid to the second person. If the General Manager determines that air transportation is not feasible due to work schedules, time involved, or other practical reasons, an allowance for the use of a private automobile shall be determined on the basis of the IRS mileage rate and shall not be subject to the limitation specified herein.

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Policy Title: Director Travel and Expenses

- Tolls and Parking: Tolls, parking, and other similar charges. Parking shall be at “non-valet” and “long-term” rates when available.
- Public Transportation / Taxis: Expenses for public transportation or private “for hire” ground transportation at the destination, to and from the destination, and to and from the departure airport.

d. Meals: Actual and reasonable costs of meals while traveling, up to the average California city per diem rate. Notification of this rate, along with a breakdown by meal, will be forwarded to the Board each December for the upcoming calendar year. Directors shall exercise discretion in the selection of restaurants and when incurring costs for meals. No costs for any alcoholic beverages shall be eligible for reimbursement. The maximum daily reimbursement shall also be reduced by the amount associated with the meals that a Director would normally have taken on his/her personal behalf before departure or after his/her return.

e. Incidental Expenses: Reasonable incidental expenditures related to travel or the conduct of District business in amounts less than \$10 per item without receipt. These include items such as parking at meters, baggage handling, phone charges, and other similar expenses.

If a receipt is lost, the Director shall so note that on his/her Director Expense Sheet along with a brief explanation and estimate of the expense. In such cases, copies of credit card statements and/or checking account charges that show the date and amount of the charge and the payee are acceptable substitutes. The General Manager, or designee, shall apply reasonable discretion, as supported by the evidence of the situation, and determine the actual amount to be reimbursed.

4. Expenses Not Allowed for Reimbursement

- a. Direct or incremental expenses of family members or guests traveling with a Director, such as the added cost of upgrading a room or a rental car to accommodate a non-District traveling companion.
- b. Expenses unrelated to approved travel or event attendance. Allowable expenses as specified herein are reimbursable only for the time while the conference, business meeting, or other District business activity is occurring, with reasonable allowance for the need to arrive in advance of or depart after a conference or business meeting.
- c. Expenses incurred in connection with partisan or nonpartisan political activities or events.
- d. Expenses not submitted for reimbursement within 30-days of being incurred.

5. Review and Approval

Policy No.:**Policy Title:** Director Travel and Expenses

The principal responsibility for compliance with this policy rests with each Director. The General Manager, or designee, shall review all expenses submitted for reimbursement to determine conformance with this policy prior to approving payment. When necessary, reasonable discretion in approving reimbursements related to unusual circumstances may be exercised that are not in strict accordance with this policy but that were necessary and prudent and were incurred in performance of official duties while furthering the interests of the District. If a Director disagrees with the determination, the Director submitting the expenses for reimbursement shall make a request at a Board meeting, not later than 60 days after the day for which reimbursement is requested, to schedule an agenda item to review the determination at a future regular Board meeting. The submittal of a Director Expense Sheet by a Director shall be deemed a representation by that Director that the request, in the exercise of his or her judgment, complies with the terms of this policy, that any required approval of the Board was obtained at a Board meeting in advance of the activity or event, that any required written report has been submitted at the next Board meeting following the activity or event, and that the Director has considered any issues that the General Manager has identified. If the matter is referred to the Board of Directors, the Board shall approve the Director Expense Sheet unless the Board believes it substantially deviates from this policy.

6. Administration

The General Manager, or designee, shall administer this policy and shall institute appropriate accounting and control procedures to ensure the policy is being followed.

RESOLUTION NO. 1-20RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT REVISING THE DIRECTOR TRAVEL AND EXPENSES POLICY AND RESCINDING RESOLUTION NO. 12-17

WHEREAS, on December 6, 2005, the Board revised the policy for the reimbursement of travel and related expenses incurred by Directors while on District business, to conform with two statutes that became effective January 1, 2006: SB 135 (Kehoe), which revised the Community Services District Law, and AB 1234 (Salinas), which required local agencies to adopt a written policy concerning the types of occurrences that qualify a member of a legislative body to receive reimbursement of expenses for travel, meals, and lodging, and impose related requirements, including the filing of expense reports, in order to provide reimbursement for such expenses; and

WHEREAS, on June 16, 2009, the Board adopted a Director Travel and Expenses policy, which in turn was revised during the four-year reviews on February 19, 2013, and March 21, 2017; and

WHEREAS, on September 3, 2019, the Board revised the Day of Service policy to more clearly classify activities and events as eligible or ineligible for compensation as a day of service consistent with California Government Code Section 61047, part of the Community Services District Law, and to provide pre-approval of the eligible events listed in the policy, thereby discontinuing the need for an annual Board item to pre-approve attendance of meetings and conference; and

WHEREAS, revising the Director Travel and Expenses policy to pre-approve travel and other expenses associated with certain events not pre-approved in the Day of Service policy but incurred in the performance of official duties would eliminate the need for the Board to annually pre-approve such events as eligible for reimbursement of travel and other expenses.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, that the revised Director Travel and Expenses policy, attached as Exhibit "A," is hereby adopted; and Resolution No. 12-17, attached as Exhibit "B," is hereby rescinded.

Res. No. 1-20

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 7th day of January, 2020, and passed by the following vote:

AYES: 5 - Directors Madelyne A. Misheloff, Georgean M. Vonheeder-Leopold, Richard M. Halket, Ann Marie Johnson, Edward R. Duarte

NOES: 0

ABSENT: 0

Ed R Duarte
Edward R. Duarte, President

ATTEST: Nicole Genzale
Nicole Genzale, District Secretary



TITLE: Adopt Revised Guidelines for Conducting District Business Policy and Rescind Resolution No. 38-14, and Rescind Processing Board Correspondence Policy and Resolution No. 1-14

RECOMMENDATION:

Staff recommends the Board of Directors take the following actions by two (2) separate resolutions:

- 1) Adopt the revised Guidelines for Conducting District Business ("Guidelines") policy and rescind Resolution No. 38-14.
- 2) Rescind the Processing Board Correspondence policy and Resolution No. 1-14 due to incorporation of this policy into the proposed Guidelines.

DISCUSSION:

The District's Guidelines for Conducting District Business policy was last revised on July 1, 2014. The purpose of the Guidelines is to establish the methods, means, customs, and practices the Board employs in exercising its authority, complying with various legal requirements, working with the public and District staff, and otherwise conducting the District's business.

The existing Guidelines policy and its attached booklet has been removed and revised substantially to create a current and concise guide to assist DSRSD Directors in the performance of their duties. The proposed Guidelines policy revisions include the following streamlining measures below:

- Incorporates the Board Appointee evaluation processes, nullifying the need for an additional policy
- Incorporates the Processing Board Correspondence policy with revisions providing a simpler, more efficient process, and rescinds the separate policy to reduce future policy review and administrative processing
- Reflects the new Agenda Management process and materials, such as the discontinuance of the Summary and Recommendation form, the new Staff Report form, the Consent Calendar and Minutes approval procedures, and the new order of transacting agenda items
- Updates the explanation of actions the Board can take at Board meetings
- Improves and updates the Brown Act and Rosenberg's Rules of Order section
- Moves the document into the standard policy template, thereby discontinuing a time-consuming project for the Public Affairs Division to update and reproduce the 70-page policy book.
- Reduces the policy document from 70 to 22 pages by revising and/or removing out-of-date, non-policy content, and stripping out unnecessary formatting.

The proposed policy is included for review as Exhibit A to the first resolution. The existing policy can be seen attached to Resolution No. 38-14 as Exhibit B to the first resolution. In accordance with the District's practice of reviewing each of its policies at least every four years, this policy is scheduled for review again in 2026 if the Board adopts a revised policy this year.

Originating Department: Administrative Services	Contact: N. Genzale/C. Atwood	Legal Review: Yes
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input type="checkbox"/> None <input checked="" type="checkbox"/> Resolutions (2) <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)		

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT REVISING THE GUIDELINES FOR CONDUCTING DISTRICT BUSINESS POLICY AND RESCINDING RESOLUTION NO. 38-14

WHEREAS, the Guidelines for Conducting District Business policy (“Guidelines”) was first adopted by resolution of the Board in 2005, and last amended on July 1, 2014, by Resolution No. 38-14; and

WHEREAS, the District Board of Directors had used various methods, means, customs and practices to exercise its authority, comply with various legal requirements, work with the public and District staff, and otherwise conduct the District’s business; and

WHEREAS, the Board of Directors reaffirms its desire that this material be maintained in one document so that current and future Boardmembers may efficiently, effectively, and successfully conduct the District’s business; and

WHEREAS, the Board of Directors desires that the manner in which it conducts the District business be as open and transparent to the public as possible and finds that these Guidelines serve in that purpose; and

WHEREAS, after recent staff review, the following policy revisions are made to reflect changes in District policy and practices since its last update, and to provide further guidance and clarity for current and future Boardmembers performing their duties:

- Incorporates the Board Appointee evaluation processes, nullifying the need to create an additional District policy
- Incorporates the Processing Board Correspondence policy with revisions providing a simpler, more efficient process, and rescinds the separate policy to reduce future Board policy review and administrative processing
- Reflects the new Agenda Management process and materials, such as the discontinuance of the Summary and Recommendation form, the new Staff Report form, the Consent Calendar and Minutes approval procedures, and the new order of transacting agenda items
- Updates the explanation of actions the Board can take at Board meetings
- Improves and updates the Brown Act and Rosenberg’s Rules of Order section
- Moves the document into the standard policy template, thereby discontinuing a time-consuming project for staff to update and reproduce the 70-page policy book attachment

Res. No. _____

- Reduces the policy document from 70 to 22 pages by revising and/or removing out-of-date or non-policy content, and unnecessary formatting.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, that the revised Guidelines for Conducting District Business policy, attached as Exhibit "A," is hereby adopted; and Resolution No. 38-14, attached as Exhibit "B," is hereby rescinded.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 2nd day of August, 2022, and passed by the following vote:

AYES:

NOES:

ABSENT:

Richard M. Halket, President

ATTEST: _____
Nicole Genzale, District Secretary



Policy No.: P100-22-	Type of Policy: Board Business
Policy Title: Guidelines for Conducting District Business	
Policy Description:	Methods, means, customs and practices the Board employs in exercising its authority complying with various legal requirements, working with the public and District staff and otherwise conducting the District's business
Approval Date: 8/2/2022	Last Review Date: 2022
Approval Resolution No.: Click here to enter text.	Next Review Date: 2026
Rescinded Resolution No.: 28-14	Rescinded Resolution Date: 7/1/2014

The purpose of this policy of the Board of Directors of Dublin San Ramon Services District is to establish guidelines for conducting the public's business in accordance with the authority granted and legal requirements set by law, including the Community Services District Law (California Government Code Section 61000 et seq.), the Ralph M. Brown Act (California Government Code Section 54950 et seq.), and the California Public Records Act (California Government Code Section 6250 et seq.).

This policy describes the methods, means, customs, guidelines, and practices to be employed in exercising the Board's authority, complying with various legal requirements, working with the public and District staff, and otherwise conducting the District's business.

The Board is the legislative body that governs the District, sets the District's policies, hires its General Manager, appoints District officers, and is ultimately responsible and accountable to the people of the District. It exercises these powers pursuant to the Community Services District Law.

No individual member of the Board has any individual authority, since only the Board as a whole can exercise authority. Using authority provided in the Community Services District Law or delegated by the Board, the General Manager is responsible for running the day-to-day business of the District and is accountable to the Board.

This policy provides guidelines on the roles, responsibilities, duties, practices and procedures, and authority of the Board and individual Directors

1. Directors Roles and Duties—As a Body and Individuals

- a. **Board of Directors.** The Board of Directors is the legislative body that holds governing authority for the District and its roles and responsibilities are as follows:
 - Determine the mission of the District.

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Policy Title: Guidelines for Conducting District Business

- Appoint and evaluate the General Manager, General Counsel, Treasurer, and District Secretary (appointments and evaluations of the latter two positions are limited to the statutory duties prescribed by law for those offices). Select and appoint the District's independent auditor.
- Approve and ensure the implementation of the District's Strategic Plan and Vision.
- Establish policies, procedures, and regulations (the District Code) for District operations.
- Establish and oversee the District's finances and its budgets, programs, and performance.
- Provide the resources needed by management and staff to carry out District policy.

b. **Individual Directors.** Apart from a Director's normal function as a part of the Board of Directors, each individual Director's roles and responsibilities are as follows:

- Function only as one member of the Board.
- Have no individual authority (other than ceremonial duties of the President and Vice President of the Board as described elsewhere).
- May not commit, nor represent that a Director can commit, the District to any policy, act, or expenditure.

c. **Traits of Effective Directors.** Directors most effectively represent the District when they do the following:

- Represent all constituents of the District, considering the viewpoints of everyone as they conduct the District's business.
- Attend all Board meetings and meetings of Committees to which they are appointed; if a Director cannot attend, the Director should notify the Board President, General Manager, and District Secretary as soon as possible.
- Read Board and Committee agenda packets and prepare for all meetings.
- Consider and set short-term and long-term policy.
- Adhere to the law and policies governing Board conduct.
- Ask the General Manager routine or clarifying questions ahead of the Board or Committee meeting to allow time for staff to prepare helpful answers.
- Ask the General Manager for supplemental information in advance of a Board or Committee meeting to avoid potential Ralph M. Brown Act ("Brown Act") conflicts.
- Remain policy oriented and avoid focusing overly on operational details.
- Let staff administer and manage the District, provided that such actions are consistent with the policies set by the Board.
- Present a positive public face of the District.
- Be inquisitive.
- Clearly communicate their positions and reasoning and do not leave colleagues and staff guessing.
- Manage conflict carefully and use civil discourse.
- Stay focused and efficient, using words carefully and concisely.
- Are creative about solving problems.
- Express optimism and open-mindedness.

Policy No.: P100-22-

Policy Title: Guidelines for Conducting District Business

- Offer respect and consideration to each other, staff, guests from other agencies, and the public.
- Work as a team.
- Be timely with attendance, communications, and reporting.

2. President and Vice President Roles and Duties

The Board of Directors selects officers each December per its Election and Rotation of Board Officers policy.

- a. **Board President.** The President has no additional authority beyond those of any other Director. The following are the roles and responsibilities of the President:
 - Serve as presiding officer at Board meetings that the President attends. If the President's attendance at an in-person Board meeting is via teleconference, logically it is better to allow the Vice President to preside because that Director is physically present at the meeting.
 - Maintain proper conduct of Board meetings:
 - Facilitate effective and efficient meetings, including but not limited to ensuring appropriate opportunities for public participation and managing the time.
 - Keep the Board focused on the discussion at hand and true to its proper role and responsibility.
 - Avoid diversions from the agenda or disruptions in the conduct of District business.
 - Maintain proper and appropriate parliamentary procedure and agenda management (e.g., ensure that actions are taken with proper motions and seconds).
 - Acknowledge and diplomatically facilitate appropriate public participation in the activities of the Board.
 - When necessary and appropriate, call a special Board meeting through the District Secretary.
 - Vote, discuss, and make motions the same as other members of the Board. However, as the Board meeting facilitator, the President will typically refrain from making motions and second motions.
 - As the meeting facilitator, typically, allow other Directors to complete their comments on an item before offering the President's.
 - Keep the meeting discussions focused on properly noticed agenda items and steadfastly move the Board toward making decisions.
 - Sign various Board-approved documents on behalf of the Board.
 - Propose for Board approval, standing and ad-hoc Committees considering the policy and business needs of the District (see subsection c below).
 - Propose the membership of each Committee, including two regular members and one alternate for each Committee, subject to approval by the Board.
 - Act as official head of the District for ceremonial purposes.
- b. **Vice President.** The Vice President performs all duties of the President in the event of the President's absence.

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c. **Guidelines for Establishing Committees.** If so desired, the President will propose a set of standing Board Committees at the start of the term, as well as propose which Directors are to serve on each Committee, per this traditional process:

- At the meeting at which the President is elected, the President asks the Directors to provide input on which Committees they might be interested in serving.
- At the following meeting, the President proposes a set of standing Committees and membership (including alternates) for each Committee.
- The Board considers the President's proposal by Motion.
- The Committee term traditionally begins January 1, or shortly thereafter, as feasible.

3. Appointees of the Board of Directors

The Board appoints five District positions: General Manager, General Counsel, Independent Auditor, District Secretary, and Treasurer.

a. **The Role of General Manager.**

i. **Legal Requirements.** The Community Services District Law defines the General Manager as the highest-level management appointee who is directly responsible to the Board for the implementation of the policies established by the Board (see California Government Code Sections 61002(f), 61040, and 61050 et seq.). The General Manager serves at the pleasure of the Board and the Board sets the compensation of the General Manager (61050(d) and (e)). The General Manager serves as the District's chief executive officer and is responsible for the day-to-day operations and functions of the District. The responsibilities and duties of the General Manager specified by the law are as follows:

- Implement the policies established by the Board for the operation of the District (61051).
- Appoint, supervise, discipline, and dismiss District employees, consistent with the employee relations system established by the Board (61051).
- Supervise the District's facilities and services (61051).
- Supervise the District's finances (61051).
- If authorized by the Board, transfer funds between budget categories, other than transfers from the designated reserve for capital outlay (61111(b)).
- Co-sign promissory notes with the Board President (61131(c)).
- Prepare and file various reports.
- Serve as the District Treasurer (61050(c)), though traditionally, the Board has appointed a District Treasurer different than the General Manager.

ii. **Contractual Requirements.** The terms and conditions of the General Manager's employment are expressed in a contract with the District. That contract provides that the incumbent shall perform all duties and assume all obligations of the office of

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General Manager described in the job classification for the position of General Manager and shall be subject to all pertinent provisions of the ordinances, resolutions, rules, regulations, and all other lawful orders and directives of the District or the Board. The contract requires that all duties and obligations be performed in an efficient and professional manner and in conformance with the standard generally prevailing for the performance of the duties and obligations pertaining to the office of similar managerial positions of public or private entities, including but not limited to community services districts.

iii. **Job Classification.** The job classification for the position of General Manager is approved by the Board and specifies the required minimum qualifications (experience and training), knowledge, skills, and abilities as well as the duties of the position. Typically, the Board approves an updated job description by resolution.

iv. **Practices Based on Good Governance.** The role of the General Manager is also defined by the relationship between the position and the Board. In its simplest form, the relationship is defined as the Board setting policies for the District or providing policy-level guidance to the General Manager, and the General Manager being responsible for implementing those policies. The General Manager is responsible for the performance of the District within policy criteria established by the Board and is accountable to the Board for all aspects of District operation. As such, the Board views all organizational successes and/or failures as those of the General Manager.

The Board's sole connection to the operational aspects of the District is through the General Manager. Decisions or instructions of individual Directors or Committees are not binding on the General Manager, who can only take direction from the Board. The Board can only give direction to the General Manager and not to other District managers or staff. The General Manager is available to all Directors to discuss District issues and strategies. The General Manager is the clearinghouse for all informational requests originating from Directors.

v. **Performance Evaluation for the General Manager.** The Board of Directors shall complete a performance evaluation at least once each calendar year for the General Manager. The performance evaluation shall be conducted in closed session. The District's General Counsel (or Special Counsel when directed by the Board) will facilitate the preparation of a formal written performance evaluation, as directed by the Board of Directors. At a minimum, the performance evaluation shall assess the General Manager's performance in the following areas:

- Goals established by the Board for the most recent 12-month review period
- Strategic planning
- Board facilitation and communication
- Interagency partnerships
- Representing the District outside the organization

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- Financial management
- Operations management
- Organizational leadership or change
- Staff development and continuity planning
- Employee relations
- Other areas as the Board deems appropriate

b. **The Roles of General Counsel and Special Counsel.** The primary obligation of both General Counsel and Special Counsel (hereafter referred to as Legal Counsel) is to provide all the legal options available, including advantages and disadvantages of each, and to advise of legal risks. The public official receiving that advice has the right to make policy decisions, based on the legal options provided and legal risk entailed.

- i. **General Counsel.** The Community Services District Law provides that a District may engage professional services, including legal counsel (California Government Code Section 61060(g)). The Board appoints the General Counsel. The General Counsel serves as the primary legal advisor, is responsible for day-to-day legal questions and provides ongoing legal advice and opinions regarding the long-term interests of the District. The General Counsel is expected to provide high-quality, trustworthy, and responsive legal counsel in a professional manner to assist in accomplishing the District's goals and objectives. When necessary, the General Counsel may represent the District in litigation matters and before administrative agencies, and in some instances manage Special Counsel appointed for a particular matter. The General Counsel should seek to practice preventative law in an effort to help the District recognize and manage risks in a timely and effective manner. Preventative law can limit the expenditure of District resources to defend legal actions, reduce the frequency and severity of disputes, and help the District maintain a positive image in the community.
- ii. **Special Counsel.** The District may, at the District's sole discretion and without approval or consultation with General Counsel, hire outside Special Counsel. However, the District may, but is not required to, seek General Counsel's assistance in determining whether to utilize outside Special Counsel or in the selection process. The retention of Special Counsel may be necessary based on any number of factors, including the need for highly specialized knowledge, the provision of a defense by an insurer, or should a conflict of interest arise with the General Counsel on a particular matter. Unless prevented by a conflict of interest, General Counsel should facilitate and cooperate in the retention of Special Counsel services to ensure the District receives accurate and cost-efficient legal advice and services.
- iii. **The District as the Client.** While the general practice of the District is for the Board to delegate day-to-day management authority to the General Manager, it is important to remember that Legal Counsel to the District represents the entity rather than any

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natural person (i.e., legal counsel is not the attorney for any individual director, District employee, or officer). The client in such a representation is the entity itself as embodied in the “highest authorized officer, employee, body or constituent overseeing the particular engagement” (California Rules of Professional Conduct, Rule 3-600(A)). In the case of the District, the highest authorized authority is generally the Board of Directors. The Board may delegate this authority to the General Manager by action of the Board duly taken. The most common points of contact for Legal Counsel are the General Manager, the District’s senior management, and to a lesser extent other District employees and individual Directors.

- iv. **Hiring and Termination.** General Counsel and Special Counsel are hired by and may only be terminated by the Board unless those actions have been delegated to the General Manager by duly taken action of the Board.
- v. **Performance Evaluation for the District General Counsel.** The Board of Directors will complete a formal performance evaluation at least once every 24 months, typically near the end of an even-numbered fiscal year. The General Manager may facilitate the drafting of a written performance evaluation, as directed by the Board of Directors.

c. **The Role of Independent Auditor.** The Board selects and appoints an independent auditor to support the Board and District by performing certain duties and responsibilities such as conducting an annual audit of the District’s financial statements in accordance with Governmental Accounting Standards and to provide comments or recommendations resulting from the auditor’s review of systems of internal controls in connection with the financial audit.

d. **The Roles of District Secretary and Treasurer.** The Board appoints a District Secretary and a Treasurer to support the Board and District by performing certain duties and responsibilities established by law for said positions.

- i. **Performance Evaluations for the District Secretary and Treasurer.** Historically, the Board of Directors has appointed regular full-time employees of the District to serve as the District Secretary and Treasurer. When these offices are held by full-time employees of the District, the Board of Directors delegates to the General Manager or designee the responsibility for completing an annual performance evaluation for the individuals, as part of the individuals’ regular performance evaluation in the individuals’ regular full-time positions with the District. If these offices are held by individuals who are not regular full-time employees of the District, the Board of Directors will complete formal performance evaluations and may be assisted.

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4. Working with District Staff

The following guidelines will enable a Director to quickly and efficiently get needed information without disrupting District business operations:

- Always start with the General Manager to obtain an answer or get the right person involved in the discussion, as needed.
- If the General Manager is unreachable, contact the Assistant General Manager.
- If neither the General Manager nor the Assistant General Manager is available, contact one of the senior managers (department heads).
- The District Secretary can help at any time with administrative matters (e.g., meeting scheduling, timesheets and expense reports, requirements such as Fair Political Practices Commission forms, and certain travel arrangements).
- The District's human resources staff can help at any time with issues dealing with a Director's personnel benefits or issues of a similar personal nature.
- Contact the General Counsel with legal concerns regarding Brown Act compliance, conflicts of interest, or should any non-performance related complaints regarding the General Manager be raised by an employee or member of the public.

Given the work environment and the General Manager's expectation that each senior manager (and employee) is responsible to complete assigned work, it is important that management has the ability to adjust staff's priorities.

When discussing a matter with staff, please keep in mind the following principles:

- Do not make assignments. It is quite easy for staff to interpret a simple question or comment from a Director as direction to drop current assignments and undertake some project, research, or investigation, creating the risk that important priorities and assignments are not completed on time or that the District does not fulfill commitments made to others.
- Take any information as work in progress and be cautious with the use of information. What is heard from a staff member may not be what the General Manager ultimately recommends. Very often, there are differences of opinion among staff as an issue is vetted prior to being presented to the Board. In addition, the General Manager's opinion given at an early point in a project may change as more information becomes known and before the matter is formally presented to the Board. Finally, keep in mind that it is hard for some staff members to say, "I don't know," when talking to a Director.
- Request information judiciously. The District is a public agency and therefore very little information, other than personal data about employees or customers, cannot be disclosed to Directors. However, take care not to overwhelm the General Manager and staff with requests for information.
- Let the General Manager know if disappointed by any response. Since the Board evaluates the General Manager on the performance of the whole staff, inform the General Manager when expectations are not met.

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5. Board and Committee Meetings General Procedures

- a. **Ralph M. Brown Act.** The District's Board and Committee meetings are open to the public and, with limited exceptions, are subject to the provisions of state law called the Ralph M. Brown Act (hereafter referred to as the "Brown Act"), also known as the Open Meeting Law (California Government Code Section 54950 et seq.). The Brown Act guarantees the public's right of access and participation in meetings of legislative bodies. Its provisions establish requirements for conducting public meetings, public noticing, public documents, communications, public participation, allowable discussions, meeting recordings, closed sessions, emergencies, exceptions, and other procedures. With limited exceptions, all Board meetings must be publicly noticed in advance of the meeting to inform the public about the business of the District and to provide an opportunity for public participation. Typically, printed agendas must be posted at least 72 hours before regular meetings. The Board is prohibited from discussing or taking action on matters not on the official agenda.

The Brown Act prohibits Directors from discussing District business with other Directors outside Board or Committee meetings. The normal definition of a meeting is the congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body. However, it is possible to hear, discuss, deliberate, or develop a consensus among a majority of the Board without a majority of members being physically present at the same time and place. Effective in 2009, the Legislature amended the Brown Act to state that "a majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, direct 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" (California Government Code Section 54952.2(b)(1)).

The Brown Act does not impose an absolute prohibition on all discussion outside meetings that may involve a majority of Directors. This additional clarification took effect in 2009: "Paragraph (1) shall not be construed as preventing an employee or official of a local agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter 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" (California Government Code Section 54952.2(b)(2)).

- b. **Rosenberg's Rules.** The District's Board and Committee meetings are conducted following the general guidelines of Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century (see Appendix A, League of California Cities, 2011). These guidelines can be especially helpful when the Board is discussing controversial issues.

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6. Types of Board Meetings

There are four types of Board meetings: regular, special, adjourned, and emergency.

- a. **Regular Board Meetings.** Most District business is conducted at regular Board meetings. The dates, times, and locations of regular Board meetings are established by resolution of the Board. The agenda for regular Board meetings must be posted in a public place at least 72 hours prior to the meeting.
- b. **Special Board Meetings.** Occasionally, special Board meetings are held for the purpose of discussing a special topic, for a workshop, or if it is necessary to hold a meeting at a time or date other than the regular Board meeting. Special Board meetings may be called at any time by the Board President, a majority of the Board, or the General Manager. They may be held at a time and place desired by the Board but generally must be convened within the District's service area. Written notice must be given to Directors, the media, and the public 24 hours in advance of a special Board meeting. The agenda for a special Board meeting must be posted in a public place at least 24 hours prior to the meeting.
- c. **Adjourned Board Meetings.** After any regular or special Board meeting has been called to order, it may be adjourned by the Board to another date, time, and place if the business of that meeting has not been completed or if the Board's deliberations would benefit from continuing the meeting at another time or in another location. Also, if less than a quorum is present, the Directors who are present (or, if none are present, the District Secretary) can adjourn the meeting to another date, time, and place.
- d. **Emergency Board Meetings.** The Board may hold an emergency Board meeting when prompt action is necessary due to the disruption or threatened disruption of public facilities. There are two levels of emergency. An emergency is a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the Board. A meeting to deal with such a situation may be called on one hour's notice to the newspapers and media outlets that have requested notice of meetings. A dire emergency is a crippling disaster, mass destruction, terrorist act, or threatened terrorist act that poses peril so immediate and significant that advance notice to media is not required; notice may be at or near the time Directors are notified.
- e. **Board Meetings Outside District Service Area.** Regular or special meetings of the Board may be held at a District-owned facility outside the District's service area provided that the topics of the meeting are limited to items directly related to that facility. There are other limited times when a Board meeting may be held outside the District's boundaries (examples include but are not limited to multi-agency meetings, meetings with Legal Counsel, or meetings to inspect real property). General Counsel should be consulted for the particular requirements related to these and other limited exceptions.

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7. Types of Committee Meetings and Committee Communication

The District has two types of Board Committees, deliberative and liaison. Both are subject to the Brown Act. Although composed of only two members (less than a quorum), the Committees are subject to the notice and open meeting provisions of the Brown Act, as they have a continuing subject matter jurisdiction. Committee assignments are typically recommended by an incoming Board President each year and confirmed by the Board.

- a. **Deliberative Committees.** A deliberative Committee is one with a particular subject matter jurisdiction. The Board establishes the Committee's mission or scope of responsibility. The Committee makes recommendations to the Board upon matters within its scope. A deliberative Committee may deliberate and recommend changes in District policy or direction but may not create or change policy or direction.
- b. **Liaison Committees.** Liaison Committees enable the Board to receive information from other agencies and to convey the Board's policy positions to those agencies. Unless specifically charged by the Board with doing so, liaison Committees do not deliberate or recommend changes to District policy.
- c. **Communications from Committees.** To reduce the risk of communications that could result in impermissible deliberation or consensus building, there are ground rules for communicating between different Committees (or their respective members) through either the Board or the General Manager. Committee meetings will have pre-published agendas and formal procedures such as full Board meetings.

8. Board and Committee Meeting Discussions—Open Session Versus Closed Session

Board and Committee meetings can have open session as well as closed session topics for discussion.

- a. **Open Session Discussions.** The Board and its committees transact the vast majority of the public's business in open session. Open sessions are those portions of the Board or Committee meetings that are open to the public and at which the public can address the Board or Committee and comment on any item of business being considered or on any matter within the District's mission.
- b. **Closed Session Discussions.** In general, the Brown Act directs the District to conduct all of its business in public. However, the Board and its Committees may also meet in closed session under a series of carefully defined exceptions to the Brown Act. Closed sessions are used when the public's interest could be adversely affected if the Board's or Committee's discussion took place in public.

Matters discussed in closed session are strictly confidential. Disclosure of information from a closed session may prejudicially impact District interests and can result in the possible

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censure by the Board of a Director who breaches the confidentiality requirement. Willful violations are classified as misdemeanors under the law and can be prosecuted by the District Attorney or result in the issuance of an injunction against such conduct by a court. To protect the confidentiality of information presented in closed session, staff will collect all written material distributed during the session at the end of the session. Closed sessions are used to give direction to District negotiators for:

- Labor contracts with District employees
- Acquisition or disposal of real property
- Conferring with Legal Counsel regarding claims, threats of litigation, initiation of litigation, or discussing actual litigation in which the District is involved
- Evaluating the performance of a public employee
- Dealing with the hiring, dismissal, or discipline of a public employee
- Dealing with certain security matters

9. Joint Exercise of Powers Authorities

A Joint Exercise of Powers Authority (JPA) is an independent decision-making governmental agency.

a. Communicating at JPA Meetings.

- At meetings of a JPA Board, a District Director serves as a JPA Director, a role that is different from the role at a Liaison Committee meeting.
- When serving on a JPA Board, the California Attorney General has opined, and the Joint Powers Act suggests, that a Director has independent discretion apart from the agency Board to which the Director was elected. In other words, a JPA Director owes primary duty to the JPA when acting in that capacity. However, since a District Director serves on a JPA Board at the pleasure of the District Board, the District Board can terminate the Director's appointment to the JPA at its sole discretion and without a showing of cause for the termination of that appointment.
- Subject to the points above, if the District Board has discussed a matter and arrived at a decision, the JPA representatives should advocate and vote as decided by the District Board, unless the JPA representative voting on the matter believes this to create a conflict between the respective duties to the JPA and the District.
- Should there be such a conflict around a specific issue, either between the best interest of the JPA versus the best interest of the District or between the majority District position and the representative's individual view, prior consultation with the General Manager and/or General Counsel is advised.
- The Board President considers the individual views of a Director when suggesting appointments to JPA positions to avoid potentially awkward situations. If the representative Director knows there is a serious personal conflict, the Director can ask to be replaced by the alternate for those meetings dealing with the issues of concern.
- Matters discussed in a closed session of the JPA are subject to the same confidentiality obligations as a District closed session. However, there are certain exceptions and exemptions to this general rule. Specific concerns over what may be discussed with the

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District Board and under what circumstances should be addressed with the General Counsel.

10. Placing an Item on the Board Agenda

- a. **Items Originating from the General Manager.** Many items on the agenda originate with the General Manager and District staff. The following types of items are typical:
 - Matters on which policy direction from the Board is required.
 - Items with overarching policy implications (e.g., labor negotiations, budgeting, strategic planning).
 - Actions required by law (e.g., consolidation of District elections, amendment of the Conflict of Interest Code).
 - Intermediate actions in the overall implementation of a Board-approved project or program (e.g., awarding construction contracts, considering an environmental review document).
 - Discretionary decisions for which authority has not been delegated to the General Manager.
 - Informational items to keep the Board current on a matter or to allow the Board to discuss the implications of continuing on a previously agreed course of action.
 - Items with critical timing.
 - Proclamations honoring special events or individuals.
- b. **Items Originating from or of Interest to a Director.** A Director may ask that a new item be placed on a future committee or Board agenda during the Boardmember items portion of a Board meeting. The item will be placed on a future agenda with the consent of the Board, or a formal majority vote, if appropriate under the circumstances. In such cases, the advance notice requirements of the Brown Act only allow the Board to decide to place such a matter on a future agenda for action or discussion; the matter cannot be discussed at the meeting at which it was first mentioned.
- c. **Items Originating from the Public.** During the public comment portion of a Board or Committee meeting, members of the public may ask to have an item placed on a future Board or Committee agenda. If the Board or Committee desires to have the item placed on a future agenda, it will direct the General Manager to do so through a properly seconded and approved motion. The Board or Committee may not discuss the matter brought up by the public at the same meeting at which it is first mentioned.

11. Board Meeting Agenda Procedures and Practices

The Board meeting agenda is an informational, decision-making, and management tool. It presents the issues under consideration and provides a brief general description of actions the Board will consider taking. The agenda is accompanied by a packet of supporting materials designed to aid decision-making by presenting, in sufficient factual detail, the issues and options which are to be used in the decision-making

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process. Typically, each item presented to the Board includes recommendations for specific actions. The agenda of each Board meeting includes the elements described below.

- a. **Call to Order.** The President of the Board shall strike the gavel and begin the Board meeting. In the absence of the President, the Vice President shall call the meeting to order. In the absence of both the President and Vice President, but with the presence of a quorum, the District Secretary shall call the meeting to order and as the first item of business facilitate the Board to decide by motion which Director will chair the meeting. If the motion is made, seconded, and passed (requires a 3-0 vote) the Director so named presides over the meeting. If no such motion is passed, the District Secretary will administratively facilitate the meeting by calling for agenda items; the District Secretary shall not make motions or seconds, vote on any item, nor participate in any policy-level deliberations or discussions at the meeting.
- b. **Pledge to the Flag.** The person calling the meeting to order shall lead the Directors, staff, and public in the pledge of allegiance to the flag of the United States of America.
- c. **Roll Call, Determining and Maintaining a Quorum.** The District Secretary calls the roll of the Directors and records the names of those present and those absent in the minutes of the meeting. If a Director enters the meeting late or departs early, these times also are recorded in the minutes. If a quorum of the Board (three Directors) is not present, no further proceedings or discussions may occur and the District Secretary announces that the meeting is adjourned for lack of a quorum.

The Board must maintain a quorum throughout the meeting in order to conduct business. However, the meeting may be adjourned with less than a quorum by those Directors who are present; if no Directors are present, the District Secretary shall adjourn the meeting.

- d. **Special Announcements and Activities.** During this section of the meeting, the General Manager or staff members designated by the General Manager address the Board with matters such as introducing a new District employee, acknowledging or giving a special award, or recognizing an event, local students, or dignitaries.
- e. **Public Comment.** At every Board meeting, members of the public are allowed to address the Board on any item of interest within the subject matter jurisdiction of the Board that is not already included on the posted agenda. The Board President asks anyone desiring to make public comments to fill out a speaker card with their name and address so that the minutes accurately reflect the speaker's identity and affiliation, and so that the District can contact the speaker if necessary. Members of the public may decline to provide a speaker card and shall be allowed to address the Board. The President calls speakers to the lectern to address the Board. Public comments are limited, as noted on the agenda, to five minutes per speaker, or as otherwise determined by the presiding officer of the meeting. Directors may ask clarifying questions but cannot take any action on, discuss, or debate the matters presented during the public comment period. As noted previously, members of the public

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also may make a request to have an item placed on a future agenda.

- f. **Agenda Management.** At this point in the meeting, a Director or the General Manager has an opportunity to propose rearranging the order of items on the agenda. The Board President will rearrange agenda items if the need should arise. For example, a closed session may be moved to an earlier time in a meeting, or a Board business item may be moved ahead of another item due to some unusual circumstance or if audience members are present for a particular agenda item. During recorded Board meetings, the Board President should announce that the Board meeting will continue while the Board is in closed session but the recording may terminate (if the closed session is held at the end of the meeting) and advise where possible that closed session business should be transacted at the end of the meeting after all open session items have been handled, or alternatively, transacted as a special Board meeting called to order appropriately in advance of the start of the regular Board meeting.
- g. **Consent Calendar.** Matters listed under the consent calendar are considered routine and generally are acted upon by a single, consolidated motion. Directors normally do not discuss consent calendar matters. If the Board has simple clarifying questions about one or more items, these may be asked and answered by staff before approval of the consent calendar. However, it may be appropriate to remove an item and discuss that item separately. This typically happens in the following situations:
 - If a Director has a concern about an item and wishes to discuss it at length. Any such request by a Director is automatically granted. When a Director wishes to remove an item for discussion, it is helpful if the Director contacts the General Manager before the Board meeting to explain the concern. This enables staff to provide information that might be needed to further the Board's discussion.
 - If the General Manager requests that the President remove an item from the consent calendar so staff can clarify for the record inaccuracies in the written material provided to the Board, to present new information that came to staff's attention subsequent to the preparation of the agenda, or for other similar administrative reasons. Any such request by the General Manager is granted unless a majority of the Board objects.

Once any item is removed from the consent calendar, the remaining items are considered and approved by a single, consolidated motion. The removed items are then discussed and considered individually. If there are any speakers from the public who wish to speak on one or more items from the consent calendar, these comments shall be heard by the Board prior to approval of the consent calendar.

- h. **Approval of Minutes.** At each regular Board meeting, the Board receives draft summary minutes of recent regular and special Board meetings. The Board considers and approves each set of minutes by motion. Typically, the minutes are considered on the consent calendar, however, the Directors may suggest revisions. The Board then considers and may approve the proposed revision(s) as part of the motion to approve the consent calendar, or

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they may take a separate action if the change being requested is complex or contentious. Directors may, but are not required to, vote on minutes of meetings they have not attended, based on their reading and consideration of the written minutes as drafted. Nevertheless, it is common practice for a Director to abstain from voting on minutes from a meeting that they did not attend. The Board has the sole discretion to approve the contents and the format of the minutes.

- i. **Board Business.** Board business is the section of the agenda where the Board considers and decides the more complex or significant matters of the District's business or conducts formal public hearings when required to do so by an applicable law or regulation. Some items require an action by the Board; others are informational. In some cases, the Board will discuss a matter without making a decision and refer the matter back to staff for further development.
- j. **Reports and Boardmember Items.** During this section of the meeting, Directors are invited to comment on their District-related activities, including JPA and Committee meetings attended. Summaries of recent JPA meetings and Committee meetings are provided to the Directors via verbal updates at Board meetings. A Director not representing the JPA or Committee may ask clarifying questions about matters discussed but must be cautious about discussing the matter until or unless it is a properly noticed Board agenda item. Once presented to the Board, the deliberative Committee minutes are considered to be final; the JPA and Committee minutes are approved at the next Board or Committee meeting. The minutes are posted on the District's website upon finalization or approval.

Additionally, Directors may request future agenda items for Board discussion. At the direction of the President, and with the concurrence of at least two other Directors, any new item that requires Board consideration will be calendared on a future Board agenda for further discussion by the Board. The Board may only discuss a new item for the following purposes: to allow understanding of what is being proposed or to enable District staff to understand the issue being raised.

- k. **Staff Reports.** The General Manager, General Counsel, or, at the General Manager's direction, District staff verbally report on upcoming events and meetings of interest or importance to the Board, recent occurrences, formal Board correspondence, and informational matters that may have significance to the District.

Any formal Board correspondence (addressed to or copied to the Board or an individual Director), not already announced during a particular agenda item, is verbally reported to inform the public what has been received and transmitted to the Board. Directors are encouraged to make a similar report if they have received formal correspondence that has not been sent to staff. Correspondence reported under this item (as well as all material first made available on any agenda item at the Board meeting) is maintained by the District in accordance with the Brown Act.

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- I. **Closed Sessions.** Closed sessions are typically scheduled at the end of the meeting and legally allow the Board to discuss certain confidential or sensitive District-related matters.
- m. **Reports from Closed Sessions.** Upon returning to open session, the Board President will, as required by law, announce any reportable action taken in closed session as recommended by Legal Counsel.
- n. **Adjournment.** The Board President will adjourn the meeting and announce the time of adjournment for the record. The meeting may be adjourned if there is less than a quorum present by action of those Directors who remain in attendance; if no Directors are present, the District Secretary may adjourn the meeting. Occasionally, meetings are adjourned in memory of a staff member or Boardmember of the District.

12. Practices for Transacting Board Business Agenda Items

- a. **Introducing an Item.** The Board President announces each agenda item, referencing the item number and the recommended Board action.
- b. **Staff Presentation.** The General Manager, or assigned staff member, summarizes the item being considered, including background, pertinent facts and details, analyses conducted by staff, and presents options available for the Board's consideration. On occasion, a consultant may assist staff in presenting an agenda item. The staff recommendation is included as part of the presentation.
- c. **Public Comment.** The Board President then opens the agenda item to the public for comment. The public must have an opportunity to comment on every agenda item. Sometimes this is done very formally through a public hearing. Other times, the President simply asks the audience if there are any comments. The President will ask speakers to fill out a speaker card, however, it is optional. If it is obvious that no potential speakers are present, there is no need to formally call for public comment. In the event the District has received written correspondence from the public on the matter after the publication of the agenda, that written correspondence will be presented to the Board at this time.
- d. **Discussion.** Directors ask questions of the presenter and discuss the subject matter after the staff presentation. Questions and comments are to clarify the matter and the recommendation. A formal motion should not be made until after all Directors have asked their questions and made any comments, and until after any public comments have been heard.
- e. **Motion and Second.** After public comment, a Director may make a motion regarding the action to be taken on the item. The motion must be seconded before additional discussion, debate, or deliberation on the matter is permitted. A motion fails if it does not receive a second.

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- f. **Further Discussion.** After a motion is properly made and seconded, the Board may hold additional discussion of the item in an attempt to reach a decision. During this time the Board may ask staff or the public additional questions or seek the advice of the General Manager and/or General Counsel. As deliberation by the Board ensues, the motion may be amended or withdrawn, or a substitute motion offered. These actions must follow the procedures adopted by the Board as noted in Rosenberg's Rules of Order in Appendix A.
- g. **Decision.** When the Board President senses that discussion has run its course, or when a motion to call the question is properly made and seconded, the President calls for a vote on the motion on the floor. After hearing the results, the President announces the vote. Voting may be by voice or roll call, at the President's option for in-person meetings. By law, a roll call vote must be taken when one or more Directors attend via teleconference.
- h. **Majority Vote Required.** A majority vote of the Board is required for any action to be taken by the Board (i.e., there must be a minimum of three affirmative votes) regardless of how many Directors are present. This is a legal requirement. In certain instances, a supermajority vote (a vote that requires more than three votes for passage) of the Board is required (e.g., to adopt a resolution of necessity to condemn real property or to add an emergency item to an agenda). In those cases, the General Counsel will provide guidance.
- i. **Actions Taken by the Board.** The Board of Directors approves items in the following ways:
 - i. **Motion.** The Board uses a motion to submit a matter for action. A motion can be a parliamentary tool used by a Director (plus another Director who seconds the motion) to place a matter before the entire Board for its consideration. A motion also can be a legislative action used to authorize or approve action on simple matters that are routine in nature, such as providing direction to staff, communicating a District position, approving a task order, increasing a purchase order amount, or approving a proclamation. The minutes of the Board meeting prepared by the District Secretary document the Board's determination on these matters. A motion is always used to place a recommendation before the Board to approve a resolution or adopt an ordinance. If clarification on direction to staff is necessary, the General Manager may request the Board provide a formal motion.
 - ii. **Resolution.** A resolution constitutes a more formal written expression of the will of the Board as the District's legislative body. Resolutions represent an official Board action and/or position taken on a particular issue that is considered to be more temporary in nature than an ordinance but for which a separate permanent record is needed or desired. Resolutions preserve the history of the action taken in a separate official instrument in addition to documentation in the Board's minutes. Resolutions become effective immediately and remain in effect until rescinded, cancelled, expired, or superseded by the Board acting by means of a new resolution or ordinance. Resolutions typically are used to adopt or rescind policies, approve certain

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agreements, adopt pay schedules, approve memoranda of understanding with bargaining groups, and establish or amend job classifications. Resolutions can be used to establish or modify the rates and charges the District imposes for receiving services from the District. Resolutions related to rates and charges may require a public hearing be conducted. Given the nuances of the law in this area, the General Counsel should always be consulted to determine the proper instrument for approving rates and charges.

- iii. **Ordinance.** An ordinance is the most formal form of action that can be taken by the Board. Ordinances are used to establish the local laws that are within the District's power to enact and are applicable throughout the District. Ordinances may apply only to matters not covered by federal or state law. An ordinance is also the authorizing instrument to change the District Code, which is a compilation of the rules and regulations of the District. State law requires that some ordinances be published or posted prior to or following adoption. In some cases, a public hearing is required. An ordinance generally becomes effective 30 days after adoption unless it expressly provides otherwise or is adopted as an emergency ordinance. Ordinances remain in full force and effect until repealed, modified, or superseded by the Board in another ordinance, or by action of the voters through initiative or referendum. Everyone at the District, including the Board, is bound by the requirements of an ordinance. Ordinances are the law of the District and must be enforced by staff, who have no discretion to act otherwise. Only the Board itself may waive, modify, or suspend an ordinance by the enactment of a subsequent ordinance.

13. Board Meeting Preparation and Information

District staff prepares a detailed agenda packet summarizing the business to be transacted at a Board meeting and makes it available to the Directors and the public on the District's website. Materials for the closed session portion of the agenda, if any, are not made available to the public. For regular meetings, agenda packets are published no later than Saturday of the week preceding the meeting because the Board meets on Tuesdays and the law requires 72 hours advance posting of the agenda for the public. Directors prepare for Board meetings by studying the Board agenda packet that includes various information for any given item, as described below. If a Director has questions about the information in the packet, they should contact the General Manager, or appropriate senior manager (department head), for clarification or further explanation.

- a. **Staff Report.** The staff report explains an item. Each item to be considered by the Board (including matters on the consent calendar as well as those listed as Board business) will have a staff report. It includes the following information:
 - i. **Title of Item.** The title is a brief description of the item. The title on the agenda matches the title on the staff report, and the wording must comply with Brown Act requirements to provide a brief general description of the item. The title determines

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the nature of the actions the Board is allowed to take or the information that the Board may receive.

- ii. **Recommendation.** The staff recommendation for action is presented at the top of the staff report. The recommendation is phrased in such a way so that a Director may read or make specific reference to the recommendation when making a motion.
- iii. **Summary.** This is a short, general summary of the action being considered by the Board. Additional details are provided, if necessary, in subsequent sections or other supporting documents.
- iv. **Background.** The background section provides a more detailed and thorough review of a matter's history when warranted.
- v. **Discussion.** The discussion section provides a deeper understanding of the matter and often includes illustrations and detailed financial information.
- vi. **Legal Review.** When staff has received Legal Counsel's review and/or opinion related to an item, the staff report notes that fact.
- vii. **Financial Review.** When the Financial Services Manager or designee has reviewed an item's financial aspects, the staff report notes that fact.
- viii. **Costs and Funding Source.** The cost (known or estimated) associated with a recommended action is noted, along with its funding source. The staff report only notes the cost of the item being presented to the Board for decision.
- ix. **Action Document.** The recommended action document (resolution or ordinance) typically follows the attachments to the staff report. Agreements may or may not be included as an attachment depending on the nature and scope of the agreement under consideration.
- x. **Reports.** Reports (or their executive summaries) may be attached to the staff report if they are needed for the Board to consider and deliberate.

14. Use of Electronic Devices During Meetings

- a. **Access to Agenda Materials.** All Board and Committee agendas are posted at the District Office, as well as on the District's website (www.dsrsd.com). Board meeting and Committee meeting minutes are posted on the website, as are any video recordings of District Board meetings. Directors can download agenda materials for Board and Committee meetings from the website, saving the District the cost of printing and delivery. Directors should notify staff if they wish to receive paper agenda materials.

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b. **Appropriate Use of Electronic Devices in Public Meetings.** The appropriate use of electronic devices by Directors can save money and increase the productivity of District staff. However, barring a personal emergency or similarly urgent situation, Directors should not use such devices for any sort of communication (emailing, texting, checking voicemails, etc.) while a public meeting is in progress. Doing so carries risks, including the following:

- The integrity of the open meeting can be questioned by anyone concerned that a Director is communicating with someone not present at the meeting, an audience member, or even a fellow Director or staff, about an agenda item in a manner that is not available to all present at the meeting.
- A violation of the Brown Act may be alleged if a Director is communicating electronically about an agenda item during a public meeting.
- If there is a Brown Act violation, the actions that the Board took related to that violation can be invalidated.

15. Best Practices for Effective Board Communications

a. **General Guidelines.**

- Make no promises for the Board or the District.
- Confer with the General Manager when in doubt – staff is always available to advise you on how best to proceed.
- Maintain neutrality when required by not discussing nor commenting upon matters that are quasi-judicial in nature – such as, but not limited to, administrative hearings on personnel matters or environmental impact reports – until the entire record is presented to the full Board, it is imperative that a Director maintain an open mind on such matters until after all information has been entered into the public record and presented to the full Board.

b. **Communicating with the Public.** A Director can always communicate with District constituents. When doing so, please keep the following in mind:

- Inform the General Manager as soon as possible about concerns you hear from your constituents. Many times the concern can be handled administratively or is already a work in progress.
- Do not make personal commitments or promises for the District because only the Board can commit the District to an action or policy.
- Understand that very often there is a fair amount of background to an issue and you may have heard only one perspective.

c. **Communication with Other Agencies.** A Director can attend meetings of other public agencies. When doing so, please keep the following in mind:

- You are encouraged to introduce yourself so everyone knows you are present.
- If you are speaking for the District at another agency's public meeting, always clearly state that what you are saying has been approved by the Board and do not deviate from the message and/or position.

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- Be clear when the Board has no position on an issue.
- Be positive and cooperative in comments and attitudes about people and other agencies (particularly in public).
- Communicate in a way that builds positive relationships and goodwill.
- Remain positive in outlook, comments, and tone, particularly in public.
- Work on building and improving positive relationships.
- Learn about and understand the interests and needs of the other agencies.
- Informal interactions help build connections better than formal interactions.
- Whatever happens, model good behavior, keep communications professional and civil, and always show others the same respect you hope to receive in return.

d. **Speaking as a Private Individual.** It is acceptable to speak as an individual on issues not related to District business, but make it clear that your remarks are solely your own.

- If you speak as a private citizen at a public gathering, clearly state that you are doing so.
- Keep in mind that even when you say you are speaking as a private individual many in your audience nevertheless hear your comments in light of your position as a District Director.
- Apply common sense.
- Avoid personal statements that might be interpreted as District policy.

e. **Communicating with the Media.** If you choose to talk with the media, the following practices can help you present your thoughts effectively:

- Do not use the phrase, "No comment," as this phrase has been stigmatized and may be interpreted negatively.
- Feel free to refer media inquiries to the General Manager or confer with the General Manager prior to speaking with the media to ensure that you are fully briefed on the facts associated with the topic at hand.
- Feel free to use and ask staff to prepare talking points so as to convey a consistent message about District actions.
- If you communicate with the media before you vote on a matter, you can inadvertently become a party to a serial meeting in conflict with the Brown Act if the media were to poll other Directors and share with them your predisposition on a matter.
- Assistance should be sought from the General Manager and/or Legal Counsel prior to responding to any request for comment regarding any claim or matters that are in litigation or likely to result in litigation.

16. Handling Formal Board Correspondence—Received and Sent

Formal Board correspondence items received by the District that are policy-related in nature addressed to the Board, a Board Committee, or an individual Boardmember shall be reviewed and processed by the District Secretary according to procedures set forth by the General Manager. Items received by the District that are of a non-policy nature, including correspondence such as meeting/event invitations,

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announcements, newsletters, advertising, general correspondence, or other items of a similar nature, would not be processed as formal correspondence.

Formal Board correspondence sent by the District shall be on District letterhead and must be approved by the Board at a noticed meeting and shall be signed by the Board President. Individual Directors may not initiate formal correspondence on District letterhead without prior Board authorization. If a Director desires to send formal correspondence (on District letterhead or otherwise implying the official position of the District), the correspondence shall be furnished to District staff in draft form for inclusion in the next Board agenda. The Vice President, or other Directors, may also sign in the absence of both the President and the Vice President when requested to do so by the General Manager, designee, and/or District Secretary. In an urgent situation when no Director is available or willing to sign such correspondence, the General Manager, designee, and/or District Secretary are authorized and directed to sign the correspondence "on behalf of the Board of Directors." The General Manager will prepare correspondence for a Director's signature needed to conduct routine District business, or for non-routine business when directed by the Board.

Individual Directors may send informal correspondence in whatever form they desire (letters not on District letterhead, email, texts, postings etc.) without approval of the Board. All communications to and from a Director related to District business should be considered to be a public record (even those originating from personal email) and subject to disclosure under the California Public Records Act (CPRA). Electronic communications are potentially discoverable if legal proceedings are involved; they are often retained by and can be retrieved from electronic devices, software programs, and/or the companies that provide such services, even if deleted from display.

When a Director receives communications related to District business, consider:

- Using the response as an opportunity to open a subsequent verbal communication with the constituent; and
- Referring the matter to the General Manager for assistance in preparing a response (with suggestions for what might be included in the response).
- Refer to and rely on District policies to address the concerns raised.
- Use care when using "Reply All" and features that automatically fill in email addresses when emailing or posting on discussion boards, social media messages, and social networking sites. Any of these can lead to inadvertent serial Board meetings that are prohibited by the Brown Act.
- Provide a copy of the correspondence to the General Manager or the District Secretary, for appropriate retention and handling procedures developed by the General Manager.

Directors are encouraged to maintain all correspondence they send or receive in conformance with the District's Records Retention Schedules policy. Directors shall cooperate with the District in the District's efforts to comply with the requirements of the CPRA.

Correspondence in any form whatsoever between a Director and staff and/or Legal Counsel is not subject to the above policy.



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes *Western City* magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

- 1. Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
- 2. Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
- 3. Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
- 4. Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



1400 K Street, Sacramento, CA 95814
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RESOLUTION NO. 38-14

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT REVISING GUIDELINES FOR CONDUCTING DISTRICT BUSINESS POLICY AND RESCINDING RESOLUTION NO. 61-09

WHEREAS, the District Board of Directors has used various methods, means, customs and practices to exercise its authority, comply with various legal requirements, work with the public and District staff, and otherwise conduct the District's business; and

WHEREAS, many of these methods, means, customs and practices have been unwritten or when written have been found in various places, including Board minutes, memorandums from staff or legal counsel, or administrative procedures; and

WHEREAS, the Board of Directors reaffirms its desire that this material be maintained in one document so that current and future Boardmembers may efficiently, effectively, and successfully conduct the District's business; and

WHEREAS, the Board of Directors desires that the manner in which it conducts the District business be as open and transparent to the public as possible and finds that these Guidelines serve in that purpose; and

WHEREAS, these Guidelines were first adopted by resolution of the Board in 2005 and last amended in 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the counties of Alameda and Contra Costa, California, hereby:

1. Adopts the revised policy, attached hereto as Exhibit "A", titled "Guidelines for Conducting District Business"; and
2. Rescinds Resolution No. 61-09, attached hereto as Exhibit "B", that adopted the current version of the "Guidelines for Conducting District Business"; and
3. Authorizes the General Manager to make non-substantive editorial changes to the "Guidelines for Conducting District Business" as that document is finalized for publication; and
4. Authorizes and directs the General Manager to publish these "Guidelines for Conducting District Business" and make them available to all Directors and to post them on the District's internet website so the public may readily access them; and
5. Authorizes and directs the General Manager to immediately conform the administration of other District policies to the operative provisions of the "Guidelines for

Res. No. 38-14

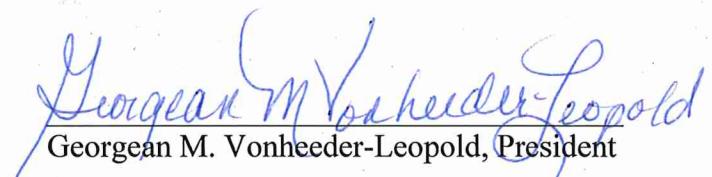
Conducting District Business" and to propose formal revisions to those policies that are in conflict with the "Guidelines for Conducting District Business."

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, counties of Alameda and Contra Costa, at its regular meeting held on the 1st day of July 2014, and passed by the following vote:

AYES: 5 - Directors Richard M. Halket, Dawn L. Benson, D.L.(Pat) Howard, Edward R. Duarte, Georgean M. Vonheeder-Leopold

NOES: 0

ABSENT: 0



Georgean M. Vonheeder-Leopold
Georgean M. Vonheeder-Leopold, President

ATTEST: Nancy G. Hatfield
Nancy G. Hatfield, District Secretary



POLICY

Dublin San Ramon Services District

Policy No.:	P100-14-3		Type of Policy:	Board Business
Policy Title:	Guidelines for Conducting District Business			
Policy Description:	The methods, means, customs and practices the Board employs in exercising its authority complying with various legal requirements, working with the public and District staff and otherwise conducting the District's business.			
Approval Date:	July 1, 2014	Last Review Date:	2014	
Approval Resolution No.:	38-14	Next Review Date:	2018	
Rescinded Resolution No.:	61-09	Rescinded Resolution Date:	Nov 17, 2009	

It is the policy of the Board of Directors of Dublin San Ramon Services District:

To conduct the public's business in accordance with the Guidelines which describe the methods, means, customs and practices to be employed in exercising the Board's authority, complying with various legal requirements, working with the public and District staff, and otherwise conducting the District's business.

The Guidelines for conducting District business are attached hereto and made a part hereof as if written in full in this policy.

BOARD GUIDELINES



Dublin San Ramon
Services District
Water, wastewater, recycled water

Guidelines
for Conducting
Dublin San Ramon
Services District
Business

The purpose of these guidelines is to provide directors with information that will assist them in carrying out their duties and responsibilities as elected public officials of the Dublin San Ramon Services District, and assist the public in understanding how the district's Board of directors conducts its business.

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These *Guidelines for Conducting Board Business* (hereafter, “Guidelines”) describe the methods, means, customs, and practices that the board of directors (hereafter referred to as the “board”) employs in exercising its authority, complying with various legal requirements, working with the public and Dublin San Ramon Services District (hereafter referred to as the “district”) staff, and otherwise conducting the district’s business.

The board is the legislative body that governs the district, sets the district’s policies, hires its general manager, appoints district officers, and is ultimately responsible and accountable to the people of the district. It exercises these powers pursuant to the Community Services District Law (*California Government Code*, section 61000 et seq.).

No individual member of the board has any individual authority, since only the board as a whole can exercise authority. Using authority provided in the Community Services District Law or delegated by the board, the general manager is responsible for running the day-to-day business of the district and is accountable to the board.

The roles, responsibilities, duties, and authority of the board and individual directors are explained more fully in the various sections of these Guidelines.

CHAPTER

2

Director Roles and Duties

A successful director clearly understands the role of the board of directors as a whole, as well as his or her role as an individual director.

DIRECTOR ROLES AND DUTIES – AS A BODY AND INDIVIDUALS

Board of Directors

The board of directors is the legislative body that holds governing authority for the district and its roles and responsibilities are as follows:

- Establish policies, procedures, and regulations for district operations.
- Establish and oversee the district's finances and its budgets, programs, and performance.
- Provide the resources needed by management and staff to carry out district policy.
- Determine the mission of the district.
- Approve and ensure the implementation of the district's strategic plan and vision.
- Appoint and evaluate the general manager, general counsel, treasurer, and district secretary (appointments and evaluations of the latter two positions are limited to the statutory duties prescribed by law for those offices).

Individual Directors

Apart from his/her normal function as a part of the board of directors, each individual director's roles and responsibilities are as follows:
Function only as one member of the board.

- Have no individual authority (other than ceremonial duties of the president and vice president of the board as described elsewhere).
- May not commit, nor represent that they can commit, the district to any policy, act, or expenditure.
- Support decisions made by the board.

Traits of Effective Directors

Directors most effectively represent the district when they do the following:

- Represent all constituents of the district, considering the viewpoints of everyone as they conduct the district's business.
- Attend all board meetings and meetings of committees to which they are appointed; if a director cannot attend, he/she should follow the process outlined in *Chapter 6—Preparation for Committee Meetings* and notify the board president (or the other committee member for committee meetings) and the general manager as soon as possible.
- Are decisive, making and accepting a decision and moving on.
- Consider and set short-term and long-term policy.
- Support district policy, once decided.
- Ask the general manager routine or clarifying questions ahead of the board or committee meeting to avoid surprises and allow time for staff to prepare helpful answers.
- Ask the general manager for supplemental information in advance of a board or committee meeting to avoid potential Brown Act conflicts.
- Let staff administer and manage the district, provided that such actions are consistent with the policies set by the board.
- Read board and committee agenda packets and prepare for all meetings.
- Are a positive public face of the district.
- Are inquisitive.
- Are courageous about difficult decisions.
- Clearly communicate their positions and reasoning and do not leave colleagues and staff guessing.
- Think big picture.
- Manage conflict carefully and use civil discourse.
- Stay focused and efficient, using words carefully and concisely.
- Are creative about solving problems.
- Express optimism and open-mindedness.
- Offer respect and consideration to each other, staff, guests from other agencies, and the public.
- Work as a team.
- Are timely with attendance and communications.
- Remain policy oriented and avoid focusing overly on operational details.

Generally, at the first board meeting in December, the board of directors selects directors for the offices of board president and vice president. District policy is that these positions rotate among members of the board. The board has adopted a separate policy regarding the annual election and rotation of board officers.

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PRESIDENT AND VICE PRESIDENT ROLES AND DUTIES

Board President

The president has no additional powers beyond those of any other director. The following are the roles and responsibilities of the board president:

- Serve as presiding officer at board meetings that the president attends (if the president's attendance is via teleconference logically it is better to allow the vice president to preside because that director is physically present at the board meeting).
- Maintain proper conduct of board meetings:
 - Run effective and efficient meetings, including but not limited to ensuring appropriate opportunities for public participation and managing the time.
 - Keep the board focused on the discussion at hand and true to its proper role and responsibility.
 - Avoid diversions from the agenda or disruptions in the conduct of district business.
 - Maintain proper and appropriate parliamentary procedure and agenda management (e.g. ensure that actions are taken with proper motions and seconds).
 - Acknowledge and diplomatically facilitate appropriate public participation in the activities of the board.
 - When necessary and appropriate, call a special board meeting.
- Vote, discuss, and make motions the same as other members of the board; however, the president will only rarely make motions and second motions.
- Allow other directors to complete their comments on an item before offering his/her own.
- Keep the meeting discussions focused on properly noticed agenda items and steadfastly move the board toward making decisions.
- Sign various board-approved documents on behalf of the board.

- Propose for board approval standing and ad-hoc committees considering the policy and business needs of the district (see guidelines below).
- Propose the membership of each committee, including two regular members and one alternate for each committee, subject to approval by the board.
- Act as official head of the district for ceremonial purposes.
- Serve as the primary interface for the board with the members of the media—though other directors may be contacted by the press and may also discuss matters with them (when contacted by the media, a director should inform the general manager).

Vice President

The vice president performs all duties of the president in the event of the president's absence.

GUIDELINES FOR ESTABLISHING COMMITTEES

Process

5

If the president so desires, the president will propose a set of standing board committees at the start of his/her term as well as propose which directors are to serve on each committee. The traditional process for doing so is as follows:

1. At the meeting at which the president is elected, the president asks the directors to let them know on which committees they might be interested in serving.
2. At the following meeting, generally using the criteria below, the board president proposes a set of standing committees and membership (including alternates) for each committee.
3. The board considers the president's proposal by Motion.
4. The committee term traditionally begins January 1.
5. Once established, staff will work with each committee to identify a schedule for standing committee meetings.
6. At the first meeting of each committee, that committee will develop a charter with the following elements:

- Meeting time and place.
- Committee Mission (staff will work with each committee to ensure there is no overlap in Missions between or among committees).
- Goals for the year.

7. In early February, the charters from each committee are presented for the board's consideration by motion.

Criteria for Committee Assignment

There are no rules for assigning directors to committees. In past years, board presidents have used the following criteria as they develop their recommended committee assignments:

Continuity

- Exposure to all areas of the district's business
- Area of director Interest
- Developing working relationships among board members

GENERAL MANAGER'S ROLE

Legal Requirements

The Community Services District Law, the enabling statute under which the district was organized and now operates, defines the general manager as the highest level management appointee who is directly responsible to the board for the implementation of the policies established by the board (see *Government Code*, sections 61002(f), 61040, and 61050 et seq.). The general manager serves as the district's chief executive officer and is responsible for the day-to-day operations and functions of the district.

The powers and duties of the general manager specified by the law are as follows (*Government Code* section numbers are shown in parentheses):

- Implement the policies established by the board for the operation of the district (61051).
- Appoint, supervise, discipline, and dismiss district employees, consistent with the employee relations system established by the board (61051).
- Supervise the district's facilities and services (61051)
- Supervise the district's finances (61051).
- If authorized by the board, transfer funds between budget categories, other than transfers from the designated reserve for capital outlay (61111(b)).
- Co-sign promissory notes with the board president (61131(c)).
- Prepare and file various reports.

The general manager may not be a member of the board (61040(e)) but may serve as the district treasurer (61050(c)). Traditionally, the board has appointed a district treasurer different than the general manager. The Community Services District Law specifies that the general manager serves at the pleasure of the board and that the board sets the compensation of the general manager (61050(d) and (e)).

Appointed by the board, the general manager is a full-time district employee who serves under contract and at the pleasure of the board. The role of the general manager is defined in several ways: by law, by contract, through an adopted job classification, and by district practice based on principles of good governance.

Contractual Requirements

The terms and conditions of the general manager's employment are expressed in a contract with the District. That contract provides that the incumbent shall perform all duties and assume all obligations of the office of general manager described in the job classification for the position of general manager, and shall be subject to all pertinent provisions of the ordinances, resolutions, rules, regulations, and all other lawful orders and directives of the district or the board. The contract requires that all duties and obligations be performed in an efficient and professional manner and in conformance with the standard generally prevailing for the performance of the duties and obligations pertaining to the office of similar managerial positions of public or private entities, including but not limited to community services districts.

Job Classification

The job classification for the position of general manager is approved by the board and specifies the required minimum qualifications (experience and training), knowledge, skills, and abilities as well as the duties of the position. The duties specified in that job description are as follows:

- Serve as the chief executive officer of the district.
- Be in charge of the administrative affairs of the district.
- Be in charge of the engineering functions of the district.
- Represent the board's policies and programs with employees, customers, community organizations, governmental agencies, and the general public.
- Review budget requests and make recommendations to the board for expenditure levels.
- Be responsible for personnel matters including employee relations, employment procedures, grievances, affirmative action, and negotiations with employment representatives.
- Serve as district engineer overseeing the preparation of engineering designs, reviewing submittals, conferring with developers, preparing engineering standards and specifications, and reviewing and modifying construction standards and specifications.

- Provide advice and consultation on the development of district programs and policies.
- Coordinate the preparation of the agenda for board meetings.
- Conduct special studies and surveys to determine the effectiveness of district programs and services.
- Prepare grant applications.
- Prepare leases and agreements with other agencies.

The general manager delegates many of these duties to other district managers and staff. In doing so, the general manager remains accountable to the board.

Practices Based on Good Governance

The role of the general manager is also defined by the relationship between the position and the board. In its simplest form, the relationship is defined as the board setting policy for the district or providing policy-level guidance to the general manager, and the general manager being responsible for implementing those policies. The general manager is responsible for the performance of the district within policy criteria established by the board and is accountable to the board for all aspects of district operation. As such, the board views all organizational successes and/or failures as those of the general manager.

The board's sole connection to the operational aspects of the district is through the general manager. Decisions or instructions of individual directors or committees are not binding on the general manager, who can only take direction from the board. The board can only give direction to the general manager and not to other district managers or staff. The general manager is available to all directors to discuss district issues and strategies. The general manager is the clearinghouse for all informational requests originating from directors.

The board establishes the general manager's annual performance plan and typically evaluates the performance of the general manager on an annual basis, but can do so more frequently if the situation warrants. Traditionally, the board also conducts an informal mid-year performance discussion with the general manager.

Appointed by and serving at the will of the board, the general counsel is an attorney whose law firm serves under contract to and at the pleasure of the board. The role of the general counsel is defined in several ways: by law, by contract, and by district practice based on principles of good governance. Special counsel from other law firms may be hired to assist under certain circumstances.

**CHAPTER
5**

The Role of General Counsel and Special Counsel

THE ROLE OF LEGAL COUNSEL

The primary obligation of both general counsel and special counsel is to provide all the legal options available, including advantages and disadvantages of each, and to advise of legal risks. (When the term *legal counsel* is used throughout this document, it shall mean both general counsel as well as special counsel). The public official receiving that advice has the right to make policy decisions, based on the legal options provided and legal risk entailed.

General Counsel

The Community Services District Law provides that a district may engage professional services, including legal counsel (*Government Code*, 61060(g)). The district board of directors appoints the general counsel. The general counsel serves as the primary legal advisor, is responsible for day-to-day legal questions, and provides ongoing legal advice and opinions regarding the long-term interests of the district. The general counsel is expected to provide high-quality, trustworthy, and responsive legal counsel in a professional manner to assist in accomplishing the district's goals and objectives. When necessary, the general counsel represents the district in litigation matters and before administrative agencies, and in some instances manages special counsel appointed for a particular matter. The general counsel should seek to practice preventative law in an effort to help the district recognize and manage risks in a timely and effective manner. Preventative law can limit the expenditure of district resources to defend legal actions, reduce the frequency and severity of disputes, and help the district maintain a positive image in the community.

Special Counsel

The district may, at the district's sole discretion and without approval or consultation with general counsel, hire outside special counsel. However, the district may, but is not required to, seek general counsel's assistance in determining whether to utilize outside special counsel or in the selection

process. The retention of special counsel may be necessary based on any number of factors, including the need for highly specialized knowledge, the provision of a defense by an insurer, or should a conflict of interest arise with the general counsel on a particular matter. Unless prevented by a conflict of interest, general counsel should facilitate and cooperate in the retention of special counsel services to ensure the district receives accurate and cost-efficient legal advice and services

The District as the Client

While the general practice of the district is for the board to delegate day-to-day management authority to the general manager, it is important to remember that legal counsel to the district represents the entity rather than any natural person (i.e., legal counsel is not the attorney for any individual director, district employee, or officer). The client in such a representation is the entity itself as embodied in the “highest authorized officer, employee, body or constituent overseeing the particular engagement” (*California Rules of Professional Conduct*, Rule 3-600(A)). In the case of the district, the highest authorized authority is generally the board of directors. The board may delegate this authority to the general manager by action of the board duly taken. The most common points of contact for legal counsel are the general manager, the district’s senior management, and to a lesser extent other district employees and individual directors.

During the course of representation, the legal counsel may become aware of information that indicates that the interests of a district official or employee may not be aligned with the interests of the district. Should such situations arise, legal counsel’s duty of loyalty and confidentiality is owed to the district and not the individual. In such a situation, the individual’s communications with the legal counsel are not confidential and cannot be withheld from others with authority over the matter at issue, whether the general manager or the board of directors.

Hiring and Termination

General counsel and special counsel are hired by and may only be terminated by the board unless those actions have been delegated to the general manager by duly taken action of the board.

Regular Performance Evaluations

The board, with the assistance of the general manager, establishes the general counsel's annual performance plan and typically evaluates performance on an annual basis.

SPECIAL ETHICAL CONSIDERATIONS FOR PUBLIC LAWYERS

In California, lawyers are regulated by both the legislature and the California Supreme Court, under Rules of Professional Conduct promulgated by the California State Bar board of Governors and approved by the court (see, generally, the *State Bar Act* and *California Business & Professions Code*, section 6000 et seq.). Public agency attorneys are also subject to the laws and rules contained in the Political Reform Act and *Government Code*, section 1090. Statutes may also impose a duty on public agency attorneys that they owe directly to the public. Further, the courts have enunciated the principle that lawyers for public agencies have special ethical obligations to further justice—i.e., these lawyers are held to a higher standard than other attorneys.

For example, under *California Rules of Professional Conduct*, Rule 3-600(B), an entity's lawyer who becomes aware of the conduct of an entity's agent which may be or is a violation of law that is "reasonably imputable to the organization" or that "is likely to result in substantial injury to the organization," may take the matter to the "highest internal authority within the organization." No confidential information may be disclosed beyond the organization, unless it is to prevent a criminal act that the attorney reasonably believes is likely to result in death of, or substantial bodily harm to, an individual, but only after the attorney has exhausted all options to convince the client not to commit the criminal act.

PROTECTING ATTORNEY-CLIENT PRIVILEGE, ATTORNEY WORK-PRODUCT DOCTRINE AND MAINTAINING THE CONFIDENTIALITY OF COMMUNICATIONS WITH COUNSEL

Protecting both the attorney-client privilege and the attorney work-product doctrine, and maintaining confidentiality of communications between the district and legal counsel, are vital to ensuring the district's ability to confide freely in its attorneys.

Attorney-Client Privilege

The district, acting through legal counsel, may claim the attorney-client privilege (see, generally, *California Evidence Code*, section 954). However, the privilege only protects communications and only extends to information given for the purpose of obtaining legal representation. Core information is not necessarily protected and the information will not be privileged simply because it has been told or provided to the general counsel. The privilege may be waived if the confidential communications are disclosed to third parties.

Whenever a director communicates in writing with staff on a matter that involves a legal matter, appropriate legal counsel should be copied on that correspondence.

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Attorney Work-Product Doctrine

The Attorney Work-Product Doctrine protects the work of the attorney and includes the legal theories and strategies of legal counsel. Attorney work-product may be found in interviews, statements, memoranda, correspondence, briefs, mental impressions, personal beliefs, and countless other forms. The attorney work-product doctrine is broader than the attorney-client privilege in that it protects materials prepared by the attorney, whether or not disclosed to the client, and materials prepared by third parties for the attorney (see *Laguna Beach County Water District v. Sup. Ct. (Woodhouse)* (2004) 124 Cal.App.4th 1453 and *California Code of Civil Procedure*, section 2018).

Whenever a director receives a work-product from an attorney, that work-product must not be transmitted to any third party. The director shall also take great care in managing that document, keeping it only as long as needed and destroying or returning copies to the district or legal counsel.

Confidentiality of Communications

The duty of confidentiality is broader than the attorney-client evidentiary privilege and the attorney-client work-product doctrine. Legal counsel's duty of confidentiality runs to the district itself, including the board of directors as a whole, rather than to an individual board member, district official, or employee (see, generally, *California Business & Professions Code*, section 6068). When an individual board member receives advice from legal counsel, that advice is provided to the director in his/her official capacity and the advice is subject to disclosure to the entire board.

Information and advice provided to the board of directors or legal counsel during a closed session is generally confidential and may also be privileged. It is important to note that a board member may inadvertently waive the attorney-client privilege by discussing closed session matters with third parties. Directors and others present at a closed session should take care to prevent unauthorized disclosure of confidential information. There is a particular risk of a breach of confidentiality when a director maintains material distributed in a closed session in personal files.

WORKING WITH DISTRICT STAFF

The district's success in efficiently accomplishing its mission is partly due to the direct and regular access staff has to directors. This helps in that decisions are made in real time, with minimal re-work. However, even with the real-time communication that occurs at committee and board meetings, there are times when a director needs additional information from staff. The following guidelines will enable a director to quickly and efficiently get needed information without disrupting staff's routine work.

- Always start with the general manager, as he/she can obtain an answer or get the right person involved in the discussion, as needed.
- If the general manager is unreachable, contact the Assistant general manager.
- If neither the general manager nor the Assistant general manager is available, contact one of the senior managers.
- The district secretary can help you at any time with administrative matters (e.g. scheduling, expense reports, requirements such as Fair Political Practices Commission forms, and travel arrangements).
- The district's human resources staff can help a director at any time with issues dealing with a director's personnel benefits or issues of a similar personal nature.

Given the workload that staff faces and the general manager's expectation that each senior manager (and employee) is responsible to complete assigned work, it is important that management has the ability to adjust staff's priorities and not be surprised.

When discussing a matter with staff, please keep in mind the following principles.

The district offers directors a great degree of access to staff. If not handled properly, such access can lead to micro-management and political criticism. Micro-management by the board also leads to morale issues and undermines the authority of the general manager and senior staff.

- **Don't make assignments.** It is quite easy for staff to interpret a simple question or comment from a director as direction to drop current assignments and undertake some project, research, or investigation, creating the risk that important priorities and assignments are not completed on time or that the district does not fulfill commitments made to others (very often customers).
- **Take any information as work in progress.** Be cautious with the use of information. What is heard from a staff member may not be what the general manager ultimately recommends. Very often, there are differences of opinion among staff as an issue is vetted prior to being presented to the board. In addition, the general manager's opinion given at an early point in a project may change as more information becomes known and before the matter is formally presented to the board. Finally, keep in mind that it is hard for some staff members to say, "I don't know," when talking to a director.
- **Request information judiciously.** The district is a public agency and therefore very little information, other than personal data about employees or customers, cannot be disclosed to directors. However, take care not to overwhelm the general manager and staff with requests for information.
- **Let the general manager know if disappointed by any response.** Since the board judges the general manager on the performance of the whole staff, inform the general manager when improvement is needed.

**BROWN ACT AND ROSENBERG'S RULES**

The district's board meetings are conducted following the general guidelines of *Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century*, (League of California Cities, 2003, Appendix A). These Guidelines can be especially helpful when the board is discussing controversial issues.

TYPES OF BOARD MEETINGS

There are four types of board meetings: regular, special, adjourned, and emergency.

Regular Board Meetings

Most district business is conducted at regular board meetings. The dates, times, and locations of regular board meetings are established by resolution of the board. Currently, regular board meetings are held the first and third Tuesday of each month, beginning at 6:00 p.m., in the district boardroom located at 7051 Dublin Boulevard, Dublin, California. The agenda for regular board meetings must be posted in a public place at least 72 hours prior to the meeting.

Special Board Meetings

Occasionally, special board meetings are held for the purpose of discussing a special topic, for a workshop, or if it is necessary to hold a meeting at a time or date other than the regular board meeting. Special board meetings may be called at any time by the board president or a majority of the board. They may be held at a time and place desired by the board but generally must be convened within the district's service area. Written notice must be given to directors, the media, and the public 24 hours in advance of a special board meeting. The agenda for a special board meeting must be posted in a public place at least 24 hours prior to the meeting.

All board meetings are open to the public and are subject to the provisions of state law called the *Ralph M. Brown Act* (hereafter referred to as the "Brown Act"), also known as the Open Meeting Law (*California Government Code*, section 54950 et seq.). With limited exceptions, all board meetings must be publicly noticed in advance of the meeting to inform the public about the business of the district and to provide an opportunity for public participation.

Adjourned Board Meetings

After any regular or special board meeting has been called to order, it may be adjourned by the board to another date, time, and place if the business of that meeting has not been completed or if the board's deliberations would benefit from continuing the meeting at another time or in another location. Also, if less than a quorum is present, the directors who are present (or, if none are present, the board secretary) can adjourn the meeting to another date, time, and place.

Emergency Board Meetings

The board may hold an emergency board meeting when prompt action is necessary due to the disruption or threatened disruption of public facilities. There are two levels of emergency. An *emergency* is a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the board. A meeting to deal with such a situation may be called on one hour's notice to the newspapers and media outlets that have requested notice of meetings. A *dire emergency* is a crippling disaster, mass destruction, terrorist act, or threatened terrorist act that poses peril so immediate and significant that advance notice to media is not required. Newspapers and media outlets that have requested notice of meetings may be notified of the emergency meeting at or near the time directors are notified.

Board Meetings Outside District Service Area

Regular or special meetings of the board may be held at a district-owned facility outside the district's service area provided that the topics of the meeting are limited to items directly related to that facility. There are other limited times when a board meeting may be held outside the district boundaries (examples include but are not limited to multi-agency meetings, meetings with legal counsel, or meetings to inspect real property). General counsel should be consulted for the particular requirements related to these and other limited exceptions.

TYPES OF COMMITTEES AND COMMITTEE COMMUNICATION

Deliberative Committees

A deliberative committee is one with a particular subject matter jurisdiction. The board establishes the committee's charter. The committee makes recommendations to the board upon matters within its scope. Currently, the External Affairs, Finance, Personnel, Water, and Wastewater Committees are deliberative committees. A deliberative committee may deliberate and recommend changes in district policy or direction but may not create or change policy or direction. Although they have commonly been called technical committees, a more precise description is deliberative committees because they permissibly perform some of the deliberative functions of the board, enabling the board to better focus on the policy questions raised by the particular matter.

Liaison Committees

Liaison committees enable the board to receive information from other agencies and to convey the board's policy positions to those agencies. There are two types of liaison committees: *traditional liaison committees* (e.g., board committees that meet with a subset of the members of the legislative bodies of the City of Dublin, City of San Ramon, and Zone 7 Water Agency), and *de facto liaison committees* that represent the district on the board of the joint powers authorities (JPAs) with which the district is involved (e.g., DERWA and LAVWMA). Unless specifically charged by the board with doing so, liaison committees do not deliberate or recommend changes to district policy.

Communications from Committees

To reduce the risk of communications that could result in impermissible deliberation or consensus building, there are ground rules for communicating between different committees (or their respective members) through either the board or the general manager. (Note: the board may only provide new policy direction to district staff or management via the general manager.)

Currently, the District has two types of Board committees, deliberative and liaison. Both are subject to the Brown Act. Although composed of only two members (less than a quorum), the committees are subject to the notice and open meeting provisions of the Brown Act, as they have a continuing subject matter jurisdiction.

The Brown Act prohibits directors from conducting district business outside board or committee meetings. The normal definition of a meeting is the congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body. However, it is possible to develop a consensus among a majority of the board without a majority of members being physically present at the same time and place. Effective in 2009, the Legislature amended the Brown Act to state that “a majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, direct 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” (*Government Code*, section 54952.2(b)(1)). The Brown Act does not impose an absolute prohibition on all discussion outside meetings that may involve a majority of directors. This additional clarification took effect in 2009: “Paragraph (1) shall not be construed as preventing an employee or official of a local agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter 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” (*Government Code*, section 54952.2(b)(2)).

There are three basic ways to comply with the Brown Act while employing committees to address matters that do not fall within the jurisdiction of any of the current deliberative committees. Each alternative employs a different strategy to guard against improper deliberations or the development of a collective consensus in violation of the Brown Act. This does not diminish the importance of following the procedures regarding communication between committees discussed below.

- The first alternative is to ensure that no two committees consider the same policy matters. This is the reason for developing a mission statement within the charter of each committee.

- The second alternative entails creating a new committee specific to a major topic of importance as a separate deliberative committee and carving out the subject matter of the new committee from the existing deliberative committees. This approach avoids the same issue being addressed serially in more than one deliberative committee, so that a majority of directors would not have deliberated on the same topic except at a board meeting. While this approach could sidestep many Brown Act issues, there may be practical difficulties in actually carrying it out, given possible interrelationships of the subject matter of a new committee with the traditional committees.
- The third alternative is to have a given subject handled in its entirety by the board and thereby avoid any separate committee deliberations. This has been the district's past practice for certain labor negotiations and broad policy-level issues (such as the district's position on groundwater injection).

OPEN VERSUS CLOSED SESSION DISCUSSIONS

Board and committee meetings can have open as well as closed session topics for discussion.

Open Session Discussions

The board and its committees transact the vast majority of the public's business in open session. Open sessions are those portions of the board or committee meetings that are open to the public and at which the public can address the board or committee and comment on any item of business being considered or on any matter within the board's subject matter jurisdiction or the committee's charter that is not on the agenda.

Directors should remember that any form of communication between or among committees has the potential to result in impermissible deliberation or consensus building outside noticed board meetings. The most reliable way to avoid improper communication is to transmit information between committees only through the board or through the general manager. Deliberative committees must avoid deliberating on the same subjects. It is the responsibility of the general manager to identify when this is happening, or could happen, and to take action.

Matters discussed in closed session are strictly confidential. Disclosure of information from a closed session may prejudicially impact district interests and can result in the possible censure by the board of a director who breaches the confidentiality requirement, or the issuance of an injunction against such conduct by a court.

To protect the confidentiality of information presented in closed session, staff will collect all written material distributed during the session at the end of the session.

Closed Session Discussions

In general, the Brown Act directs the district to conduct all of its business in public. However, the board and its committees may also meet in closed session under a series of carefully defined exceptions to the Brown Act. Closed sessions are used when the public's interest could be adversely affected if the board's or committee's discussion took place in public. Closed sessions are used to give direction to district negotiators for labor contracts with district employees and for the acquisition or disposal of real property. The board and its committees may also meet in closed session to confer with general counsel regarding claims or threats of litigation, initiation of litigation, or to discuss actual litigation in which the district is involved. Finally, the board and its committees may meet in closed session when evaluating the performance of a public employee, when dealing with the hiring, dismissal, or discipline of a public employee; or with certain security matters.



PROCESSING MATTERS THAT REQUIRE BOARD ACTION

Any matter requiring board action will be presented initially to the board for consideration without committee review or involvement unless it is specifically identified as a matter that may be initially considered by a committee. When so presented, the board may:

- Consider the matter and render an appropriate decision (approve, disapprove).
- By motion, refer the matter to a board committee for deliberation, asking that committee to formulate a recommendation (in such cases, the maker of the motion should be as specific as possible as to exactly what question is being referred to the committee).

If a matter is referred to committee by the board, it will be handled in accordance with the normal process for handling committee items.

Items on the Board agenda originate from a variety of sources: the General Manager, deliberative committees, Directors, and the public.

MATTERS THAT MAY BE CONSIDERED INITIALLY BY A COMMITTEE

The following matters may be considered by a committee without a formal referral from the board:

Development of committee charters

- Rates and fees (finance or related committee)
- Labor relations matters (personnel or related committee)
- District budgetary issues within the charter of a committee
- District operational issues within the charter of a committee
- Informational items requested by the committee
- Issues that a committee may wish to preliminarily explore ahead of formal consideration
- Issues that staff may wish to preliminarily explore with an appropriate committee ahead of formal consideration

ITEMS THAT ARE ALWAYS TO BE CONSIDERED BY THE BOARD WITHOUT COMMITTEE REVIEW

Several types of items are always considered by the board without committee review, regardless of their origin, because they are routine or because it is proper or legally required that only the full board consider them. The following items are always placed on a board agenda without committee review.

Administrative Matters

- Proclamations
- Warrant list
- Notifications (availability of ethics training, etc.)
- Board organizational matters (appointment of president or vice president)
- Appointment of committee

Board Oversight

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- Performance evaluations (general manager, general counsel, treasurer, district secretary)
- Mandated reports (e.g., annual \$100 list of expenses, annual aged receivables report)
- Consideration of conference attendance/day of service payments to a director

Procedural Streamlining

- Second reading of an ordinance
- Rejection of routine claims
- Acceptance of projects
- Acceptance of developer improvements
- Intention to levy assessments in existing assessment districts (mandated notification step in anticipation of formal action later)

- Routine construction project awards (e.g., project approved, under budget, no bid irregularities, no contractor issues, no public concern)
- Items accomplished within previous direction given by board (e.g., labor MOUs that conform to negotiating direction, revisions to items as previously directed by board)
- Follow-up on action items previously presented in workshops for discussion

District-Wide Matters

- Items with over-arching policy implications (e.g., budgeting, strategic planning)⁴
- Items spanning the adopted charter of two or more committees
- General informational items that keep the board current on a matter or allow members to discuss the implications of continuing with a previously agreed upon course of action
- Presentations requested by the board
- Actions required by law (e.g., consolidation of district elections, amending conflict of interest codes)

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Matters to Protect the District's Interest

- Personnel appeals (that are before the board and on which the board must be unbiased and rule on the record before them)
- Environmental review documents where the administrative record must be developed in front of the entire board

⁴ Individual components may go to a committee whose charter covers that area.

PLACING AN ITEM ON AN AGENDA

Items Originating from the General Manager

Many items on the agenda originate with the general manager and district staff. The following types of items are typical:

- Matters on which policy direction from the board is required.
- Items with over-arching policy implications (e.g., labor negotiations, budgeting, strategic planning).
- Actions required by law (e.g., consolidation of district elections, amending a Conflict of Interest Code).
- Intermediate actions in the overall implementation of a board-approved project or program (e.g., awarding construction contracts, considering an environmental review document).
- Discretionary decisions for which authority has not been delegated to the general manager.
- Informational items to keep the board current on a matter or to allow them to discuss the implications of continuing on a previously agreed course of action.
- Items with critical timing.
- Proclamations honoring special events or individuals.

Items Originating from or of Interest to a Director

A director may ask that a new item be placed on a future committee or board agenda during the board member Items portion of a board meeting or during the committee comments portion of a committee meeting. However, in such cases, the advance notice requirements of the Brown Act only allow the committee to decide to place such a matter on a future agenda; the matter cannot be discussed at the meeting at which it was first mentioned.

If the director originating an item wishes the item to be discussed by the committee or board when he/she brings it up, the director should contact the general manager to explain the issue so that the agenda can be properly prepared to allow discussion. The director who placed the item on the agenda is cited as the reference and is expected to lead the discussion.

For any matter referred to or being discussed by a committee, the committee shall report its findings back to the board and capture its deliberations in the notes prepared for the committee. If, after reviewing the notes prepared by the committee, a director wishes to have the matter discussed by the full board, he/she may state this request at a board meeting or notify the general manager. The general manager shall then notify the committee of the director's request and schedule the matter for discussion at the next reasonably available committee meeting. This process allows the committee to complete its work and respond to concerns raised. Following that committee meeting, the general manager shall place the matter on the board agenda for discussion at the next reasonably available board meeting.

Items Originating from the Public

During the public comment portion of a board or committee meeting, members of the public may ask to have an item placed on a future board or committee agenda. If the board or committee desires to have the item placed on a future agenda, it will direct the general manager to do so through a properly seconded and approved motion. The committee or board may not discuss the matter brought up by the public at the same meeting at which it is first mentioned.



The Board meeting agenda is an informational, decision-making, and management tool. It presents the issues under consideration and provides a brief general description of actions the Board will consider taking. The agenda is accompanied by a packet of supporting materials designed to aid decision-making by presenting in sufficient factual detail the issues and options which are to be used in the decision-making process. Typically, each item presented to the Board includes recommendations for specific actions.

CHAPTER 9

The Board Meeting Agenda

BOARD MEETING AGENDA

The agenda of each board meeting includes the elements described below.

Preamble

Whenever a meeting is recorded, and before the meeting is called to order, the district secretary states for the record the date and time of the meeting and identifies the presiding director.

Call to Order

The president of the board shall strike the gavel and begin the board meeting. In the absence of the president, the vice president shall call the meeting to order. In the absence of both the president and vice president, but with the presence of a quorum, the district secretary shall call the meeting to order and as the first item of business facilitate the board deciding by motion which director will chair the meeting. If no such motion is passed, the district secretary will administratively facilitate the meeting by calling for agenda items; the district secretary shall not participate in any deliberations or considerations at the meeting.

Pledge to the Flag

The person calling the meeting to order shall lead the directors, staff, and public in the pledge of allegiance to the flag of the United States of America.

Roll Call, Determining and Maintaining a Quorum

The district secretary calls the roll of the directors and records the names of those present and those absent in the minutes of the meeting. If a director enters the meeting late or departs early, these times also are recorded in the minutes. If a quorum of the board (three directors) is not present, no further proceedings or discussions may occur and the district secretary announces that the meeting is adjourned for lack of a quorum.

The board must maintain a quorum throughout the meeting in order to conduct business. However, the meeting may be adjourned with less than a quorum by those directors who are present; if no directors are present, the district secretary can adjourn the meeting.

Special Announcements and Activities

During this section of the meeting, the general manager or staff members designated by the general manager address the board with matters such as introducing a new district employee, acknowledging or giving a special award, or recognizing an event, local students, or dignitaries.

If neither the president nor vice president is present, the district secretary asks for a motion to name a president pro-tem for that meeting. If the motion is made, seconded, and passed (requires a 3-0 vote) the director so named presides over the meeting. If there is no such motion or second, or if the motion does not pass, the district secretary presides over the meeting but cannot make motions or seconds, vote on any item, or enter into policy-level deliberations and discussions.

Public Comment

At every board meeting, members of the public are allowed to address the board on any item of interest within the subject matter jurisdiction of the board that is not already included on the posted agenda. The board president asks anyone desiring to make public comments to fill out a speaker card with his/her name and address so that the minutes accurately reflect the speaker's identity and affiliation, and so that the district can contact the speaker if necessary. Members of the public who decline to provide a speaker card shall be allowed to address the board. The president calls speakers to the lectern and asks them to identify themselves, announce their item, and address the board. Speakers may decline to identify themselves. Public comments are limited, as noted on the agenda, to five minutes per speaker. Directors may ask clarifying questions but cannot take any action on, discuss, or debate the matters presented during the public comment period. Members of the public also may make a request to have an item placed on a future agenda during the public comment portion of the meeting. After considering such a request, the board may provide direction to the general manager by motion, properly seconded and approved, regarding including that item on future board or committee agendas.

Reports by General Manager and Staff

The general manager, general counsel, or, at the general manager's direction, district staff verbally report on upcoming events, recent occurrences, and informational matters that may have significance to the district.

Board Correspondence

An announcement will be made identifying all correspondence received by the district as of the close of business on the day of the board meeting that is addressed or copied to the board or an individual director (correspondence addressed to a board committee is similarly reported to the appropriate board committee and is documented in the notes from that committee meeting). The announcement informs the public what correspondence has been received and documents that all material sent to the board have been transmitted to the board. Generally, staff makes the announcement, but if directors have received correspondence that has not been sent to staff, they are encouraged to make a similar announcement. The announcement should identify the sender, the subject, the form of communication (letter, email, etc.) and the date of the correspondence.

An announcement will also be made identifying all correspondence sent by the board in accordance with the Board Correspondence Policy. If directors have received correspondence that has not been sent to staff, they are encouraged to make a similar announcement.

All board correspondence reported under this item (as well as all material first made available on any agenda item at the board meeting) is maintained by the district in accordance with a Brown Act provision that took effect on July 1, 2008 (*Government Code*, section 54957.5). A binder containing this information is available for inspection by the public upon request.

Committee Reports

All directors receive written summaries of recent deliberative committee meetings. These summaries are noted on agendas and are public records. Directors may, but are not required to, call attention to any item discussed in committee. A director not on a committee may ask clarifying questions about a matter discussed at committee but must be cautious about discussing the matter before it is a properly noticed agenda item for the board. Once presented to the board, the committee notes are considered to be final.

Once any item is removed from the consent calendar, the remaining items are considered and approved by a single motion. The removed items are then discussed and considered individually.

The following are considered standing items for the consent calendar:

- Upcoming board calendar
- Report of checks and electronic disbursements

Board Business

Board business is the section of the agenda where the board considers and decides the more complex or significant matters of the district's business or conducts formal public hearings when required to do so by an applicable law or regulation. Some items require an action by the board; others are informational. In some cases, the board will discuss a matter without making a decision and refer the matter back to staff or a deliberative committee for further development. See *Chapter 4—Transacting Board Business* for appropriate protocol.

Board Member Items

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During this section of the meeting, directors are invited to comment on their district-related activities or to suggest new ideas and concepts. At the direction of the president, and with the concurrence of at least one other director, any new item that requires board consideration will be calendared on a future board agenda for further discussion by the board or will be referred to a deliberative Committee for development and discussion. It is important that the board not deliberate new ideas at this time nor render any decisions, as extensive discussions and/or decisions not noticed on the agenda would constitute a violation of the Brown Act. The board may only discuss a new item for the following purposes: to allow understanding of what is being proposed, to enable district staff to understand the issue being raised, or to give direction to the general manager.

Closed Sessions

Closed sessions are typically scheduled at the end of the meeting (see *Agenda Management*, page 11).

Reports from Closed Sessions

Upon returning to open session, the board president will announce any reportable action taken in closed session. Such reports are required by law.

Adjournment

The board president will adjourn the meeting and announce the time of adjournment for the record. The meeting may be adjourned if there is less than a quorum present by action of those directors who remain in attendance; if no directors are present, the district secretary may adjourn the meeting. Occasionally, meetings are adjourned in memory of a loved one or close friend of the district, or in honor of a significant event.

Agenda Management

At this point in the meeting, a director or the general manager has an opportunity to propose rearranging the order of items on the agenda. The board president will rearrange agenda items if the need should arise. For example, a closed session may be moved to an earlier time in a meeting, or a board business item may be moved ahead of another item due to some unusual circumstance or if audience members are present for a particular agenda item. With the advent of the district's recording of board meetings, where possible closed session business should be transacted at the end of the meeting after all open session items have been handled or alternatively as a special board meeting called to order appropriately in advance of the start of the regular board meeting. For the benefit of viewers of the recordings of the board meetings, the board president should announce that the board meeting will continue while the board is in closed session but the recording may terminate (if the closed session is held at the end of the meeting) and advise the viewers that they may contact the district secretary for any reports from closed session that may have been made.

Approval of Minutes

At each regular board meeting, the board receives draft summary minutes of recent regular and special board meetings. The board considers and approves each set of minutes by motion. Directors may suggest revisions. The board then considers and may approve the proposed revision as part of the motion to approve the minutes, or they may take a separate action if the change being requested is complex or contentious. Directors may, but are not required to, vote on minutes of meetings they have not attended, based on their reading and consideration of the written minutes as drafted. The board has the sole discretion to approve the contents and the format of the minutes. A Director may vote on the approval of any minutes presented to the Board for consideration whether that Director was present at the subject meeting or not. Nevertheless, it is common practice for a director to abstain from voting on minutes from a meeting that they did not attend.



Consent Calendar

Matters listed under the consent calendar are considered routine and generally are acted upon by one motion. Directors normally do not discuss consent calendar matters. Items may be removed from the consent calendar in three ways.

- If a director has an unanswered question or concern about any of the items listed on the consent calendar, he/she must request that the matter be removed prior to a motion being made and approved. Any such request by a director is automatically granted. When a director wishes to remove an item from the consent calendar for discussion, it is helpful if he/she contacts the general manager before the board meeting to explain his/her concern. This enables staff to provide information that might be needed to further the board's discussion.
- On occasion, the general manager may request that the president remove an item from the consent calendar. Typically this occurs so staff can clarify for the record inaccuracies in the written material provided to the board, to present new information that came to staff's attention subsequent to the preparation of the agenda, or for other similar administrative reasons. Any such request by the general manager is granted unless a majority of the board objects.
- A member of the audience may request that the board remove an item from the consent calendar so that it may be discussed. Any such request must be made prior to the time the board votes on the matter as part of the consent calendar. Any such request from a member of the public will only be granted if a director agrees that the item should be removed from the consent calendar and makes a director request. Nevertheless, any member of the public has a right to comment on any item on the consent calendar and, if they desire to comment, should make their request known to the district secretary before the board considers the consent calendar. The member of the public should identify the item and proceed to make their comments. Such commenting does not automatically require that the board remove the item from the consent calendar unless a director so requests for discussion or a separate vote.

TRANSACTING BUSINESS ON AN ITEM

Introducing an Item

The board president announces each agenda item, referencing the item number and the nature of the matter.

Staff Presentation

The general manager, or at the general manager's direction, a staff member, summarizes the item being considered, including background, pertinent facts and details, analyses conducted by staff, and options available for the board's consideration. On occasion, a consultant may assist the general manager or staff in presenting an agenda item.

General Manager Recommendation

The general manager makes a recommendation on each action item. That recommendation is identified in the Summary and Recommendation (discussed in *Chapter 5—Meeting Preparation*) and typically is stated at the conclusion of the staff report. The general manager often delegates this responsibility to the senior managers.

Committee Recommendation

If a deliberative committee has reviewed the matter, the outcome of its deliberation will be noted in the Summary and Recommendation included in the board agenda packet. Should any of the directors on the committee so desire, this is the time to state the committee's recommendation and the reasons for it. On rare occasions the recommendation of the committee may differ from that of the general manager.

Clarifying Questions

Directors ask questions of the presenter and offer general comments about the subject matter after the staff presentation. Questions and comments at this time are to clarify the matter and the recommendation. Debates or deliberations occur after public comment and after a motion has been made.

Items presented for consideration at Board meetings are handled in a consistent manner to ensure that:

- Pertinent facts associated with a matter are presented not only for the benefit of the Board but also for the benefit of any member of the public who is present;
- Actions taken by the Board are properly approved; and
- The Board takes action only on items that are scheduled for action on the agenda. For example, the Board may discuss but may not take action on an item that is identified as being for Discussion and Information or as a Special Announcement.

Public Comment

The board president then opens up the meeting to the public for comment on the matter. The public must have an opportunity to comment on every agenda item. Sometimes this is done very formally through a public hearing. Other times, the president simply asks the audience if there are any comments. The president will ask speakers to fill out a speaker card¹ and to state their name, address (can be a business address), and affiliations for the record and for the benefit of others in the audience. If it is obvious that no potential speakers are present, there is no need to formally call for public comment. In the event the district has received written correspondence from the public on the matter after the publication of the agenda, that written correspondence will be presented to the board at this time.²

Motion and Second

After public comment, a board member may make a motion regarding the action to be taken on the item. The motion must be seconded before additional discussion, debate, or deliberation on the matter is permitted. No discussion may occur on a motion without a second. A motion fails if it does not receive a second.

Discussion

After a motion is properly made and seconded, the board discusses the merits of the item in an attempt to reach a decision. During this time the board may ask staff or the public additional questions or seek the advice of the general manager and/or general counsel. As deliberation by the board ensues, the motion may be amended or withdrawn, or a substitute motion offered. These actions must follow the procedures adopted by the board as noted in *Appendix A*.

¹ A person may not be denied the right to speak if he or she refuses to fill out a speaker card.

² Any written correspondence received on a matter before publication of the agenda will be included in the agenda packet.

Decision

When the board president senses that discussion has run its course, or when a motion to call the question is properly made and seconded, the board president calls for a vote on the motion on the floor. After hearing the results, the board president announces the vote. Voting may be by voice or roll call, at the president's option.

MAJORITY VOTE REQUIRED

A majority vote is required for any action to be taken by the board (i.e., there must be a minimum of three affirmative votes) regardless of how many directors are present. This requirement is mandated by state law. In certain instances, a supermajority vote³ of the board is required (e.g. to adopt a resolution of necessity to condemn real property or to add an emergency item to an agenda). In those cases, general counsel will provide guidance.

ACTIONS TAKEN BY THE BOARD

The board of directors approves items in the following ways:

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- Motion
- Minute Order
- Resolution
- Ordinance

Motion

The board uses a motion to submit a matter for action. A motion can be a parliamentary tool used by a member of the board (plus another member who seconds the motion) to place a matter before the entire board for its consideration. A motion also can be a legislative action used to autho-

³ A vote that requires more than three votes for passage.

rise or approve action on simple matters that are routine in nature, such as providing direction to staff, communicating a district position, approving a task order, increasing a purchase order amount, or approving a proclamation. The minutes of the board meeting document the board's determination on these matters. A motion is always used to place a recommendation before the board to authorize a minute order, approve a resolution, or adopt an ordinance.

Minute Order

A minute order formalizes an action taken by the board for which a more formal document, such as a resolution or ordinance, is not required. The board's decision is recorded in the minutes as evidence that an action did occur, and the minute order provides formal documentation of the action. A minute order memorializes approval of a project acceptance, authorizes execution of a notice of completion, and authorizes minor amendments to agreements. A minute order typically is used when a third party requires written evidence of a board action. The district secretary may prepare a minute order, as necessary, to reflect past action of the board.

Resolutions

A resolution constitutes a more formal written expression of the will of the board as the district's legislative body. Resolutions represent an official board action and/or position taken on a particular issue that is considered to be more temporary in nature than an ordinance but for which a separate permanent record is needed. Resolutions preserve the history of the action taken in a separate official instrument in addition to documentation in the board's minutes. A resolution becomes effective immediately and remains in effect until rescinded, cancelled, or superseded by the board acting by means of a new resolution. Resolutions typically are used to adopt poli-

cies, approve agreements (e.g. master agreements, construction agreements, public facilities planning agreements, and transfer agreements), award contracts for materials or services, approve memoranda of understanding with bargaining groups, and establish or amend job classifications. Resolutions, if properly written, can be used to change the rates and charges the district imposes for the privilege of receiving service. Given the nuances of the law in this area, general counsel should always be consulted to determine the proper instrument for approving rates and charges.

Ordinance

An ordinance is the most formal form of action that can be taken by the board. Ordinances are used to establish the local laws that are within the district's power to enact and are applicable throughout the district. Ordinances may apply only to matters not covered by federal or state law. An ordinance is also the authorizing instrument to change the District Code, which is a compilation of the rules and regulations of the district. Ordinances also may be used to set the district's rates and charges after consultation with general counsel (see *Resolutions*, above). State law requires that some ordinances be published or posted. In some cases, a public hearing is required prior to consideration. An ordinance generally becomes effective 30 days after adoption unless it expressly provides otherwise. Ordinances remain in full force and effect until repealed, modified, or superseded by the board in another ordinance, or by action of the voters through initiative or referendum. Everyone at the district, including the board, is bound by the requirements of an ordinance (and the code it establishes). Ordinances are the law of the district and must be enforced by staff, who have no discretion to act otherwise. Only the board itself may waive, modify, or suspend an ordinance by the enactment of a subsequent ordinance. The only way to change an ordinance is to pass an ordinance that revises the original.

GROUND RULES FOR EFFECTIVE PARTICIPATION IN BOARD MEETINGS

The following ground rules apply to all directors.

- Come to meetings prepared. Contact the general manager ahead of any meeting if you have clarifying questions or need additional background. Many times your questions can be answered without taking up meeting time. Also, it helps staff to understand your concerns ahead of the meeting so they can be prepared with the information you need.
- During the meeting, express your thoughts and support them wherever possible with facts, figures, and references. Specifically identify your sources of information so as to establish their credibility with your colleagues. Specific statements are more persuasive to your colleagues on the board than generalized statements. Examples:
 - (a) "I spoke with _____, who is the president of the _____ Homeowners' Association and they would like the district to _____" is better than "The public thinks that we should do _____"; (b) "[Specific name] told me _____" is better than "I was told that _____"; (c) "[Specific organization] has a concern with _____" is better than "Everyone thinks that _____".
- Be creative. Innovative ideas supported by sound reasoning are welcome on complicated matters when the board is attempting to arrive at a consensus.
- Take a positive approach. Keep an open mind. When a director proposes an idea, look for the value in that idea.
- Be enthusiastic. Enthusiasm can be contagious!
- Stay on the subject. Don't introduce other agendas. Keep your comments brief but long enough to establish your points.
- When you don't understand what someone is saying, ask for clarification. Make criticism positive and constructive. Direct critical comments to the issues being discussed, not toward the person expressing the idea.
- Protect the rights of others to have their opinions and feelings heard. Encourage silent members to participate.

- Help the board president when others take up outside issues. Interrupt gently and say, “We’re getting a little off the subject here, maybe we should get back to our topic.”
- Share your thoughts. Holding back when you have an idea robs the board and staff of your knowledge and opinion and prevents further development of your idea. Have confidence in yourself and speak up.
- Protect ideas. Help the board president set an atmosphere where people will feel comfortable expressing ideas even if they aren’t perfect. When someone begins attacking another’s idea, say, “That idea probably has faults, Fred, most ideas do. Let’s just let ideas come out for now and evaluate them later.”
- Attend and participate. Be on time and stay for the entire meeting. Advise the general manager or district secretary if you are unable to attend.
- Be an active listener. Be open-minded: listen and consider all points of view.
- At all times ask yourself, “What, right now, would help the board move ahead and get this problem solved? What can I do to help the board function more effectively? How can I help?”
- Always remember that civil discourse is one of the keys to effective communication.

OPTIONS TO IMPROVE PUBLISHED VIDEO RECORDINGS

When a meeting is being recorded, directors can take simple administrative steps to facilitate an orderly meeting that will be more understandable to viewers of the recording. However, the primary focus of any meeting, recorded or not, must be conducting the district’s business efficiently. As such, directors should not conduct themselves differently when the meeting is being recorded than when it is not. Refrain from “Playing to the camera.”

The board president carries a greater responsibility to make the meeting more understandable to the video audience. Examples of what the president can do include the following:

- When recognizing a director’s right to speak, use the person’s name.
- When motions and seconds are made, announce who did so by name.

- When calling on staff to contribute to the discussion, call on them by name.
- When a presenter is not speaking into the microphone, politely stop them and ask them to start over and speak clearly into the microphone.
- PowerPoint presentations are often shown on the west screen, which is not visible to the video audience. If a PowerPoint presentation is included in the board agenda packet, the president should note where it can be found in the packet when the item comes before the board.
- When members of the public or consultants are addressing the board, strongly encourage them to do so from the lectern.

In addition, directors and senior staff seated at the dais can help make the meeting more understandable to the video audience in the following ways:

- Address one another by name.
- Lean forward and speak clearly into the dais microphone. (For a voice to be picked up on the recording, it must be amplified through the room speakers. The recording system collects sound only via the speakers in the room.)
- Enunciate words and do not mumble.
- Maintain a level volume when speaking; do not lower the volume at the end of your sentences.
- While it is good to maintain eye contact with the individuals you are addressing, be aware that if you turn your head away from the microphone, the listening audience may not hear what you are saying.
- Do not rock or swivel the chair when speaking.
- Do not rustle papers near the microphone.
- Do not speak on top of another speaker.
- Minimize sidebars because it is difficult for the audience to hear anyone when several people are speaking at the same time.

BOARD MEETING INFORMATION

The board agenda packet may include includes various pieces of information for any given item, as described below.

SUMMARY AND RECOMMENDATION

The Summary and Recommendation is a one-page summary of an item. Each item to be considered by the board (including matters on the consent calendar as well as those listed as board business) will have a Summary and Recommendation. It includes the following information:

Title of Item

The title is a brief description that reveals the nature of the item. The title is the same on the Summary and Recommendation as on the agenda, and wording must comply with Brown Act requirements to provide a brief general description of the item. The title determines what action the board is allowed to take or the nature of the information that the board may receive. For example, if an item is identified on the agenda under “recommended action” as being for *discussion* or for *information*, the board may not vote on that item at that meeting. This requirement ensures the public is properly informed of actions the board may take so they can decide whether or not to participate.

Presenter Information

This identifies which staff member, director, or committee will present the item and the nature of the presentation (verbal, slides, etc.).

Anticipated Time

Staff estimates how long the board will take to hear and transact the item. These estimates are intended help to manage time during a board meeting but do not limit the actual time the board may spend on any item.

District staff prepares a detailed agenda packet summarizing the business to be transacted at a board meeting. Agenda packets are delivered to directors and are available to the public at that time, with allowances for copying time. Full agenda packets are also posted to the district's website. Materials for the closed session portion of the agenda are not made available to the public. For regular meetings, agenda packets are prepared and delivered no later than Saturday of the week preceding the meeting because the board meets on Tuesdays and 72 hours advance posting of the agenda for the public is required. Directors prepare for board meetings by studying the agenda packet in detail in advance of the meeting.

If a Director has questions about the information in the packet, he/she should contact the General Manager for clarification or further explanation. District business is transacted in the most complete, efficient, and effective manner when Directors review and understand the information and issues presented for Board consideration before they arrive at the Board meeting.



Form of Action

The form of action (motion, minute order, resolution, or ordinance) required by the board is noted.

Committee Review and Recommendation

If an item was reviewed by committee, the name of the committee, the date it last discussed the item, and its recommendation are noted as applicable.

Legal Counsel Review

When staff has received legal counsel's review and/or opinion related to an item, the Summary and Recommendation notes that fact.

Costs and Funding Source

The cost (known or estimated) associated with a recommended action is noted, along with its funding source. The Summary and Recommendation only notes the cost of the item being presented to the board for decision. For example, if approval of a \$250,000 consulting agreement associated with a \$10 million project is being considered, the cost noted is \$250,000. When the board certifies an Environmental Impact Report (EIR) on a \$5 million project, the cost shown on the Summary and Recommendation is \$0, because there is no additional cost to the district associated with the certification.

Recommendation

The general manager's recommendation for action is presented at the top of the Summary and Recommendation. The recommendation is phrased in such a way so that, if a director concurs, he/she may read or make specific reference to the recommendation when making a motion.

Summary

The balance of the Summary and Recommendation provides a short, general summary of the action being considered by the board. Additional details are provided in staff reports or other documents.

Staff Reports

One or more staff reports may be included for an item if the board needs more information than can be provided in the one-page Summary and Recommendation.

Action Document

The recommended action document (minute order, resolution, or ordinance) typically follows the Summary and Recommendation.

Reports

Reports (or their executive summaries) may be attached if they are needed for the board to consider and deliberate.

Traditionally, the board has established various committees based on specific subject matter to facilitate the board's consideration of district business. Committee structure and membership are proposed by the board president and confirmed by the board. This is done every year in December when the new board president assumes office. There is no legal requirement for the board to form committees.

CHAPTER 13

Preparation for Committee Meetings

COMMITTEE MEETINGS

Committee meetings serve as venues for developing and deliberating issues before they reach the entire board for consideration. A committee by itself can take no action; only the board can take action. Committees may provide on-going guidance to staff so long as that guidance is consistent with the broad policy direction set by the board.

As is done for board meetings, district staff prepares a detailed agenda packet summarizing the business to be transacted at each committee meeting. The agenda packets are delivered to committee members and alternate members and are also made available to the public at that time.

SCHEDULING AND ATTENDANCE

Standing committee meetings generally are scheduled monthly, quarterly, or annually depending on the needs of the district. Monthly committee meetings in particular occur on a fixed schedule (e.g., the Thursday following the first board meeting of each month). Committee meetings generally occur during daytime work hours or immediately after (starting times approximately from 8:00 a.m. though 6:00 p.m.).

Many directors are employed or conduct their own business during those hours and may have expected or unexpected conflicts in schedule between committee meetings and their own employment or business needs. However, rescheduling committee meetings due to conflicts in directors' schedules can make it difficult for the public to attend, create scheduling difficulties for interested parties and consultants who are often present for discussion of an item, and increase the workload for district staff.

To minimize these impacts while allowing flexibility for directors, the following scheduling principles should be kept in mind:

- The public has a right to easy, timely, and predictable access to the deliberations of the board of directors and its committees.
- The district shall schedule and hold committee meetings only when needed to conduct district business.
- To the greatest extent practical, committee meetings should be scheduled on a regular, predictable basis. Directors and staff should make a deliberate effort to attend committee meetings as scheduled.

- Often a director or key staff member knows of an upcoming schedule conflict well in advance. Examples are planned business trips or vacations, conference attendance, or other activities in which the district has a business interest.
- Both directors and staff have a responsibility to bring such conflicts in schedule to the attention of others affected so that a committee meeting can be rescheduled well in advance.
- Directors may, within the requirements of the Brown Act, attend a committee meeting via teleconference when they are unable to attend in person. Directors should make teleconferencing arrangements with staff well in advance and always before agendas are posted so the requirements of the Brown Act are satisfied.

If a director is unable to attend a committee meeting as scheduled, it is his/her responsibility to consider the options in the following priority order:

1. Ask the alternate to attend the meeting.
2. Arrange for attendance at the meeting via teleconference.
3. Do not attend, recognizing that a committee meeting can be held with only one member.
4. As a last resort, request rescheduling, realizing that this may impact the public, support personnel and consultants, and district staff. The other committee member must agree to the new schedule.

Guidelines for Cancelling Committee Meetings

To minimize the cost and administrative burden associated with preparing agendas for committee meetings, the following guidelines and process shall be employed to cancel committee meetings:

- Committee meetings will be cancelled if there is no business to be discussed.
- Committee meetings will be cancelled if the business that is to be conducted is judged by the general manager to be routine and non-controversial.
- Committee meetings will be cancelled if the business that is to be conducted is not time sensitive and can wait until a subsequent committee meeting.
- Committee meetings will be cancelled if the agenda consists entirely of information items (in which case the information reports shall be transmitted to the committee members).

Committee meetings will be canceled by proper notice posted in accordance with the Brown Act provided that district staff has notified the committee members of a proposed cancellation and no committee member objects within a 24-hour period. If a committee member objects, the committee member should identify the item(s) they would like to see placed on the agenda.

Posting

For regular meetings, agenda packets are prepared and posted on the Friday immediately preceding the week in which the committee meets. This is required for regular meetings held on Monday afternoons and conservatively meets the posting requirements for meetings on any other day of the week. For regular meetings held on Monday mornings, the agenda is posted on the previous Thursday to meet the 72-hour posting requirement.

For special committee meetings, there is a 24-hour posting requirement. It is the district's administrative goal to post agendas for all special committee meetings on the Friday immediately preceding the week in which the committee meets or earlier, conservatively meeting the requirement. Occasionally, the need for a special committee meeting arises mid-week; in those cases, the agenda must be posted 24 hours in advance of the meeting.

Additions to Committee Agendas

A committee may, on a two-thirds vote (unanimous for a two-member committee), add an item to the agenda of that committee meeting if the need to discuss that item became known after publication of the agenda and if the committee members who are present determine that there is a need for immediate action.

Posting Committee Agendas

The agenda packets for each committee are delivered to the committee members and alternate members on Friday or Saturday of the week preceding the meeting (or as soon as possible for a committee meeting newly scheduled mid-week). The full agenda for committee meetings is also posted on the district's website. The agenda packets are also made available to the public at the same time. Directors prepare for committee meetings by studying the agenda packet in detail in advance of the meeting.

Preparation

If a director has questions about the information in the packet, he/she should contact the general manager for clarification or for further explanation. Committee business is transacted in the most complete, efficient, and effective manner when directors have reviewed and understand the information and issues presented for consideration by the time they arrive at the committee meeting.

Format

Staff work on any given agenda item can be in various stages of completion at the time it is presented to the committee. Often the work is not in final form and the materials presented to the committee are less formal than those presented to the board.

The material presented to a committee may be in the form of a final or draft Summary and Recommendation, a memorandum from the general manager and/or district staff, executive summaries and/or excerpts from draft or final reports, simple tables, drawings, PowerPoint presentations, or similar work.

Staff will continue to work on items after the committee agenda has been posted. As a result, district staff will often bring additional written material to a committee meeting so as to present the latest information about the topic.

On occasion, the agenda will note, “Material to be available at the committee meeting.” This is only done when the work is not completed by the preceding Friday. District staff strives to avoid this approach, as it compromises a committee member’s ability to prepare properly for the meeting.

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Anticipated Time

Staff estimates how long the committee will take to hear and transact the item. These estimates are intended to help manage time during committee meetings but do not limit the actual time the committee may spend on any item.

COMMITTEE RECOMMENDATIONS TO THE BOARD

A committee can make one of five recommendations to the board: approval, disapproval, neutral, no recommendation, and informational.

- A recommendation to approve is given when the committee endorses the general manager's recommendation or, alternatively, develops a recommendation of its own to present to the board. In the latter case, both the general manager's recommendation and that of the committee are presented to the board.
- A recommendation to disapprove is less common and occurs when board action is required on a matter (keeping in mind a committee cannot kill an item) or in those instances when the general manager's recommendation differs from the consensus developed by a committee.
- A neutral recommendation occurs in those instances when a committee is split on a matter; in such instances, the committee's discussions, if any, are summarized for the board.
- No recommendation occurs when the committee specifically decides not to make a recommendation; in such instances, the committee's discussions, if any, are summarized for the board.
- An informational recommendation is made when the committee desires input from the board in order to complete its deliberation; in this instance the item is calendared for discussion only by the board (no action) and subsequently returns it to the committee for additional discussion and deliberation.

USE OF ELECTRONIC DEVICES DURING MEETINGS**District Furnished Devices and Service**

Directors are encouraged to use appropriate electronic devices such as laptop and tablet computers for district business. The district boardroom is enabled as a Wi-Fi hotspot enabling any such devices being used by a director, staff, or the public to access the internet without incurring usage charges.

Access to Agenda Materials

All board and committee agendas (agenda face sheet as well as all attachments) are posted at the district office, as well as on the district's website (www.dsrsd.com), at essentially the same time. Board meeting minutes and committee meeting notes also are posted on the website, as are the recordings of district board meetings. Directors are encouraged but not required to download agenda material for board and committee meetings from the website, saving the district the cost of delivery. Directors should notify staff if they wish to not receive paper agenda materials.

Appropriate Use of Electronic Devices in Public Meetings

The appropriate use of electronic devices by directors can save money and increase the productivity of district staff. However, barring a personal emergency or similarly urgent situation, directors should not use such devices for any sort of communication (emailing, texting, checking voicemails, etc.) while a public meeting is in progress. Doing so carries risks, including the following:

- The integrity of the open meeting can be questioned by anyone concerned that a director is communicating with someone not present at the meeting, an audience member, or even a fellow director or staff, about an agenda item in a manner that is not available to all present at the meeting.
- A violation of the Brown Act may be alleged if a director is communicating electronically about an agenda item during a public meeting.
- If there is a Brown Act violation, the actions that the board took related to that violation can be invalidated.

A Director has many opportunities to communicate effectively. Openness, timeliness, directness, and truthfulness are the traits of good communication, regardless of the format or venue.

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CHAPTER **15**

Effective Communications

EFFECTIVE COMMUNICATIONS

General Guidelines

- Make no promises for the board or the district.
- Be aware of how various forms of communication affect how messages are received: formal versus informal, written versus verbal, in-person versus over the phone versus electronic. Strive to use each form at the appropriate time.
- Confer with the general manager when in doubt—staff is always available to advise you on how best to proceed.
- Maintain neutrality when required by not discussing nor commenting upon matters that are quasi-judicial in nature—such as, but not limited to, administrative hearings on personnel matters or environmental impact reports—until the entire record is presented to the full board is imperative that a director maintain an open mind on such matters until after all information has been entered into the public record and presented to the full board.

Communicating with the Public

- A director can always communicate with district constituents.
- Inform the general manager as soon as possible about concerns you hear from your constituents. Many times the concern can be handled administratively or is already a work in progress.
- Don't make personal commitments or promises for the district because only the board can commit the district to an action or policy.
- Understand that very often there is a fair amount of background to an issue and you may have heard only one perspective.

Communication with Other Agencies

- It is acceptable to attend meetings of other public agencies and it is good to introduce yourself so everyone knows you are present.
- If you are speaking for the district at another agency's public meeting, always clearly state that what you are saying has been approved by the board and do not deviate from the message and/or position.

- Be clear when the board has no position on an issue.
- Take opportunities to develop relationships but always in a way that supports board policy and avoids accusations of deal making.
- Be positive and cooperative in comments and attitudes about people and other agencies (particularly in public).
- Communicate in a way that builds positive relationships.

Speaking as a Private Individual

- If you speak as a private citizen at a public gathering, clearly state that you are doing so.
- Keep in mind that even when you say you are speaking as a private individual, many in your audience nevertheless hear your comments in light of your position as a director of the district.
- Apply common sense.
- Avoid personal statements that might be interpreted as district policy.
- Support district policy, avoiding personal statements that conflict with policy and identify when your personal opinions deviate from board policy as determined by the board majority.
- It is acceptable to speak as an individual on issues not related to district business, but make it clear that your remarks are solely your own.

Communicating with the Media

- If you choose to talk with the media, the following practices can help you present your thoughts effectively.
- Do not use the phrase, “No comment,” as this phrase has been stigmatized and may be interpreted negatively.
- Feel free to refer media inquiries to the general manager or confer with the general manager prior to speaking with the media to ensure that you are fully briefed on the facts associated with the topic at hand.
- Feel free to use and ask staff to prepare talking points so as to convey a consistent message about district actions.
- Clarify when your view is dissenting, but support adopted board policy even when you are in the minority. Don’t stimulate or inflame controversy.

- If you communicate with the media before you vote on a matter, you can inadvertently become a party to a serial meeting in conflict with the Brown Act if the media were to poll other directors and share with them your predisposition on a matter.

Communicating at Liaison Committees

- Liaison committees do not make policy, but simply gather information and present district policy. (If the district has no policy, say so.)
- Always bring the information back to the board.
- Communicate critical issues promptly to the general manager to avoid surprises.
- Officials at other agencies are busy, so liaison committee meetings should focus on current issues; avoid meeting just for meeting's sake (do need-based scheduling).

Communicating at Joint Powers Authority Meetings

- At meetings of a joint powers authority (JPA), your role is different from that of your role at a liaison meeting because you also serve as a director of the JPA, which is an independent governmental agency.
- When serving on a JPA board, the California Attorney General has opined and the Joint Powers Act suggests that a director has independent discretion apart from the agency board to which he/she was elected. In other words, a JPA director owes his/her primary duty to the JPA when acting in that capacity. However, since a district director serves on a JPA board at the pleasure of the district board, the district board can terminate the director's appointment to the JPA at its sole discretion and without a showing of cause for the termination of that appointment.
- Subject to the points above, if the district board has discussed a matter and arrived at a decision, the JPA representatives should advocate and vote as decided by the district board.
- Problems can arise when there is a conflict around a specific issue, either between the best interest of the JPA versus the best interest of the district or between the majority district position and the

representative's individual view. In such situations, prior consultation with the general manager and/or general counsel is advised.

- The board president considers the individual views of a director when suggesting appointments to JPA positions to avoid potentially awkward situations.
- If the representative knows there is a serious personal conflict, he/she can ask to be replaced by the alternate for those meetings dealing with the issues of concern.
- Matters discussed in a closed session of the JPA are subject to the same confidentiality obligations as a district closed session. However, there are certain exceptions and exemptions to this general rule. Specific concerns over what may be discussed with the district board and under what circumstances should be addressed with the general counsel.

Building Goodwill with Other Agencies

- Remain positive in outlook, comments, and tone, particularly in public.
- Work on building and improving positive relationships and mending previously strained relationships.
- Remember that the professional staff of the district and other agencies can, and do, work things out with input and guidance from their respective boards. Sometimes it may be more efficient not to say anything.
- Learn about and understand the interests and needs of the other agencies.
- Informal interactions help build connections better than formal interactions.
- Don't force relationships; work on them to the extent they are needed.
- There is an appropriate time and place for applying pressure to get desired results; grandstanding at public meetings rarely achieves this purpose.
- Whatever happens, model good behavior, keep communications professional and civil, and always show others the same respect you hope to receive in return.

Communicating in Writing

Refer to and follow the Board Correspondence Policy and consult with the general manager on all correspondence and other written communications. In addition:

- **Corresponding as an individual director related to district business.** Directors may send correspondence stating their personal views related to district business (and may use their title as a director). Such correspondence should clearly state that the statements are the view of the sending director and not the official position of the district. The sending director should convey a copy of such correspondence to the general manager and/or district secretary who shall circulate it to the other directors for their information. When corresponding as an individual, the director may not use district letterhead, the district logo or seal or any functional electronic equivalent thereof.
- **Corresponding as an individual director unrelated to district business.** Directors may send correspondence to other public agencies if the correspondence states that it is being sent by the director as a private citizen and represents their personal views on a public matter that is not related to district business. While not required, the director is encouraged to provide a copy of such correspondence to the general manager and/or district secretary.

Communicating Electronically

- All communications to and from a director related to district business, including email, mobile-to-mobile texting, mobile instant messaging, computer-based instant messaging, chat logs, and similar modes of electronic communication, could be considered a public record (even those originating from personal email) and are subject to disclosure under the Public Records Act to the same extent as traditional written materials.
- Electronic communications are potentially discoverable if legal proceedings are involved.
- Keep in mind that these forms of electronic communication are often retained by and can be retrieved from electronic devices, software programs, and/or the companies that provide such services, even if deleted from display.

- With constituents and other agencies, generally it is better to communicate in person rather than through email. When you communicate face to face, the other party is more likely to interpret your message correctly.
- When you receive an email related to district business, consider:
 - Copying the email (and any response you make) to the general manager;
 - Using the email response as an opportunity to open a subsequent verbal communication with the constituent; and
 - Referring the matter to the general manager for assistance in preparing a response (with suggestions for what might be included in the response).
- When writing back, refer to and rely on board policy to address the concerns raised.
- Be careful about using *Reply to All* and features that automatically fill in email addresses when emailing or posting on discussion boards, social media messages, and social networking sites. This can lead to inadvertent serial meetings that are prohibited by the Brown Act.

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century



MISSION:

To restore and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION:

To be recognized and respected as the leading advocate for the common interests of California cities.



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Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts educational conferences and research, and publishes *Western City* magazine.

About *Western City* Magazine

Western City is the League of California Cities' monthly magazine. *Western City* provides lively, interdisciplinary analyses of issues affecting local governance. Its goal is to offer immediately practical ideas, information and bigger-picture policy issues and trends. For more information, visit www.westerncity.com.

"Rosenberg's Rules of Order" first appeared in *Western City* magazine in August and September 2003.

About the Author

Dave Rosenberg is an elected county supervisor representing the 4th District in Yolo County. He also serves as director of community and intergovernmental relations, director of operations, and senior advisor to the governor of California. He has served as a member and chair of numerous state and local boards, both appointed and elected, and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies. In the fall of 2003, Gov. Davis appointed Rosenberg as a judge of the Yolo County Superior Court.

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn't always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert's Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of "Rosenberg's Rules of Order."

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

1. Rules should establish order. The first purpose of the rules of parliamentary procedure is to establish a

framework for the orderly conduct of meetings.

- 2. Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.
- 3. Rules should be user-friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
- 4. Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well versed in those

rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on.

a staff person, or a committee chair charged with providing information about the agenda item.

Third, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

Fourth, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member's desired approach with the words: "I move ..." A typical motion might be: "I move that we give 10 days' notice in the future for all our meetings."

The chair usually initiates the motion by:

1. Inviting the members to make a motion: "A motion at this time would be in order."

Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then the "nays" is normally sufficient. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days' notice for all future meetings of this governing body."

Motions in General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

2. Suggesting a motion to the members: "A motion would be in order that we give 10-days' notice in the future for all our meetings."

3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

3. The substitute motion. If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would “move a substitute motion.” A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair’s designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the *first* vote should be on the *last* motion made. So, for example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows.

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passes*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would now move to consider the main motion (the first motion) as *amended*. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are *not* debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

A motion to fix the time to adjourn.

This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to

be placed on “hold.” The motion may contain a specific time in which the item can come back to the body: “I move we table this item until our regular meeting in October.” Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: “I move the previous question” or “I move the question” or “I call for the question.” When a member of the body makes such a motion, the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the

the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” “I move the question,” “I call for the question” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

pend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook.

motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means

Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to sus-

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every

It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

lege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privi-

relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy. ■

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1400 K Street
Sacramento, CA 95814
(916) 658-8200
Fax (916) 658-8240
www.cacities.org

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT RESCINDING THE
PROCESSING BOARD CORRESPONDENCE POLICY AND RESCINDING RESOLUTION NO. 1-14

WHEREAS, on January 7, 2014, the Board of Directors adopted the Processing Board Correspondence policy (P100-14-1) by Resolution No. 1-14; and

WHEREAS, the purpose of the policy is to outline the provisions related to processing correspondence sent or received by the Board, Board Committees, or individual Boardmembers, and;

WHEREAS, the Processing Board Correspondence policy has been recently reviewed by staff and its streamlined contents have been incorporated into the revised Guidelines for Conducting District Business policy, and, therefore, no longer requires to be maintained in a separate policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, as follows:

The Board of Directors hereby rescinds the Processing Board Correspondence policy, attached as Exhibit "A," and rescinds Resolution No. 1-14, attached as Exhibit "B."

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 2nd day of August, 2022, and passed by the following vote:

AYES:

NOES:

ABSENT:

Richard M. Halket, President

ATTEST: _____
Nicole Genzale, District Secretary



POLICY

Dublin San Ramon Services District

Policy No.:	P100-14-1		Type of Policy:	Board Business
Policy Title:	Processing Board Correspondence			
Policy Description:	Provisions related to processing correspondence sent or received by the Board, Board Committees or individual Board Members			
Approval Date:	January 7, 2014	Last Review Date:	2014	
Approval Resolution No.:	1-14	Next Review Date:	2018	
Rescinded Resolution No.:	26-12	Rescinded Resolution Date:	June 19, 2012	

It is the policy of the Board of Directors of Dublin San Ramon Services District that all correspondence to or from the Board, Board Committees or to or from individual Board Members conform to the following provisions:

PROVISIONS RELATED TO CORRESPONDENCE SENT

1. All correspondence approved by the Board¹ shall be sent in a timely manner; such correspondence shall normally be signed by the Board President. When the Board President is unavailable, the Vice President shall sign. Other Board Members may also sign in the absence of both the President and the Vice President when requested to do so by the General Manager and / or District Secretary. In an urgent situation when no Board Member is available or willing to sign such correspondence, the General Manager and / or District Secretary are authorized and directed to sign the correspondence "on behalf of the Board of Directors."
2. Individual Board Members may send informal correspondence in whatever form they desire (letters that are not on District letterhead, email, texts, postings etc.) without approval of the Board. They are encouraged to follow the suggestions in the "Guidelines for Conducting Board Business" when they do so. They are also encouraged to notify the General Manager, the District Secretary and their fellow Board members that they have initiated or responded to such correspondence at the next available Board meeting and they are encouraged to make a copy of that correspondence available.

¹ By action of the majority of the Board taken at a noticed Board meeting.

3. If a Board Member desires to send formal correspondence (on District letterhead or otherwise implying the official position of the District), the correspondence shall be furnished to District staff in draft form. District staff shall distribute it to all Board Members. If no Board Member objects within 24 hours of distribution, the letter may be sent; if any Board Member objects, the letter shall be placed on the agenda of an ensuing Board agenda for discussion by the full Board.

PROVISIONS RELATED TO CORRESPONDENCE RECEIVED

Incoming correspondence received by the District that is addressed to the Board, a Board Committee or to an individual Board Member shall be provided to the Board, Board Committee or to the Board Member as the case may be as soon as practical and in recognition of the time sensitivity of that correspondence.

GENERAL PROVISIONS

1. This policy applies to all forms of correspondence that are received by the District and addressed to the Board, a Board Committee or an individual Board Member including but not limited to letters, hand written notes, e-mail and text messages.
2. This policy applies to correspondence formally approved by the Board.
3. This policy does not apply to correspondence in any form whatsoever between or among Board Members and staff and/or General Counsel.
4. In the spirit of being open and transparent about the business of the District, staff shall report all correspondence received by the District that is to or from the Board, a Board Committee or an individual Board Member or approved correspondence sent by the Board at the next available Board or Committee meeting at the appropriate place on the agenda.
5. In the spirit of being open and transparent about the business of the District, Board Members are encouraged to report² District – related correspondence that they receive and / or transmit that is independent of receipt or sending via normal District channels at the next available Board meeting at the appropriate place on the agenda. Correspondence such as invitations to meetings, announcements, general correspondence, advertising or matters of a similar non-policy nature are excluded from this provision. Alternatively, a Board Member can comply by providing a copy of the correspondence sufficiently in advance of the Board meeting to the General Manager and / or the District Secretary who will ensure it is properly reported.
6. While this policy does not directly apply to correspondence received by a Board Member that does not come directly through the District and also does not apply to correspondence sent by individual Board Members unless that correspondence is formally approved by the Board or is on District letterhead,

² Pertinent information to report would be the form of communication (letter, email, etc.), the date, the subject and the sender / recipient.

Board Members are encouraged to maintain all correspondence they send or receive in conformance with the District's Record Retention policy and schedule. In addition, because the California Public Records Act generally applies to Board or Board Member correspondence, Board Members shall cooperate with the District in the District efforts to comply with the requirements of the Public Records Act.

7. The General Manager shall develop comprehensive rules and procedures in furtherance of this policy.

RESOLUTION NO. 1-14

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT ADOPTING A REVISED PROCESSING BOARD CORRESPONDENCE POLICY AND RESCINDING RESOLUTION NO. 26-12 – BOARD CORRESPONDENCE POLICY

WHEREAS, on June 19, 2012 the Board last revised the Board Correspondence policy which revisions in part addressed the use of modern means of electronic communication; and

WHEREAS, at that time the Board directed that the policy be reviewed after it had been in use for 12 months to ascertain how well the new provisions were functioning; and

WHEREAS, the Board and its External Affairs Committee have extensively discussed the policy and as a result desire to revise that policy so that it focuses on “Correspondence to/from the Board” rather than “Correspondence to/from a Board Member;” and

WHEREAS, the Board desires that various other miscellaneous updates be made in the revised policy.

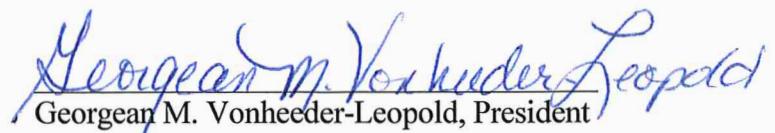
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California that the revised Processing Board Correspondence policy, attached as Exhibit “A” be adopted; and that Resolution No. 26-12 – Board Correspondence policy is hereby rescinded, and attached as Exhibit “B.”

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 7th day of January 2014, and passed by the following vote:

AYES: 5 – Directors Edward R. Duarte, Dawn L. Benson, Richard M. Halket, D.L. (Pat) Howard, Georgean M. Vonheeder-Leopold

NOES: 0

ABSENT: 0


Georgean M. Vonheeder-Leopold, President

ATTEST: Nancy G. Hatfield
Nancy G. Hatfield, District Secretary



TITLE: Progress Report on the Strategic Plan for Fiscal Years Ending 2022–2026

RECOMMENDATION:

Staff recommends the Board of Directors receive an interim progress report on the work activities for the first year of the five years under Strategic Plan for Fiscal Year Ending (FYE) 2022 – FYE 2026

DISCUSSION:

Following each DSRSD Board election cycle, the newly elected Board of Directors has an opportunity to update or reimagine the District's five-year Strategic Plan. This review and update typically occurs early in odd numbered years.

The updated five-year Strategic Plan typically includes the following elements:

- District Mission Statement
- District Vision Statement
- District Core Values
- Strategic Goals, supported by targeted action items or milestones

The Strategic Goals typically are framed to address one or more of the following factors:

- Planned change or adaptation by the District in its policies, practices, and/or objectives
- Participation and decision-making by the Board in achieving the Strategic Goals, through policy and budget adoption
- Objectives of special importance and emphasis to the Board in the intermediate term, and with some level of specificity

Once the Board adopts the updated five-year Strategic Plan, goals, work activities and resources needed to implement the Strategic Plan are reflected in the following documents:

- Two-year operating budget
- 10-year capital improvement program
- Two-year capital improvement budget

These financial planning documents are approved in the spring, shortly following adoption of the Strategic Plan. It should be noted that not all goals and milestones in the Strategic Plan are reflected in the new two-year operating budget and the two-year capital improvement budget, because some elements of the five-year Strategic Plan will be addressed in the work plans and budgets in the following two biennial budget cycles.

On April 6, 2021, the Board of Directors adopted the FYE 2022 – FYE 2026 Five-Year Strategic Plan. The updated plan included 9 Strategic Goals, supported by 26 action items or milestones. A copy of the adopted Five-Year Strategic Plan is included as Attachment 1. As part of its approval resolution, the Board directed that staff provide an annual progress report on work activities for the Strategic Plan.

An interim progress report for FYE 2022 (July 1, 2021 through June 30, 2022) is included as Attachment 2. The interim progress report includes a table for each of the nine goals, which includes a listing of the focused action items. Each goal's report includes a column for highlighting completed activities or achievements, a column to summarize work in progress, and a column for describing future activities over the next one to two years.

Originating Department: Office of the General Manager	Contact: D. McIntyre	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Adopted Five-Year Strategic Plan for FYE 2022 – FYE 2026 Attachment 2 – FYE 2022 Strategic Plan Interim Progress Report	



STRATEGIC PLAN

FYE 2022 - 2026
Updated April 2021

STRATEGIC GOALS AND ACTION ITEMS

Maintain our financial stability and sustainability

- Implement early preventative maintenance and rehabilitation measures to save on greater deferred costs long-term
- Strive to limit future utility rate increases to general inflation trends by responsibly managing District assets and costs
- Update the District's reserve policies

Make additional investment in information systems that provide a strong return on investment

- Expand the use of our electronic records management program
- Replace our finance, utility billing, human resources, and permitting software system by 2022
- Successfully transition to Microsoft 365 online environment
- Expand and enhance our Supervisory Control and Data Acquisition Systems (SCADA)
- Strengthen cybersecurity and network resiliency capabilities

Update our business practices and procedures

- Integrate our business enterprise systems (Geographic Information System, Computerized Maintenance and Management System, Laboratory Information Management System, SCADA, and Records Management System) to more effectively access and share data across the District
- Review and revise our Joint Powers Authority and other inter-agency agreements to address changing conditions
- Embrace a safety culture by updating the District's environmental health and safety programs
- Coordinate with neighboring agencies to provide more efficient and cost-effective services

Develop a fully integrated Asset Management Program to guide the District's business decisions

- Increase equipment inspections and document all corrective maintenance activities to improve scheduling of preventative maintenance and asset replacement
- Identify and assess the performance of critical assets in each business enterprise to prioritize capital projects
- Optimize efficient and effective use of capital replacement resources in the long term

Enhance the leadership, professional, and technical skills of the District's staff to meet the challenges of staffing transitions over the next five years

- Diversify and strengthen the skills of staff through multi-agency professional development programs, stretch assignments, and active employee engagement
- Develop a succession plan for key positions where feasible

Enhance our ability to respond to emergencies and maintain business continuity

- Complete and implement a comprehensive update of our Emergency Response Plan that builds an enduring emergency preparedness and response culture
- Create an inventory of emergency assets, equipment, and materials in stock
- Integrate ongoing emergency training into District operations and conduct District-wide Incident Command System exercises to assess and improve District capabilities
- Explore coordination of emergency planning with partner agencies and the cities we serve

Meet the objectives of the District's water supply policy by developing and implementing an integrated recycled and potable water program

- Pursue new supplies to meet long-term recycled water demands
- Work collaboratively with our Tri-Valley partners in the development of a more diversified and resilient water supply
- Build public awareness of long-term water supply challenges and opportunities

Develop a long-term strategy to ensure greater energy efficiency and reliability for the District

- Develop a District energy policy and District energy master plan that evaluates sustainable energy sources and a long-term fleet management program
- Develop phased targets for complying with State long-term greenhouse gas emissions mandates

Collaborate with partner agencies to monitor evolving regulatory requirements for constituents of emerging concern and explore potential compliance and mitigation strategies

MISSION

Protect public health and the environment by providing reliable and sustainable water, recycled water, and wastewater services in a safe, efficient, and fiscally responsible manner.

VISION

In our operations, financial practices, and public policies we always strive to be an effective and efficient organization. Our agency is nimble and resilient in navigating the challenges of our ever-changing industry. We relentlessly pursue incremental improvement, and to be seen as a leader of industry best management practices.



DISTRICT CORE VALUES

The core values are simple key words that describe the values of the agency; they are accompanied by questions that are to be asked when major policy decisions are being considered to ascertain if the decision is in conformance to the stated values.

CORE VALUE	CORE VALUE QUESTION
Protect Public Health and the Environment	Does the decision protect public health and the environment?
Sustain Financial Stability	Does the decision sustain or contribute to the financial stability of the District?
Be Open and Transparent	Is the decision being made in an appropriately open and transparent manner and has it considered public input?
Fairness, Respect, Honesty, and Ethics	Does the decision treat all concerned fairly, respectfully, honestly, and ethically?
Operate Safely	Does the decision promote a safe environment for the community and the workforce?
Provide High Quality Customer Service	Does the decision reflect high quality customer service?
Provide Sustainable, Efficient, Reliable, and Secure Services	Does the decision maintain or enhance the District's sustainability, efficiency, reliability, and security?
Perform at a High Standard	Does the decision or action lead to a high performing, highly qualified, motivated, safe, and innovative workforce and an adaptable organization?

FYE 2022 – FYE 2026 Five-Year Strategic Plan Interim Progress Report (FYE 2022)

Goal #1: Maintain our financial stability and sustainability: <ul style="list-style-type: none"> • Implement early preventative maintenance and rehabilitation measures to save on greater deferred costs long-term. • Strive to limit future utility rate increases to general inflation trends by responsibly managing District assets and costs. 		
Completed	In Progress	Future Activities
A. Increased water rates in 2022 by 3.15%. B. Completed a 2021 refinancing of LAVMWA debt as treasurer with net present value savings of \$12.2 million. C. Updated the Water Capacity Reserve Fee. D. Completed an Overhead and Cost Allocation Study and implemented new miscellaneous fee charges. E. Completed the Classification and Compensation Study and negotiated new 4-year Memoranda of Understanding with bargaining units. F. Awarded contract for replacement of 12,000 feet of 1960's era water lines in the Canterbury/Wineberry neighborhood. G. Replaced 8,000 feet of cast iron water pipeline in Camp Parks. H. Lined the remaining unlined portion of the East Dublin Trunk Sewer. I. Substantially completed the Primary Sedimentation Expansion and Improvements Project.	A. Establishing Local and Regional Wastewater rate increases for FYE 2023 at 2% based on continuation of 2017 study assumptions (adopted by the Board on July 19, 2022). B. Completing a comprehensive Local Wastewater and Regional Wastewater Rate Study in 2023 (deferred from 2022 schedule). C. Advancing on the Alum Addition Project which will reduce struvite buildup.	A. Prepare a 2-year operating budget based on 10-year projections, pending a Local/Regional Wastewater Study and the Operations Workforce Study. B. Update 10-year CIP plan budget using data gathered through past projects and CSAM (formerly Lucity) to balance cash flow with replacement needs. C. Update District's Financial Reserves policy, Water Expansion Fund Management policy, and capitalization policy. D. Complete a Water Rate Study for 2024–2028, including staged conservation rates and new recycled water rates. E. Update the Local and Regional Capacity Reserve Fee in 2024. F. Complete an Engineering Fees and Overhead Study. G. Complete a Lab Fees Study. H. Complete replacement of 330 residential meters in the Canterbury/Wineberry neighborhood.

FYE 2022 – FYE 2026 Five-Year Strategic Plan Interim Progress Report (FYE 2022)

Goal #2: Make additional investment in information systems that provide a strong return on investment:

- Expand the use of our electronic records management program.
- Replace our finance, utility billing, human resources, and permitting software system by 2022.
- Successfully transition to Microsoft 365 online environment.
- Expand and enhance our Supervisory Control and Data Acquisition System (SCADA).
- Strengthen cybersecurity and network resiliency capabilities.

Completed	In Progress	Future Activities
A. Implemented the Tyler Munis elements for Finance (purchase requisitions). B. Presented to the Board District strategies and plans to manage cybersecurity effectively. C. Migrated Board agenda packets and minutes into OnBase electronic records management system. D. Replaced network backup system with a modern solution that provides better protection from ransomware, natural disasters, and operational failings. E. Migrated the District intranet to Microsoft 365 SharePoint online. The new site provides better format and easier access to information from any District device. F. Upgraded the power monitoring system. G. Upgraded the building management system. H. Upgraded the security system. I. Expanded and enhanced the business network and Wi-Fi hotspots throughout District facilities.	A. Implementing the Tyler Munis system for Payroll, HR, Budget, Utility Billing, Cashiering, and Planning/Permitting fees (end of 2022). B. Implementing EnerGov to provide for a new system for remote development plan review, permitting, and inspection services. C. Migrating joint powers authority and partner agreements, contracts, regulatory permits recruitment records, and public affairs documents into the OnBase electronic record management system. D. Rolling out CSAM (formerly Lucity) Mobile technology to Field Operations for full benefit of the field technology. E. Advancing on the WWTP SCADA Improvements Project. F. Installing SCADA dashboard software and developing enhanced data view and management. G. Conducting a Security Awareness Proficiency Assessment.	A. Implement a Tyler Munis Capital Asset Module. B. Replace and review our network technology to enhance network security. C. Convert safety incident forms and migrate closed CIP project files to OnBase electronic records management system. D. Upgrade Laboratory Information Management System to meet new State regulations. E. Establish communications protocol for Microsoft 365 online environment. F. Implement records retention module in OnBase electronic record management system.

FYE 2022 – FYE 2026 Five-Year Strategic Plan Interim Progress Report (FYE 2022)

Goal #3: Update our business practices and procedures:

- Integrate our business enterprise systems (Geographic Information System, Computerized Maintenance and Management System, Laboratory Information System, SCADA, and Records Management System) to more effectively access and share data across the District.
- Review and revise our Joint Power Authority and other interagency agreements to address changing conditions.
- Embrace a safety culture by updating the District's environmental health and safety programs.
- Coordinate with neighboring agencies to provide more efficient and cost-effective services.

Completed	In Progress	Future Activities
A. Executed a 3-year interim agreement with EBMUD and DERWA to address near-term issues and set framework for future negotiations on a comprehensive update of the DERWA Agreements in 2024. B. Completed a safety training matrix and updated New Employee Safety Orientation (NESO), Fall Protection Program, Chemical Hygiene Plan, and Lockout/Tagout Program.	A. Streamlining of LAVWMA Quarterly Operations Reports to be implemented by late 2022. B. Streamlining of DERWA administrative operations. C. Meeting monthly with other Tri-Valley utility agencies to explore service delivery coordination. D. Transitioning to electronic work requests and capturing new equipment information electronically through CSAM (formerly Lucity) Mobile. E. Creating and implementing a quality system within the laboratory that meets the State's upcoming laboratory standards. F. Updating the following Safety Programs: Personnel Protective Equipment, Contractor Safety, Electrical Safety, and Wildfire Smoke. G. Finalizing a contract amendment with Pleasanton for access to Dublin Trunkline.	A. Complete a comprehensive review of Pleasanton-DSRSD Wastewater Service Agreements, and initiate negotiations on a consolidated Amended and Restated Agreement in 2023. B. Perform a comprehensive review and update of the LAVWMA Operations Agreement and LAVWMA JPA Agreement by end of 2023. C. Explore a mutual aid agreement regarding cybersecurity attacks with other Tri-Valley utilities. D. Update the Safety Program for Confined Space and Injury & Illness Prevention Program.

FYE 2022 – FYE 2026 Five-Year Strategic Plan Interim Progress Report (FYE 2022)

Goal #4: Develop a fully integrated Asset Management Program to guide the District's business decisions:

- Increase equipment inspections and document all corrective maintenance activities to improve scheduling of preventative maintenance and asset replacement.
- Identify and access the performance of critical assets in each business enterprise to prioritize capital projects.
- Optimize efficient and effective use of capital replacement resources in the long term.

Completed	In Progress	Future Activities
A. Trained all operations staff on the mobile version of the District Computerized Maintenance Management System (CSAM) (formerly Lucity). B. Determined most critical wastewater treatment process equipment to develop more efficient preventative maintenance schedules. C. Installed predictive vibration monitoring sensors as a pilot program on several motors at the WWTP, DERWA, LAVWMA, and Water Distribution Pump Stations to predict unexpected failures. D. Updated the Asset Replacement Model unit costs for the water distribution system and collection system as part of the CIP budgeting process. E. Used CSAM to electronically schedule preventative maintenance by location and crew. F. Completed water system valves replacement backlog.	A. Adding assets into CMAS database: WWTP at 90% completion, Water Distribution System at 60% completion, LAVWMA at 50% completion, and 80% of recycled water plant assets. B. Completing electronic tagging of assets for faster preventative maintenance: WWTP at 80% completion, Water Distribution System at 40% completion, and recycled water plant assets underway. C. Leveraging the PLC software and hardware maintenance contract to better track control system assets. D. Implementing a handheld equipment monitoring system, to create a baseline to switch from preventative to predictive maintenance. E. Conducting pilot testing of CSAM to electronically schedule preventative maintenance by location and crew. F. Converting Automated Metering Infrastructure from Logics to Analytics that provides for more frequent meter reading data.	A. Conduct ongoing long-range planning to better integrate and optimize operating strategies and capital rehabilitation/replacement strategies. This is a decade long rethinking of our business processes.

FYE 2022 – FYE 2026 Five-Year Strategic Plan Interim Progress Report (FYE 2022)

Goal #5: Enhance the leadership, professional, and technical skills of the District's staff to meet the challenges of staffing transitions over the next five years:

- Diversify and strengthen the skills of staff through multi-agency professional development programs, stretch assignments, and active employee engagement.
- Develop a succession plan for key positions where feasible.

Completed	In Progress	Future Activities
A. Participated in the 2021/22 Alameda County Leadership Academy (one District attendee). B. Assigned a half dozen staff to extended (2–3 months) acting assignments for lead, supervisory, and technical roles throughout the District to provide a “learn by doing” opportunity. C. Conducted a fourth (virtual) Employee Academy to enhance onboarding for new employees. D. Frontline subject matter experts made presentations to the 2022 Citizens’ Water Academy, enhancing their communications skills. E. Provided HR training to various staff to enhance skills. F. Recruited 22 new employees and promoted 32 employees. G. Completed baseline NIMS training for emergency preparedness for all District employees. H. Fully implemented Target Solutions as safety learning platform and assigned over 1800 safety training modules to staff.	A. Planning participation by one staff for the 2022/23 Alameda County Leadership Academy. B. Providing a Biannual Employee Academy in September. C. Conducting an Operations Department Workforce Study with widespread participation by all staff.	A. Begin a focused area of planning by the Leadership Team on business continuity/succession planning in 2023. B. Implement advanced emergency preparedness training District-wide.

FYE 2022 – FYE 2026 Five-Year Strategic Plan Interim Progress Report (FYE 2022)

Goal #6: Enhance our ability to respond to emergencies and maintain business continuity:

- Complete and implement a comprehensive update of our Emergency Response Plan that builds an enduring emergency preparedness and response culture.
- Create an inventory of emergency assets, equipment, and materials in stock.
- Integrate on-going emergency training into District operations and conduct District-wide Incident Command System exercises to assess and improve District capabilities.
- Explore coordination of emergency planning with partner agencies and the cities we serve.

Completed	In Progress	Future Activities
A. Installed two stationary emergency generators and upgraded electrical system at six water distribution pump stations to accommodate five new portable emergency generators for the water distribution system. B. Implemented standby rotation for Mechanical Maintenance Division and Instrumentation, Controls, and Electrical Division weekend coverage. C. Completed basic FEMA/NIMS disaster training for all DSRSD employees. D. Established program to maintain redundancy by incorporating emergency response curriculum into the New Employee Safety Orientation (NESO) and manager onboarding package.	A. Developing a second phase update of the Emergency Response Plan. B. Coordinating, by Emergency Response Interim Committee (EPIC), District-wide National Incident Management Systems (NIMS/ICS) training, exercises, and checklist review. C. Completing Midterm Progress Report for Tri-Valley Hazard Mitigation Plan. D. Access and training on Alameda County Virtual Operations Center (VEOCI), an emergency management tool which will provide the District access to County dashboards, resource requests, and contacts during an emergency. E. Facilitating partnerships between DSRSD, City of Dublin, and Alameda County on emergency operations. F. Continued expanding critical parts inventory.	A. Incorporate power shutoff procedures in the Emergency Procedures Manual. B. Establish an Emergency Preparedness Work Group to continue comprehensive update and ongoing implementation of the Emergency Response Plan to meet District business needs. C. Complete advanced FEMA/NIMS disaster training for core (approximately 40) DSRSD employees in 2023. D. Complete a Laboratory Continuity of Operations Plan.

FYE 2022 – FYE 2026 Five-Year Strategic Plan Interim Progress Report (FYE 2022)

Goal #7: Meet the objectives of the District's water supply policy by developing and implementing an integrated recycled and potable water program:

- Pursue new supplies to meet long-term recycled water demands.
- Work collaboratively with our Tri-Valley partners in the development of a more diversified and resilient water supply.
- Build public awareness of long-term water supply challenges and opportunities.

Completed	In Progress	Future Activities
A. Operated a new wastewater diversion intertie with Central San providing 0.7 MGD of supplemental wastewater supply during peak summer months to DERWA in 2021. B. Successfully piloted using storage at the WWTP to maximize supply for DERWA during summer peaks. C. Completed feasibility study for a Regional Purified Water Pilot Project in partnership with ACWD and other Bay Area water and wastewater agencies. D. Collaborated with Zone 7 and other retailers to complete Phase 1: Foundational Education of the Tri-Valley Water Reliability Public Information Program. E. Executed an agreement to extend District's option to purchase Zone 7's Mocho Well No. 4 to January 1, 2027.	A. Supporting Zone 7 and other Tri-Valley retailers to conduct public outreach on the need to bolster the Tri-Valley's water supply, storage, and conveyance systems. B. Exploring the opportunity to perform a maintenance test of the EBMUD/DSRSD emergency interties with EBMUD and Zone 7 to test the interties and ability to route water to Zone 7 via EBMUD's water system.	A. Work with DERWA and EBMUD to pursue supplemental supply options for the DERWA recycled water program, including demand management, storage optimization, additional wastewater supplies, and groundwater. B. Initiate Phase 2 of the Regional Purified Water Pilot Project, which will focus on outreach efforts, and identifying grant funding opportunities. C. Hold Liaison Committee meetings with other agencies, including scheduling an October 2022 Tri-Valley Water Liaison Committee meeting, to discuss future joint initiatives in support of a resilient water supply. D. Work with Zone 7 and the retailers to complete additional phases of the Tri-Valley Water Reliability Public Information Program.

FYE 2022 – FYE 2026 Five-Year Strategic Plan Interim Progress Report (FYE 2022)

Goal #8: Develop a long-term strategy to ensure greater energy efficiency and reliability for the District:

- Develop a District energy policy and District energy master plan that evaluates sustainable energy sources and a long-term fleet management program.
- Develop phased targets for complying with State long-term greenhouse gas emission mandates.

Completed	In Progress	Future Activities
A. Awarded consulting contract to Carollo Engineers for comprehensive District-wide Energy Master Plan. B. Implemented low-cost energy system improvements, including: WWTP aeration controls, Cogeneration Engine #2 fuel and ignition upgrade, rebuild of WWTP influent pump #3, and modifications to the LAVWMA time of use and scheduling of pumps. C. Submitted Bay Area Air Quality Management District (BAAQMD) permit application to update permit for expanded treatment processes, FOG receiving station, and new biogas flares.	A. Preparing an Energy Master Plan in 2023. B. Preparing a WWTP Electrical System Master Plan for completion in 2023. C. Designing new Biogas Treatment System to handle future gas production. D. Developing FOG program and procedures. E. Improving aeration process at WWTP to reduce electrical demands.	A. Complete a District Energy policy in FYE 2023. B. Complete an Energy Facilities Plan in FYE 2024 C. Implement Energy Facilities Plan in 2024–2034, as part of a new 10-Year Capital Improvement Plan.

FYE 2022 – FYE 2026 Five-Year Strategic Plan Interim Progress Report (FYE 2022)

Goal #9: Collaborate with partner agencies to monitor evolving regulatory requirements for constituents of emerging concern and explore potential compliance and mitigation strategies.		
Completed	In Progress	Future Activities
A. Included nutrient removal and dewatering projects in the CIP in anticipation of regulatory requirements. B. Completed Phase 1 of the BACWA (Bay Area Clean Water Agencies) Wastewater Per/Poly Fluoroalkyl Substances (PFAS) Study.	A. Becoming a member of the Bay Area Biosolids Coalition. B. Participating in Phase 2 of the BACWA Wastewater PFAS Study. C. Continue notification to governing boards of agencies the District serves of PFAS in water supplied.	A. Attend ACWA and CASA conferences and actively participate/comment on future legislation. B. Support Zone 7 in development of PFAS treatment facilities needed to meet future PFAS regulations.

OD:\2022 Strategic Plan\Strategic Plan – Progress Report to Board 8-2-22 Final

Veronica Gonzales

From: Richard Schussel <[REDACTED]>
Sent: Friday, July 15, 2022 2:49 PM
To: Board Mailbox; Dan McIntyre
Cc: 'Gerry Beaudin'; citycouncil@cityofpleasantonca.gov
Subject: RECYCLE WATER STATION - Your Decision to NOT use Existing DSRSD Location

Importance: High

[EXTERNAL – check for red flags]

URGENT

I write to ask you to provide the rationale for not reopening the DSRSD location as a recycle water station. Unfortunately, your decision now impacts an entire residential neighborhood, which is already filled with daily traffic (7 days) at the Ken Mercer Sports Park. There are many reasons that location should not be opened.

I have been talking to the Pleasanton City Manager and Council Members on this issue, frustrated that residents did not get proper notice and had no idea the city was planning to use the Zone 7 parking lot for 17 fill stations...at a cost of \$500-600k. We are just learning about this in the past week.

As I drove past your location in the past days, I can still see the faucets and hoses there... quiet as can be. No construction going on, no safety hazards seen. And even if you have construction planned in the future, there is still a ton of space to drive in, and out of the EXISTING stations.

You only need to change this decision, do what is right by the citizens that pay for your facility. If you want money to cover attendants or the like, the cities, I am sure would be happy to contribute for that...versus hundreds of thousands of dollars for a 'temporary' use permit, when no one knows how many will even use it. What a waste of rate payers money.

I was told by an employee of DSRSD that they had been told it would not be used because of 'safety' issues. There will be a lot of safety issues with traffic on a residential street with only 1 way in and 1 way out, combined with the amount of traffic that uses Parkside drive for sports, tournaments and recreational activates every day and evening.

Your operation in the past ran smoothly. An attendant that sat at the gate and checked a registration card , and then we came in, drove around to the fill stations, plenty of room to back in and fill up, then out. Traffic did not back up onto Stoneridge. Your property is huge and could handle so many at a time. 40 stations I believe.

So why are your customers paying for an additional build out of a 17 station location, when yours is built? How is that a good use of rate payer money?

You owe the citizens of Pleasanton, Livermore and Dublin answers to these questions. And Open up DSRSD!

Time is of the essence. I would appreciate hearing from all of you so I can continue to talk to my neighbors, as well as the council of Pleasanton. I will be speaking to them on Tuesday, July 19th and would ask that you RECONSIDER your decision for the good of the Tri Valley communities right away. I look forward to your responses.

Thank you.

Rick Schussel
Marilyn Court
Pleasanton

Cell: [REDACTED]
E mail: [REDACTED]

Veronica Gonzales

From: diane mckenna <[REDACTED]>
Sent: Sunday, July 17, 2022 3:27 AM
To: Board Mailbox
Subject: Recycled water pumping station

[EXTERNAL – check for red flags]

Good morning,

I am sorry to learn you are not allowing recycled water to be pumped at your Stoneridge location. Why is this? Your decision will impact the safety of an entire residential area. There are so many pedestrians, bicycle riders and community members on Parkside at all times. The sport park is highly utilized and now you are forcing unknown amounts of trucks with multi gallon water containers onto our streets. It just doesn't make sense when you already have the appropriate facility. Please reconsider for the well-being of all.

Thankyou,

Diane McKenna

Sent from my iPhone

Veronica Gonzales

From: Steve McLean <[REDACTED]>
Sent: Sunday, July 17, 2022 4:28 PM
To: Board Mailbox
Subject: Parkside Neighborhood Water Refilling Station

[EXTERNAL – check for red flags]

I am a Parkside neighborhood resident and am very concerned about the decision that was made, without our neighborhood input, to place a water recycle station in the zone 7 parking lot in our residential neighborhood. We were not given any notice about this project or that a decision to proceed had already taken place. Because of this, our daily lives will be terribly impacted by the volume of cars expected to invade our quiet streets. I simply cannot understand the rationale for not reopening the DSRSD location . The DSRSD location does not impact the safety of any neighbors or residents, the way the zone 7 location surely would. A project like this simply does not belong in a residential neighborhood, especially when there is a perfectly good location already in place and able to be put back into service.

Now an entire neighborhood will be impacted, one which already has much daily traffic on Parkside drive, due to all the activities in the Ken Mercer Sports Park. The activities in the Sports Park are year round, and the amount of traffic already coming into the area can be very heavy at times. The safety of the children in our area who bike and walk to school on a daily basis should be of primary concern to everyone, not to mention the unnecessary volume of cars that would be driving down our streets impacting our ability to just leave our neighborhood to go grocery shopping, etc.

Please do the right thing and reconsider your decision - DO NOT place the water refilling station in the zone 7 lot. The DSRSD location should be the first choice for this project. It just seems like good common sense.

Thank you for consideration of this matter.

Judy and Steve McLean
Parkside Residents

Veronica Gonzales

From: Susan Schall <[REDACTED]>
Sent: Thursday, July 21, 2022 8:45 AM
To: Karla Brown; Mayor and City Council
Cc: [REDACTED]

Subject: Re: URGENT - Zone 7 Water Station Concerns

[EXTERNAL – check for red flags]

Thanks Karla and the city council for hearing us and extending the decision time on this. Will the city be notifying the entire Parkside neighborhood about this project and public input period?

Thank you.

Susan Schall, REALTOR®

[REDACTED]

DRE# 01713497

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From: Karla Brown <kbrown@cityofpleasantonca.gov>
Date: Wednesday, July 20, 2022 at 9:29 PM
To: Susan Schall <[REDACTED]>, Mayor and City Council <citycouncil@cityofpleasantonca.gov>
Cc: [REDACTED]

Subject: RE: URGENT - Zone 7 Water Station Concerns

Karla Brown has shared a OneDrive file with you. To view it, click the link below.

 [Recycled water at Parkside Agenda ^N24.pdf](#)

Hi Susan,

No problem. Dear Parkside residents, at the very end of a long meeting (near 11:30) last night, there is a subject called, "Matters initiated by council." At that time council member Testa asked for support to bring this agenda item back for reconsideration (she beat me to it). The request was supported by me, Vice Mayor Arkin and Council member Testa. With 3 votes out of 5, we will bring this back for public feedback and consideration at our next meeting August 16 at 7pm.

This staff report is from June 21 when the topic was first discussed is attached as a link to reduce the file size.

Karla Brown
Mayor, City of Pleasanton
THE CITY OF

PLEASANTON

From: Susan Schall <[REDACTED]>

Sent: Tuesday, July 19, 2022 7:13 PM

To: Karla Brown <kbrown@cityofpleasantonca.gov>; Mayor and City Council <citycouncil@cityofpleasantonca.gov>

Cc:

Subject: Re: URGENT - Zone 7 Water Station Concerns

Karla can you please forward the Agenda item to all on this list? I appreciate it – it is over 26MG which makes it impossible to forward. Thanks.

Susan Schall, REALTOR®

DRE# 01713497

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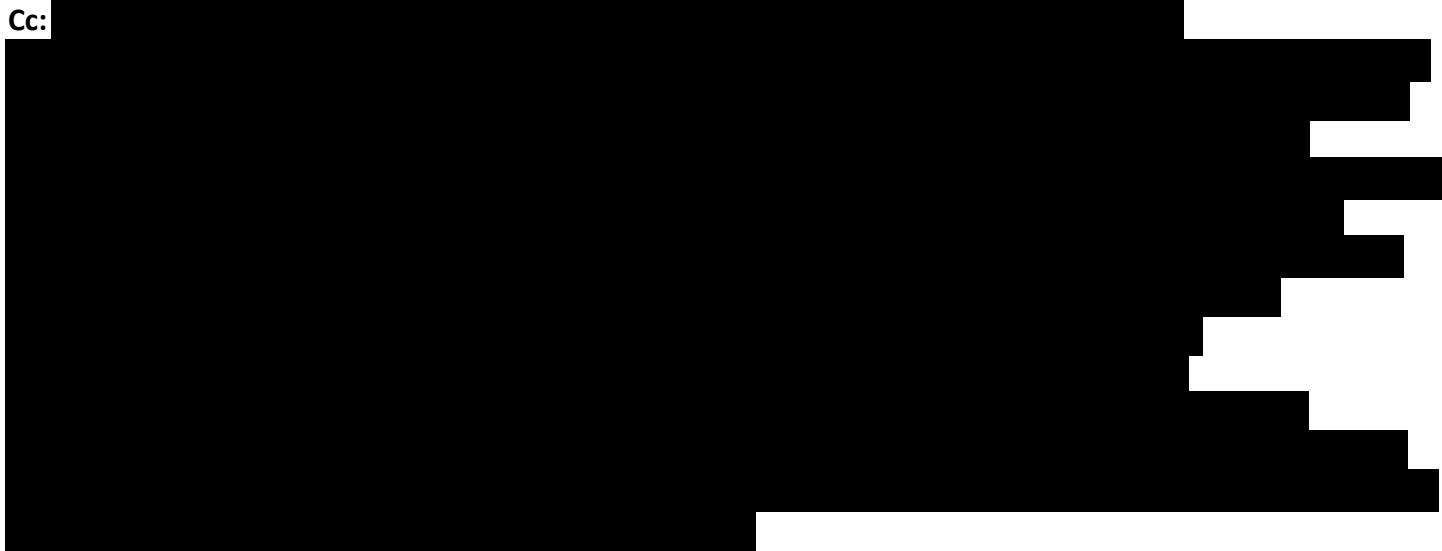
From: Susan Schall <[REDACTED]>

Date: Tuesday, July 19, 2022 at 7:10 PM

To: Karla Brown <kbrown@cityofpleasantonca.gov>, "citycouncil@cityofpleasantonca.gov"

citycouncil@cityofpleasantonca.gov

Cc:



Subject: Re: URGENT - Zone 7 Water Station Concerns

I attended, online, the DSRSD online meeting tonight.

One of the DSRSD board members expressed her concern that if it's not open on weekends it's not worth it and voted no. The motion passed 3 to 1.

They did mention that they had received feedback from the public, but they felt that residents of Parkside were all probably overstating the traffic issues, while also admitting that none of them were very familiar with our exact location/neighborhood. They had this opinion that we were concerned about large trucks, which I'm not concerned about. I'm concerned about the traffic, the safety for the walkers, strollers, dogs, bikes, as they walk down the shaded side of Parkside Dr. while folks are taking U turns as they drive down Parkside, etc. I did speak for a few minutes, explaining that the entire neighborhood had not been notified, explaining that it's a 1 lane road in and a 1 lane road out, explaining that we have safety and traffic concerns. I expressed that last Friday there was absolutely no parking on Parkside based on a tournament in the park. I expressed many of the things that I expressed in my letter to the Pleasanton City Council.

They basically said it's really in Pleasanton's hands. They said that the old location had safety concerns because chemical deliveries, traffic, etc. that were in play at that site, and then a board member brought up that the water was actually from Livermore, so really didn't relate to the old site. They also stated that a 35 day period had not started in Pleasanton (I was unclear on exactly what this was, but it sounded like it related to public feedback, etc.). One board member did express concern that by the time this site is ready (early Sept. at the earliest), then the season will be over. They sort of threw up their hands and said they can approve, but it's really up to Pleasanton.

As the season is almost over I think there really is no rush to approve this. I request that this gets slowed down, and the public get involved in ideas and feedback, and a solution is developed to be rolled out early next year in time for an early Spring launch. I don't see the benefit of launching an expensive program at the end of a season w/o proper public feedback and neighborhood input.

Thanks for your attention to this.

Susan Schall, REALTOR®



DRE# 01713497

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From: Susan Schall <[REDACTED]>
Date: Tuesday, July 19, 2022 at 6:05 PM
To: Karla Brown <kbrown@cityofpleasantonca.gov>
Cc: Susan Schall <[REDACTED]>
Subject: Re: URGENT - Zone 7 Water Station Concerns

Thanks Karla – I appreciate the council taking a better/closer look at this. It's a huge concern and we need to develop a plan that makes more sense with some planning and input from neighbors. Thank you.

Susan Schall, REALTOR®

[REDACTED]

DRE# 01713497

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From: Karla Brown <kbrown@cityofpleasantonca.gov>
Date: Tuesday, July 19, 2022 at 5:46 PM

To: Susan Schall <[REDACTED]>
Subject: RE: URGENT - Zone 7 Water Station Concerns

Hello Susan,

You have raised many solid points, and at this time I am going to recommend the City Council bring this back for discussion to see if this is still a good project for Pleasanton. Bringing the project back will require a vote of the council.

In addition, I have attached the agenda item from June 21 in case you have any questions.

Karla Brown
Mayor, City of Pleasanton
THE CITY OF


From: Susan Schall <[REDACTED]>
Sent: Tuesday, July 19, 2022 10:21 AM
To: Karla Brown <kbrown@cityofpleasantonca.gov>; Mayor and City Council <citycouncil@cityofpleasantonca.gov>; board@dsrsd.com

Cc: [REDACTED]

Subject: Re: URGENT - Zone 7 Water Station Concerns

I am copying in the board at the DSRSD as I understand their meeting is tonight on this issue. I am very much opposed to this Zone 7 water station in our neighborhood until there is clarity on why the Stoneridge station is not being used (as I've heard there are safety concerns) and also based on the fact that the impacted neighborhood, Parkside, was not informed of this decision to convert the Zone 7 parking lot into a recycled water station.

Please see my concerns below. Thank you.

From: Susan Schall <[REDACTED]>
Date: Monday, July 18, 2022 at 10:43 AM
To: <kbrown@cityofpleasantonca.gov>, <citycouncil@cityofpleasantonca.gov>
Cc: [REDACTED]

Subject: URGENT - Zone 7 Water Station Concerns

Karla and Pleasanton City Council,

I am a long time resident of Parkside and have lived on the very last street in this neighborhood, Omega Circle, for 27 years. There is one way in and one way out of our neighborhood, which is down Parkside drive. I found out yesterday that the city is planning to allow 17 water pump stations in the Zone 7 parking lot. I have huge safety and traffic concerns about this and am very disappointed that our entire neighborhood, which will be highly impacted, was not notified or consulted. I have received multiple post card notifications about the proposed skate park upgrade and the all abilities playground, asking for public feedback, so it's suspect that this Zone 7 water station did not get the same reporting requirements to our neighborhood. Notifying just the nearest 1000 feet of neighbors does not address the majority of people who will be affected by this. I have a variety of concerns that I share with many of my neighbors and we should have input before this final decision is made.

I agree with and 100% understand the need for and benefits of using recycled water, and applaud the city for helping figure out methods to help our residents during this drought. During the last drought, my husband used the Stoneridge water station on a very regular basis and he very specifically tried to get strategic about what time he'd go as there were very often very long lines to get in to use the very large facility. I would like to understand why the original pump location, off Stoneridge Drive, is not going to be used. It's the perfect location and does not affect houses or neighborhood traffic or safety. Please advise why that location is not being used. I have heard that it's due to safety concerns, so please explain what those concerns are, as I have safety concerns for our children and residents as well.

My concerns about the Zone 7 location are these:

- 1) Pedestrian Safety – On a daily basis there are many walkers, bikers, strollers, roller bladers, etc. going down the shaded side of Parkside drive. Right now with the Redwood trees so tall, the shade they throw during the mid-day hours makes it very difficult to see those people. Many of my neighbors have discussed the need for some safety updates to keep those in the shade safe from the cars driving down the street. Adding in hundreds of extra cars and trailers, making U-Turns on the street will cause a big safety concern.
- 2) Driver safety – I can't tell you how many times I've seen unsafe U-turns take place while driving down Parkside on the way home. Folks dropping their kids for sports, trying to find a field, folks lost (thinking they can pass through to Santa Rita), or just careless drivers, decide to throw a quick U-Turn when going down Parkside. It's a dangerous practice already on a very active drive, now adding in the need for hundreds of extra cars and trailers to have to make this U-turn will add a big safety issue. How will this be addressed? In reading the info about the traffic flow they are encouraging these U-turns. I think in reality folks will realize it's easier to just go around a circle, which will impact the circles on the first ½ of the neighborhood. Have all of these residents been informed of this? I can't imagine they are not against this.
- 3) Traffic flow – on many occasions my husband has waited for 30+ minutes in line at the old Stoneridge location to fill up our water container. These trucks and trailers will be blocking the flow of traffic in and out of the neighborhood. Adding in the cones and the closing off of lanes to get in and out of the neighborhood and the park will only add to the chaos. Last Friday we had a soccer tournament at the park, the entire Parkside Drive was fully lined with cars, the park was full and traffic was slow and messy. We have multiple events throughout the year, and understanding that they might add in some weekend hours really is worrisome.

I understand the need to find solutions to our water needs, but locating this in our residential area, when there is a perfectly good site, away from homes, that is already set up over on Stoneridge Dr., makes no sense. I very much object to this project and ask that there be a public input period, as there is for the proposed skate park and the all abilities playground.

Thanks for your immediate attention to these concerns.

Susan Schall, REALTOR®

[REDACTED]

DRE# 01713497

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THE CITY OF



CITY COUNCIL AGENDA REPORT

June 21, 2022

Operations Services

TITLE: APPROVE AGREEMENT BETWEEN THE CITY OF PLEASANTON, CITY OF LIVERMORE, AND DUBLIN SAN RAMON SERVICES DISTRICT FOR THE CONSTRUCTION AND OPERATION OF A TEMPORARY JOINT RESIDENTIAL RECYCLED WATER FILL STATION AND AUTHORIZE \$160,500 FOR PROJECT EXPENSES

SUMMARY

Following City Council's action on April 19, 2022, to rescind the previously approved agreement with the City of Pleasanton, City of Livermore, and Dublin San Ramon Services District (DSRSD) (Agencies) to construct and operate a Temporary Joint Residential Recycled Water Fill Station (Fill Station) and to continue work with the Agencies on a new, less expensive option, staff is recommending that City Council approve the agreement for a fill station to be located at 5997 Parkside Dr. at the Zone 7 Water Agency (Zone 7) building and City of Pleasanton parking lot.

The proposed fill station will alleviate the impact of conservation on Tri-Valley residents by offering access to recycled water during mandatory conservation. The proposed agreement outlines the responsibilities and cost sharing of each agency for the construction and operation of the fill station.

RECOMMENDATION

Authorize the City Manager to execute the agreement between the City of Pleasanton, City of Livermore, and Dublin San Ramon Services District, and authorize \$160,500 for Pleasanton's portion of the construction and operation of a Temporary Joint Residential Recycled Water Fill Station.

FINANCIAL STATEMENT

The construction and operation cost for the fill station is estimated at \$481,500 (\$181,500 for construction and \$300,000 for annual operation). Each agency would contribute one-third of the project costs, making Pleasanton's portion \$160,500. As part of the City's FY 2020/21 year-end budget, City Council approved \$250,000 from the Water Fund Surplus for the fill station project currently in the Water CIP fund. A total appropriation of \$160,500 will be made to project # 22900 Recycled Water Fill Station Project.

During periods of mandatory conservation, the annual operating cost of the fill station is estimated not-to-exceed \$300,000 and Pleasanton's portion is estimated at \$100,000.

Should mandatory conservation be in place in future years, staff will request on-going operational expenses from future budgets.

Tri-Valley residents will purchase a “season pass” for a Program Fee of \$100, which allows users an unlimited amount of recycled water during the fill station’s operational period of April through October. Program fee revenues would be used to partially offset program costs, and would be shared equally by DSRSD, Livermore, and Pleasanton. Staff is offering the partial cost recovery model because of the uncertainty with knowing how many season passes will be sold and how long the drought will last. Any costs not recovered will be paid by revenues collected from all water utility rate payers regardless of whether or not they use the recycled water fill station. This is similar to other water conservation programs including the Eco-Friendly Lawn Conversion rebate program, Controller Assistance Program, Weather-Based Irrigation Controller rebate program, and water-efficient shower heads and bathroom aerators.

BACKGROUND

In 2014, in response to continuing and worsening drought conditions, all the water agencies of the Tri-Valley declared a local drought emergency and implemented mandatory water conservation measures. Most notably, these included a common limit of no more than two days a week of outdoor irrigation. To provide an alternative for residents in the city of Pleasanton and DSRSD service area with trees or landscaping that required more water than the potable limits, DSRSD developed and implemented a residential recycled water fill station program at the DSRSD Regional Wastewater Treatment Plant (WWTP) for residential customers. DSRSD’s effort was particularly innovative, requiring special approvals from the State Water Resources Control Board (SWRCB) to allow the program under the District’s existing recycled water permit. The fill station served as a model for other Bay Area agency fill stations that are currently operating.

Typically, residential recycled water users would utilize 280-gallon totes to haul recycled water loads of up to 2,000 pounds. DSRSD’s residential fill station was popular with residents in the Tri-Valley and beyond. The number of permitted customers in 2015 rose to over 3,600 and the amount of recycled water consumed in the residential fill station program increased to 28.2 million gallons, representing about 2.7 percent of the recycled water produced that year. On individual days, the fill station use accounted for up to 5 percent of the recycled water produced. Customers were not limited to DSRSD’s service area. Interest in the fill station extended throughout the Tri-Valley and as far as San Bruno, Salida, Pittsburg, Newark, Los Gatos, Foster City, and Alameda. The distribution of fill station users was:

- Dublin – 17.5%
- San Ramon – 12.5%
- Pleasanton – 45%
- Other non-DSRSD customers – 25%

With good precipitation in the early months of 2016, in June 2016 the Agencies terminated their local drought emergency declaration and ended mandatory water conservation measures.

On December 20, 2016, the DSRSD Board reviewed operational and financial options for the fill station. The DERWA (DSRSD-EBMUD Recycled Water Authority) Recycled Water Treatment Plant Expansion Project was planned to start in January 2017 and continue through summer 2018. The project entailed significant construction activity in and around the WWTP gate area which would create traffic conflicts with residential recycled water haulers and potential unsafe conditions. To avoid conflicts with the project construction, the Board directed closure of the fill station.

In July 2020, the Board's decision to keep the fill station closed was incorporated into an update of the District's Water Recycling policy which stated the District would provide recycled water for off-haul to residential customers only in times of mandatory potable water conservation. During this time, many Pleasanton residents inquired about accessing DSRSD's recycled water fill station and interest grew into 2021, at which time DSRSD and the cities of Livermore and Pleasanton began to explore other site options for a residential recycled water fill station.

On September 1, 2021, the Zone 7 Board of Directors declared a state of drought emergency within its service area and a Stage 2 water shortage. In October 2021, the Agencies also declared a Stage 2 water shortage and 15 percent mandatory conservation compared to 2020 potable water usage. To alleviate the impact of conservation to residential customers, the Agencies have been working collaboratively to replace the fill station that was located at the WWTP during the 2014-2015 drought.

In November 2021, the DSRSD Board authorized staff to explore the use of its undeveloped property on Gleason Drive in Dublin. Since this time, staff from DSRSD, Livermore, and Pleasanton developed a temporary recycled water fill station project that included the construction and operation of a temporary fill station during mandatory conservation. In March 2022, this project was presented to each Agencies' governing body. All Agencies approved the initial agreement, construction, and operating costs for \$1.4 million.

In March 2022, DSRSD facilitated the bid process and solicited bids. DSRSD received two bids ranging from \$1,466,292.91 to \$1,748,260, significantly higher than the engineer's estimate for the project at \$970,000. Staff presented the revised project costs and requested City Council to authorize additional funding for the project at its April 19, 2022, meeting, however, City Council voted to rescind the agreement citing the cost of the project was too costly for the uncertainty of the success of the fill station and cost-to-benefit ratio. City Council directed staff to work with the Agencies to find another location that would not require extensive construction, thereby lowering the cost of the project.

The Agencies reconvened and no viable options were presented in the cities of Dublin or Livermore. The proposed site for the fill station is in Pleasanton at 5997 Parkside Dr. at the Zone 7 building and in the City of Pleasanton-owned parking lot. This site is adjacent to the City's recycled water line and provides sufficient ingress and egress.

DISCUSSION

The following framework outlines the key roles and responsibilities for each agency to operate the Temporary Joint Residential Recycled Water Fill Station during periods of mandatory water conservation and is detailed in the attached agreement. The main points of the agreement are described below:

- 1) Collaboration. DSRSD, Zone 7, Livermore, and Pleasanton collaboration on the development and operation of the Fill Station, to be operational July 2022.
- 2) Site. Zone 7 is making available its property located at 5997 Parkside Dr. in Pleasanton available at no cost as the site for the Fill Station for the term of the agreement, and only during periods of mandatory potable water conservation. DSRSD is responsible for all project development, including plans, city permits, and state agency permits for operation of the Fill Station. DSRSD is responsible for having recycled water improvements (plumbing) installed, either through an on-call contract, or by soliciting bids. Pleasanton will be the lead agency and prepare and file any required environmental analysis for the project pursuant to the California Environmental Quality Act.
- 3) Term. The Fill Station is planned and designed for temporary through December 2023, with options to extend. Operations of the Fill Station would only occur if mandatory restrictions on the use of potable water for irrigation are implemented in the Tri-Valley during this period.
- 4) Staffing. Livermore is responsible for hiring and providing temporary employees to staff the Fill Station. DSRSD would be responsible for training staff at the Fill Station.
- 5) Cost-sharing. The estimated site improvements at the Parkside Dr. site would be funded equally by DSRSD, Livermore, and Pleasanton. Project development and construction costs are estimated at \$181,500. In addition to estimated project development costs, the annual joint operating costs, which include recycled water treatment and labor costs, are estimated not-to exceed \$300,000. These costs could be partially reimbursed by the fee program (described below).
- 6) Program fee. The Agencies have jointly developed a cost recovery fee program. The purchase of a “season pass” program fee for \$100, will be facilitated by Pleasanton. Tri-Valley residents can purchase a “season pass” online, by phone, or in-person at the City of Pleasanton Operations Service Center. Purchasing a “season pass” would allow users an unlimited amount of recycled water during the Fill Station’s operational period of April through October. Revenue collected would be used to partially offset program costs, and would be shared equally by DSRSD, Livermore, and Pleasanton. The Agencies shall meet and confer annually on the amount of the Program Fee.

- 7) Financial management. Pleasanton will serve as the financial manager and will pay invoices, bill the Agencies, and collect the fees for the program. Once each year, Pleasanton will distribute the fees proceeds to the Agencies.
- 8) Recycled water supply. To provide a water supply, Livermore and Pleasanton will work together to have Livermore provide additional recycled water to augment service on the east side of Pleasanton on peak days. Preliminarily, this amount is estimated to be up to 30 million gallons per year, delivered on peak days. This would reduce Pleasanton's demand on the DERWA recycled water program, freeing up (offsetting) the new demand from the operation of the Fill Station at Gleason Drive.
- 9) Operational hours. The Fill station will be operated five days per week (Monday – Friday), excluding holidays, and only during non-peak traffic hours. The non-peak hours are established to be between 9:30 A.M. to 3:00 P.M.
- 10) Schedule. The construction process for the Fill Station would begin in or before July 2022, with operation likely in August once all parties approve the agreement.

The Agreement is not intended to provide a permanent recycled water fill station for residents due to recycled water supply limitations, site limitations, and the cost and resources required to operate a fill station. The Agencies will meet and confer annually to review the operations, options of weekend use, and the program fee of the fill station for any necessary adjustments and will work together to find a long-term solution to help residents offset their use of potable water for irrigation during periods of mandatory conservation.

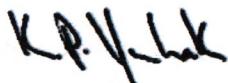
The proposed location of the fill station at 5997 Parkside Dr. is close to the recycled water line on Parkside Dr. that supplies recycled water to the Ken Mercer Sports Park. The site has existing ingress and egress into and out of the parking lot and two lanes at Hopyard Rd. and Parkside Dr. The fill station is expected to have 17 hose stations to accommodate trailered recycled water containers. Attachment 2, Exhibit A provides a site layout and traffic control plan. As part of the City review process 475 addresses within a 1,000-foot radius of the site will be sent a notice informing them of the proposed project.

The fill station operational hours are proposed for Monday – Friday from 9:30 A.M. to 3:00 P.M. to limit impacts to the neighborhood and to not further congest the area in and around the Ken Mercer Sports Park, which is heavily used on the weekends for youth and adult sporting events (regular season play and tournaments). However, staff will assess impacts of the fill station and evaluate opportunities for weekend operational hours in the future.

Pleasanton's portion of the project is estimated not-to-exceed \$160,500 for the construction and initial operation of the fill station. The project would be funded by the Water Enterprise Fund. Annual operating expenses for Pleasanton's portion is estimated at \$100,000. At this time, it is unknown how active the fill station will be and

how much the program fee will offset operating expenses. However, revenue generated through the collection of the \$100 Program Fee will be used to partially offset operation costs. It is likely that the Agencies will subsidize a portion of the estimated annual operating expenses of \$300,000, like other water conservation programs.

Submitted by:



Kathleen Yurchak
Director of Operations and
Water Utilities

Fiscal Review:



Mahin Shah
Interim Director of Finance

Approved by:



Gerry Beaudin
City Manager

Attachments:

1. Agreement for Temporary Joint Residential Recycled Water Fill Station
2. Exhibit A

**AGREEMENT FOR A TEMPORARY JOINT RESIDENTIAL RECYCLED WATER
FILL STATION AT 5997 PARKSIDE DRIVE BETWEEN DUBLIN SAN RAMON
SERVICES DISTRICT, CITY OF PLEASANTON, CITY OF LIVERMORE, AND ZONE
7 WATER AGENCY**

This Agreement for a Temporary Joint Residential Recycled Water Fill Station at 5997 Parkside Drive Between the Dublin San Ramon Services District (DSRSD), City of Pleasanton, City of Livermore, and Zone 7 Water Agency (Zone 7) ("Agreement") is made and entered into this _____ day of _____, 2022. DSRSD, City of Pleasanton, City of Livermore, and Zone 7 are individually referred to as "Party," and collectively as "Parties."

W I T N E S S E T H

WHEREAS, in July 2020, an update of the DSRSD's Water Recycling policy was adopted by DSRSD Board of Directors which stated the DSRSD would provide recycled water for off-haul to residential customers only in times of mandatory potable water conservation; and

WHEREAS, the Parties desire to cooperate on the development, construction, and operation of a Temporary Joint Residential Recycled Water Fill Station, to be operational in the summer of 2022, if mandatory restrictions on the use of potable water for irrigation are in effect for the Tri-Valley in 2022; and

WHEREAS, DSRSD has insufficient available recycled water supply to operate a residential recycled water fill station on peak days; and

WHEREAS, the City of Livermore has available recycled water supply, and an interconnection with the City of Pleasanton's recycled water system; and

WHEREAS, the Temporary Joint Residential Recycled Water Fill Station will be located on Zone 7 property at 5997 Parkside Drive, Pleasanton, California (the "Parkside Property") as depicted on Exhibit A attached hereto.

NOW, THEREFORE, in consideration of the recitals and mutual obligations herein expressed, the Parties do hereby agree as follows:

I. PURPOSE AND LIMITATIONS

1. The purpose of this Agreement is to set forth the terms, conditions, and responsibilities of the Parties for the planning, design, construction, operation, and maintenance of a **Temporary Joint Residential Recycled Water Fill Station at 5997 Parkside Drive Project** (“Project”).
2. The Parties acknowledge and agree that this Agreement is intended to provide for a Temporary Joint Residential Recycled Water Fill Station to be planned, designed, operated, and maintained during the period of June 1, 2022 through December 31, 2023. Operations of the recycled water fill station would only occur if mandatory restrictions on the use of potable water for irrigation are implemented in the Tri-Valley during that time period. This Agreement is not intended to provide a permanent recycled water fill station for residents due to recycled water supply limitations and the cost and resources required to operate a fill station.
3. No term of this Agreement is intended to imply that a long-term agreement will follow or will bind the Parties as to negotiating any future agreement between them.

If this Agreement is not executed by all four Parties and signed in July 2022, the agreement, and all its terms and conditions, shall be null and void without further action by any party or parties.

II. GOOD FAITH, COOPERATION, CONDITIONS, AND SCHEDULE

1. The Parties commit to diligently and in good faith cooperate towards the beneficial use of the Project, conditioned upon each of the following occurring:
 - a. DSRSD’s development of the design, construction, and permitting of the Project at the Parkside Property; and
 - b. The City of Pleasanton development of customer payment, collection, and revenue disbursement systems and processes, and
 - c. The City of Livermore providing adequate staffing and recycled water supply for the Project, and
 - d. Zone 7 providing the site at the Parkside Property.
2. It is anticipated that Project related improvements to the Parkside Property would begin in or before July 2022 conditioned on water supply availability and drought conditions effecting the Tri-Valley and the imposition of mandatory restrictions on use of potable water for irrigation.

The Parties agree to cooperate and work diligently to complete the Project in order for operations of the fill station to begin by July 2022, subject to the water supply and drought conditions as described herein.

3. No Party is a contractor or employee to or of any other Party. The Project is a temporary joint drought and water supply reliability project, with the Parties jointly sharing the benefits and risks of the Project.

III. TERM

This Agreement is effective as of the date the last signature is affixed and transcribed above and shall extend through and include December 31, 2023, unless extended further pursuant to Section VII.B. of this Agreement.

IV. RESIDENTIAL RECYCLED WATER FILL STATION

A. Site Description

1. For the term of this Agreement, Zone 7 shall make available, at its sole cost and without requiring rent or lease payments from the other Parties, approximately 0.5 acres of the total 1.26 acres of the Parkside Property as the site for the Project.

B. Design

1. DSRSD will provide planning and design services for the Project with the Parties providing review and design assistance.
2. DSRSD will be responsible for obtaining all required permits from City of Pleasanton and any other required permits to construct the Project, including authorization from any State agency as may be required.
3. The Parties shall provide timely review and provide comments and input on the draft design to DSRSD.
4. To the extent reasonably possible while meeting the objectives of the Project, the Project shall be designed to minimize impacts to:
 - a. Traffic conditions within the City of Pleasanton; and
 - b. The City of Livermore's recycled water supply and staffing; and
 - c. The City of Pleasanton's Ken Mercer Sports Park.
5. Each Party will provide available information, including recycled water flows, available metering infrastructure and facilities, and other available information as requested by any Party for use in the planning, design, operations, and maintenance of the Project.

C. Construction

1. DSRSD will be responsible for all recycled water plumbing improvements including but not limited to connection to the Pleasanton recycled water main at

Parkside Drive, all valves, pipes, and hoses, either through an on-call contract, or by soliciting bids at the sole discretion of DSRSD.

2. City of Livermore will be responsible for any modifications needed offsite at its metering equipment with City of Pleasanton.
3. DSRSD will be responsible for any modifications needed offsite at its metering equipment with City of Pleasanton.

D. Recycled Water Supply

1. City of Livermore will provide the total quantity of recycled water supply required for the Project. The quantity of recycled water that will be made available to residential users of the Project is therefore limited by the recycled water supplies to be made available by the City of Livermore.
2. To provide the recycled water supply for the Project, City of Livermore and City of Pleasanton shall cooperate to allow for the City of Livermore to deliver recycled water supplies to augment recycled water service delivered to the east side of Pleasanton on peak days. The delivery of City of Livermore recycled water supplies will therefore reduce City of Pleasanton's demand on the Dublin San Ramon Services District – East Bay Municipal Utility District Recycled Water Agency (DERWA) recycled water program, which shall offset the demand from the operation of the fill station at Parkside Property.
3. The Parties acknowledge and agree that the Project shall not impact any DERWA recycled water supplies or deliveries to DERWA customers and no DERWA recycled water supply will be made available for use by the Project.

E. Metering

1. City of Livermore has a metered flow control valve connection with City of Pleasanton for recycled water supply. The existing recycled water infrastructure can deliver recycled water into City of Pleasanton's Tassajara Reservoir. All of City of Livermore's recycled water sold to the City of Pleasanton runs through a 12" water meter near the intersection of El Charro Rd and Jack London Boulevard. Recycled water supplies delivered by City of Livermore to City of Pleasanton for Project uses will be sold at City of Livermore's standard rates, effective at the time of delivery.
2. The maximum daily recycled water demand of the Project is estimated at 0.4 million gallons per day ("MGD").

F. Staffing

1. City of Livermore will be responsible for hiring and providing temporary employees to operate the recycled water fill station.

2. DSRSD, with the assistance of the City of Livermore, will provide training of the temporary staff hired to operate the recycled water fill station.
3. Only the cost of employees to operate the recycled water fill station will be jointly shared costs. All other staff time provided for the Project will be the responsibility of the party providing it.

G. Cost Sharing

1. Development, construction, operation, and maintenance costs will be funded equally by City of Livermore, City of Pleasanton, and the Dublin San Ramon Services District. Zone 7 shall not be responsible for any portion of these costs or other costs of the Project, except as provided in Section IV.A.1 of this Agreement. The Parties to share the defense costs be limited to the remaining parties and exclude Zone 7. Project development costs (including all planning, design, permitting, and construction costs) are estimated at \$450,000. Annual operating costs, including required staffing, maintenance activities, utility costs, purchase of recycled water supply from Livermore, and all associated labor costs, are estimated at \$300,000.
2. City of Livermore will incur energy costs specifically associated with the production of the additional recycled water required for the Project. Energy costs for the months that the Project was operating and open to residents will be produced and provided by the City of Livermore at the end of each year.
3. Recycled water purchase costs are as follows for City of Livermore: costs \$3.30 per CCF or 748 gallons (2022 cost). Recycled water purchase costs are as follow for DERWA: \$1.39 per CCF or 748 gallons (for 2022). The rates provided may be subject to change during the term of Agreement. The Parties agree to notify each other before changes are made to the recycled water purchase rates; however, the Parties acknowledge and agree that DERWA's rates are set independently by DERWA and are not subject to the control of any Party to this Agreement.
4. The jointly shared costs described herein may be partially reimbursed to DSRSD, Pleasanton and Livermore by Program Fee revenues (described below), subject to availability.

H. Program Fee

1. The Project will have a cost recovery fee program (the "Program Fee") to be paid annually. Residential users of the Project shall be required to sign up for program at an initial annual cost of \$100. Payment of the Program Fee will allow the residential user access to the fill station and recycled water supply for the period during which the Project is in operation during the calendar year in which the fee

was paid (e.g. a “season pass”). The Parties shall meet and confer annually on the amount of the Program Fee.

2. City of Pleasanton will provide financial management services for the Project, including:
 - a. Receiving copies of invoices for all construction, operating and maintenance costs incurred by the Parties;
 - b. Establishing separate project accounts to track the expenditures, revenues, and reimbursements;
 - c. Billing the Parties for their share of the costs incurred;
 - d. Remitting reimbursements to the Party that incurred each expense;
 - e. Billing residential users and collecting the Program Fees appropriately; and
 - f. Distributing Program Fee revenues equitably to the Parties each year by December 31st.

I. California Environmental Quality Act (CEQA)

1. Pleasanton will be the lead agency and prepare and file any required environmental analysis for the Project pursuant to the California Environmental Quality Act (“CEQA”).
2. DSRSD and City of Livermore will cooperate with Pleasanton and assist Pleasanton as requested in the preparation of any CEQA document and shall each act as responsible agencies as required pursuant to CEQA.
3. The Parties agree to work cooperatively to ensure Project compliance with the California Environmental Quality Act (CEQA).
4. Entering into this Agreement does not pre-determine any actions that may be required pursuant to CEQA and each Party, according to its own judgment, may take any additional actions pursuant to federal or state resource protection laws that it determines are required for its continued participation in the Project

V. PROJECT OPERATION

A. Recycled Water Fill Station Operations

1. To minimize traffic impacts in the City of Pleasanton the fill station will only be operated weekdays (Monday – Friday), excluding holidays, and only during non-peak traffic hours. The non-peak hours are established to be between 9:30 A.M. to 3:00 P.M. daily.
2. Any repairs or maintenance needed on site to keep the fill station operational shall be performed on weekdays outside of operational hours unless it is an urgent or emergency matter. Urgent or emergency matters are discussed in Section C.

3. The Parties shall jointly confer to adjust hours of operation to meet the high customer demand outside of non-peak hours (subject to the availability of trained staffing), to meet low customer demand during non-peak hours, or if there is insufficient trained staff to safely operate the Project during any hours of operation.
4. The Project will only be operated during periods when mandatory restrictions on the use of potable water for irrigation have been imposed on the Tri-Valley. The Project will not be operated in any non-drought year or any drought period where mandatory water use restrictions have not been imposed.
5. It is anticipated that the Project will be operated only during the months of April through October, or as otherwise determined by the Parties. The Parties shall agree in writing, no later than February 28th of each year during the pendency of this Agreement, if the Project will be operational during the upcoming operating period.

B. Notification and Reporting

1. In order to effectuate the additional sale of recycled water to the City of Pleasanton by the City of Livermore, DSRSD will coordinate with the City of Pleasanton to reduce their deliveries of recycled water and provide notice to the City of Livermore.
2. A minimum of 24-hour advanced notice is required for any operational changes to DSRSD's recycled water system.
3. A separate Standard Operating Procedure ("SOP") will be created by the Parties to establish contacts and procedures for making required changes to any Party's recycled water operations pursuant to this Agreement.

C. Urgent or Emergency Matters

1. In the case of an urgent or emergency situation involving the Project, the Parties agree to promptly communicate and work cooperatively to respond.
2. Any Party may respond to and resolve any urgent or emergency situation that occurs with the Project; however, Pleasanton will be the lead responder to address issues related to recycled water delivered to the Parkside Property.
3. When emergency response assistance is required by any Party related to the Project, mutual assistance or aid may be requested in accordance with any applicable mutual aid or operations agreements.
4. The Parties shall create and maintain an emergency contact list, which shall include names, roles, and emergency contact information for emergency response personnel. If an urgent or emergency condition exists, the responding Party shall attempt to reach their counterpart, by telephone as soon as reasonably possible.

5. No Party to this Agreement, or a third party under contract with a Party, shall be constrained in an urgent or emergency situation from expending funds or performing work on the Project that is in compliance with state and local emergency procurement requirements, in order to prevent or mitigate the loss or impairment of life, health, property or essential public services to its customers at its individual expense and in accordance with its policies and procedures. In such an event, the Party performing, or that has authorized, the work shall notify the other Parties soon as reasonably practical.

VI. REPORTING

On a monthly basis, the Parties will do the following:

- a) DSRSD will prepare and provide a report to City of Livermore and City of Pleasanton on total quantity of recycled water delivered to the recycled water fill station for the prior month;
- b) City of Livermore will provide the number of daily vehicle trips at the station (broken down by city of residence);
- c) City of Pleasanton will provide the number of residential customers and the amount of Program Fee revenues received and provide a report of season passes sold with residency and contact information of the purchaser of the season pass (including the physical address and phone number) to the corresponding jurisdiction.

VII. GENERAL PROVISIONS

A. Termination

The Parties may, at any time, terminate the Agreement immediately or suspend operations, subject to any actions determined necessary to safely terminate or suspend operations and apportion costs as described in paragraphs 3 and 4 of this Section VII.A. Termination pursuant to this paragraph shall be unanimous and be documented in a writing pursuant to Section VII.B. of this Agreement.

No later than 60 days after the issuance by one or more Parties of a Notice of Intention to Terminate pursuant to the preceding paragraph, the Parties shall meet and confer regarding the Project and its continued operation, abandonment, dismantling, or demolition.

In the event the Project is abandoned, dismantled, or demolished, the Parties hereby agree to a co-equal cost-share of all costs incurred as a result. Should Project operations continue, the remaining Parties to the Agreement will negotiate updated cost-sharing consistent with this Agreement.

B. Amendment

No modification or amendment of this Agreement will be valid unless made in writing and signed by the duly authorized representatives of the Parties.

C. Assignment and Successors

No Party will assign any right or interest in this Agreement, or any part thereof, without the written consent of the other Parties, which consent shall be at the sole discretion of the consenting Party or Parties. This Agreement will bind the successors of the Parties in the same manner as if they were expressly named.

D. Dispute Resolution

In the event of a dispute between a Party or Parties over the meaning of this Agreement or any term thereof, each Party will assign an appropriate management executive to meet in good faith with the other Parties to attempt to resolve the matter. Should informal efforts fail to resolve a dispute, the Parties may agree to mediation or arbitration, or pursue other available legal remedies.

E. Compliance With Laws

Each Party will comply with all federal and state laws, local ordinances, regulations, and orders applicable to the work it will perform under this Agreement.

F. Indemnification

The Parties, their officers, employees, staff, and agents shall use ordinary care and reasonable diligence in the exercise of their powers and in the performance of their duties pursuant to this Agreement.

No Party, its officers, directors, or employees shall be responsible for any action taken or omitted by any other Party, or its officers, directors, or employees. To the extent allowed by law, the Parties repudiate the provision for joint and several tort liability provided under Government Code Section 895.2, and agree, pursuant to Government Code Section 895.4, that each Party shall fully indemnify and hold harmless each other Party and its agents, officers, employees, and contractors from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney fees, arising out of, resulting from, or in connection with any negligent or wrongful act or omission of such Party in the performance of this Agreement, and the Parties intend that each Party provide indemnity or contribution in proportion to that Party's responsibility for any such claim, damage, loss, judgment, liability, expense or other cost, as determined under principles of comparative negligence.

Subject to and pursuant to the above, the Parties agree to share the costs of any third party-initiated claim or litigation resulting or arising from the Project or its operations.

G. Insurance

Each Party, at its sole cost and expense, shall carry insurance, or self-insure, its activities in connection with this Agreement, and obtain, keep in force and maintain, insurance or equivalent programs of self-insurance, for general liability, workers compensation, property (apparatus and equipment), and business automobile liability adequate to cover its potential liabilities under this Agreement. Each Party is responsible for its own self-insured retentions and deductibles.

H. Notice

All notices required to be given, or which may be given by one Party to the other, will be deemed to have been fully given and fully received: (A) immediately upon personal delivery; (B) three days after the notice is deposited in the United States mail, registered and postage prepaid and addressed to the Party for whom intended; or (C) on the same day as electronic transmission is sent as long as the transmitting Party receives confirmation of the transmission's delivery.

DSRSD: Dan McIntyre, General Manager
Dublin San Ramon Services District
7051 Dublin Boulevard
Dublin, CA 94568
(925) 875-2200
mcintyre@dsrsd.com

City of Pleasanton: Kathleen Yurchak, Director of Ops & Water Utilities
City of Pleasanton
3333 Busch Road
Pleasanton, CA 94566
(925) 931-5506
kyurchak@cityofpleasantonca.gov

City of Livermore: Scott Lanphier, Director of Public Works
City of Livermore
1052 S. Livermore Ave.
Livermore, CA 94550
(925) 960-8003
smlanphier@cityoflivermore.net

Zone 7: Valerie Pryor, General Manager
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551
(925) 454-5000
vpryor@zone7water.com

The Parties may unilaterally modify the name, position, or address for notices pursuant to this Agreement; notification of which will be in writing and provided to each Party.

I. *Signatures*

The individuals executing this Agreement represent and warrant that they have the legal capacity and authority to do so on behalf of their respective legal entities. This Agreement may be executed in counterpart which when taken together shall be considered one and the same agreement. Facsimile, including email, and electronic signatures shall be binding.

J. *Severability*

If any term or provision of this Agreement is deemed invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, it will not affect the validity of any other provision, which will remain in full force and effect.

K. *Governing Law and Venue*

This Agreement is governed by and will be interpreted in accordance with the laws of the State of California. Venue shall be in the Superior Court of the County of Alameda.

L. *No Third-Party Beneficiaries*

No third-party beneficiaries are intended or created by this Agreement.

M. *Complete Agreement*

This Agreement represents the entire agreement between the Parties relating to the subject matter hereof.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year of the last signature affixed below and first above written.

DUBLIN SAN RAMON SERVICES DISTRICT

By:

Date:

Dan McIntyre

Title:

General Manager

Approved as to form:

Douglas E. Coty, General Counsel

CITY OF PLEASANTON

By:

Date:

Gerry Beaudin

Title:

City Manager

Approved as to form:

Daniel G. Sodergren, City Attorney

CITY OF LIVERMORE

By:

Date:

Marianna Marysheva

Title:

City Manager

Approved as to form:

Jason R. Alcala, City Attorney

ZONE 7

By:

Date:

Valerie Pryor

Title:

General Manager

Approved as to form:

Rebecca Smith, General Counsel

Exhibit A – Project Location Map

EXHIBIT A

JOINT RESIDENTIAL RECYCLED WATER FILL STATION AT 5997 PARKSIDE DRIVE PROJECT LOCATION MAP

Location Map



5/23/2022, 9:06:19 AM

1:2,257

0 0.02 0.04 0.08 mi
0 0.03 0.07 0.13 km

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Distribution Airbus DS © 2022 TomTom

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Vehicle Fill Area
8 Stations Per Area

- 1 Turn Lane and Driveway Closure
- 2 Traffic Flow Pattern
- 3 Construct New Recycled Water Pipeline
- 4 Construct Fill Station Manifold
- 5 Portable Office and Restroom

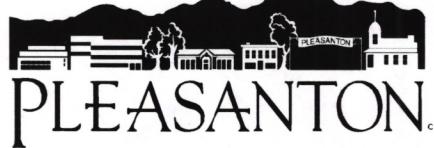
Date:

June 2022

Scale:

NTS

THE CITY OF



Proposed Recycled Water Facility

Exhibit A

Veronica Gonzales

From: Carol Bolt <[REDACTED]>
Sent: Wednesday, July 20, 2022 9:41 PM
To: Karla Brown
Cc: [REDACTED]

Subject: Re: URGENT - Zone 7 Water Station Concerns

[EXTERNAL – check for red flags]

Thank you. Parkside will be represented at the meeting. Quickly reading the document from the June meeting, it is shocking how casually this was decided. (Sufficient egress and ingress, enough room for 17 water stations, traffic control plan, feedback from residents within 1000 feet...What???)

Thank you for adding it to the agenda. And Susan, thank you for bringing this to your Parkside neighbors' attention.

.

Carol Bolt

[REDACTED] (Omega Circle, which while at the end, would be impacted by this also.)

On Wed, Jul 20, 2022 at 9:29 PM Karla Brown <kbrown@cityofpleasantonca.gov> wrote:

Karla Brown has shared a OneDrive file with you. To view it, click the link below



[Recycled water at Parkside Agenda ^N24.pdf](#)

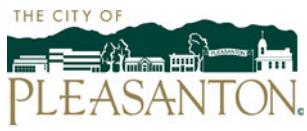
Hi Susan,

No problem. Dear Parkside residents, at the very end of a long meeting (near 11:30) last night, there is a subject called, "Matters initiated by council." At that time council member Testa asked for support to bring this agenda item back for reconsideration (she beat me to it). The request was supported by me, Vice Mayor Arkin and Council member Testa. With 3 votes out of 5, we will bring this back for public feedback and consideration at our next meeting August 16 at 7pm.

This staff report is from June 21 when the topic was first discussed is attached as a link to reduce the file size.

Karla Brown

Mayor, City of Pleasanton



From: Susan Schall <[REDACTED]>

Sent: Tuesday, July 19, 2022 7:13 PM

To: Karla Brown <kbrown@cityofpleasantonca.gov>; Mayor and City Council <citycouncil@cityofpleasantonca.gov>

Cc:

Subject: Re: URGENT - Zone 7 Water Station Concerns

Karla can you please forward the Agenda item to all on this list? I appreciate it – it is over 26MG which makes it impossible to forward. Thanks.

Susan Schall, REALTOR®

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From: Susan Schall <[REDACTED]>

Date: Tuesday, July 19, 2022 at 7:10 PM

To: Karla Brown <kbrown@cityofpleasantonca.gov>, "citycouncil@cityofpleasantonca.gov"
<citycouncil@cityofpleasantonca.gov>

Cc:

Subject: Re: URGENT - Zone 7 Water Station Concerns

I attended, online, the DSRSD online meeting tonight.

One of the DSRSD board members expressed her concern that if it's not open on weekends it's not worth it and voted no. The motion passed 3 to 1.

They did mention that they had received feedback from the public, but they felt that residents of Parkside were all probably overstating the traffic issues, while also admitting that none of them were very familiar with our exact

location/neighborhood. They had this opinion that we were concerned about large trucks, which I'm not concerned about. I'm concerned about the traffic, the safety for the walkers, strollers, dogs, bikes, as they walk down the shaded side of Parkside Dr. while folks are taking U turns as they drive down Parkside, etc. I did speak for a few minutes, explaining that the entire neighborhood had not been notified, explaining that it's a 1 lane road in and a 1 lane road out, explaining that we have safety and traffic concerns. I expressed that last Friday there was absolutely no parking on Parkside based on a tournament in the park. I expressed many of the things that I expressed in my letter to the Pleasanton City Council.

They basically said it's really in Pleasanton's hands. They said that the old location had safety concerns because chemical deliveries, traffic, etc. that were in play at that site, and then a board member brought up that the water was actually from Livermore, so really didn't relate to the old site. They also stated that a 35 day period had not started in Pleasanton (I was unclear on exactly what this was, but it sounded like it related to public feedback, etc.). One board member did express concern that by the time this site is ready (early Sept. at the earliest), then the season will be over. They sort of threw up their hands and said they can approve, but it's really up to Pleasanton.

As the season is almost over I think there really is no rush to approve this. I request that this gets slowed down, and the public get involved in ideas and feedback, and a solution is developed to be rolled out early next year in time for an early Spring launch. I don't see the benefit of launching an expensive program at the end of a season w/o proper public feedback and neighborhood input.

Thanks for your attention to this.

Susan Schall, REALTOR®

[REDACTED]

[REDACTED]

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From: Susan Schall <[REDACTED]>
Date: Tuesday, July 19, 2022 at 6:05 PM
To: Karla Brown <kbrown@cityofpleasantonca.gov>
Cc: Susan Schall <[REDACTED]>
Subject: Re: URGENT - Zone 7 Water Station Concerns

Thanks Karla – I appreciate the council taking a better/closer look at this. It's a huge concern and we need to develop a plan that makes more sense with some planning and input from neighbors. Thank you.

Susan Schall, REALTOR®

[REDACTED]

[REDACTED]

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From: Karla Brown <kbrown@cityofpleasantonca.gov>

Date: Tuesday, July 19, 2022 at 5:46 PM

To: Susan Schall <[\[REDACTED\]](mailto:[REDACTED])>

Subject: RE: URGENT - Zone 7 Water Station Concerns

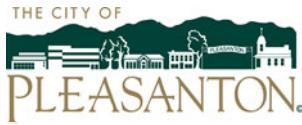
Hello Susan,

You have raised many solid points, and at this time I am going to recommend the City Council bring this back for discussion to see if this is still a good project for Pleasanton. Bringing the project back will require a vote of the council.

In addition, I have attached the agenda item from June 21 in case you have any questions.

Karla Brown

Mayor, City of Pleasanton



From: Susan Schall <[REDACTED]>

Sent: Tuesday, July 19, 2022 10:21 AM

To: Karla Brown <kbrown@cityofpleasantonca.gov>; Mayor and City Council <citycouncil@cityofpleasantonca.gov>; board@dssrd.com

Cc: [REDACTED]

Subject: Re: URGENT - Zone 7 Water Station Concerns

I am copying in the board at the DSRSD as I understand their meeting is tonight on this issue. I am very much opposed to this Zone 7 water station in our neighborhood until there is clarity on why the Stoneridge station is not being used (as I've heard there are safety concerns) and also based on the fact that the impacted neighborhood, Parkside, was not informed of this decision to convert the Zone 7 parking lot into a recycled water station.

Please see my concerns below. Thank you.

From: Susan Schall <[REDACTED]>

Date: Monday, July 18, 2022 at 10:43 AM

To: <kbrown@cityofpleasantonca.gov>, <citycouncil@cityofpleasantonca.gov>

Cc: [REDACTED]

Subject: URGENT - Zone 7 Water Station Concerns

Karla and Pleasanton City Council,

I am a long time resident of Parkside and have lived on the very last street in this neighborhood, Omega Circle, for 27 years. There is one way in and one way out of our neighborhood, which is down Parkside drive. I found out yesterday that the city is planning to allow 17 water pump stations in the Zone 7 parking lot. I have huge safety and traffic concerns about this and am very disappointed that our entire neighborhood, which will be highly impacted, was not notified or consulted. I have received multiple post card notifications about the proposed skate park upgrade and the all abilities playground, asking for public feedback, so it's suspect that this Zone 7 water station did not get the same reporting requirements to our neighborhood. Notifying just the nearest 1000 feet of neighbors does not address the majority of people who will be affected by this. I have a variety of concerns that I share with many of my neighbors and we should have input before this final decision is made.

I agree with and 100% understand the need for and benefits of using recycled water, and applaud the city for helping figure out methods to help our residents during this drought. During the last drought, my husband used the Stoneridge water station on a very regular basis and he very specifically tried to get strategic about what time he'd go as there were very often very long lines to get in to use the very large facility. I would like to understand why the original pump location, off Stoneridge Drive, is not going to be used. It's the perfect location and does not affect houses or neighborhood traffic or safety. Please advise why that location is not being used. I have heard that it's due to safety concerns, so please explain what those concerns are, as I have safety concerns for our children and residents as well.

My concerns about the Zone 7 location are these:

1. Pedestrian Safety – On a daily basis there are many walkers, bikers, strollers, roller bladers, etc. going down the shaded side of Parkside drive. Right now with the Redwood trees so tall, the shade they throw during the mid-day hours makes it very difficult to see those people. Many of my neighbors have discussed the need for some safety updates to keep those in the shade safe from the cars driving down the street. Adding in hundreds of extra cars and trailers, making U-Turns on the street will cause a big safety concern.
2. Driver safety – I can't tell you how many times I've seen unsafe U-turns take place while driving down Parkside on the way home. Folks dropping their kids for sports, trying to find a field, folks lost (thinking they can pass through to Santa Rita), or just careless drivers, decide to throw a quick U-Turn when going down Parkside. It's a dangerous practice already on a very active drive, now adding in the need for hundreds of extra cars and trailers to have to make this U-turn will add a big safety issue. How will this be addressed? In reading the info about the traffic flow they are encouraging these U-turns. I think in reality folks will realize it's easier to just go around a circle, which will impact the circles on the first ½ of the neighborhood. Have all of these residents been informed of this? I can't imagine they are not against this.

3. Traffic flow – on many occasions my husband has waited for 30+ minutes in line at the old Stoneridge location to fill up our water container. These trucks and trailers will be blocking the flow of traffic in and out of the neighborhood. Adding in the cones and the closing off of lanes to get in and out of the neighborhood and the park will only add to the chaos. Last Friday we had a soccer tournament at the park, the entire Parkside Drive was fully lined with cars, the park was full and traffic was slow and messy. We have multiple events throughout the year, and understanding that they might add in some weekend hours really is worrisome.

I understand the need to find solutions to our water needs, but locating this in our residential area, when there is a perfectly good site, away from homes, that is already set up over on Stoneridge Dr., makes no sense. I very much object to this project and ask that there be a public input period, as there is for the proposed skate park and the all abilities playground.

Thanks for your immediate attention to these concerns.

Susan Schall, REALTOR®



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Veronica Gonzales

From: Kenneth Lambro <[REDACTED]>
Sent: Saturday, July 23, 2022 11:06 AM
To: citycouncil@cityofpleasantonca.gov; mdenis@cityofpleasantonca.gov; Board Mailbox
Subject: Proposed recycled water fill station on Parkside Drive

[EXTERNAL – check for red flags]

My name is Ken Lambro. I am a homeowner on Harvey Ct. and have been a Pleasanton resident since 1997. I adamantly OPPOSE the planned 17 station recycled water distribution at the Zone 7 parking lot on Parkside Drive.

The residents of this neighborhood chose this location for many reasons; one of which is the fact that it has only one way in and out. The creation of a water fill station would obviously bring in a ridiculous amount of new traffic into our neighborhood. Much like areas around school zones, traffic will become unbearable for residents who have no other way to exit our neighborhood. I understand that there is a recommended traffic travel pattern that has been proposed within the scope of this project, however, it is highly unlikely that all will abide by this recommendation. This type of project belongs anywhere but in a residential area! Please reconsider this plan for a more suitable, commercial location.

Thank you for your consideration.

Veronica Gonzales

From: Lynn Kriegbaum <[REDACTED]>
Sent: Wednesday, July 27, 2022 6:19 PM
To: Board Mailbox
Subject: Proposed Recycled Water Fill Station on Parkside Drive
Attachments: Water Fill Station Traffic MAp v3.pdf

[EXTERNAL – check for red flags]

I am sincerely hoping that the scope of the proposed project on Parkside Drive in Pleasanton is not what you were envisioning when this was considered. I can only surmise that your staff reports were incomplete, did not include the fact that no traffic or air quality impact studies were conducted or the failure to do CEQA required outreach to the impacted community.

Parkside Homes is a small neighborhood, which you may not know, with only two access points- either directly down Parkside Drive from Hopyard Road or through Arthur Drive to Parkside Drive. The proposed construction of a 17 station recycled water distribution site on Parkside Drive at Zone 7 property directly impedes the access to our homes and creates a traffic congestion that is completely unnecessary. There is an existing recycled water station at DSRSD property on Stoneridge that functioned perfectly well in the past. While I recall seeing lines of vehicles, they were on a larger street with adequate space for the lines of cars and still provide for two lanes of traffic flow.

That is not the case for Parkside Drive. There are children that traverse to and from school on the sidewalk immediately next to the proposed location. Multiple individuals and families walk, bike or drive to the SportsPark via Hopyard Road and Parkside Drive throughout every day.

The map on your website fails to show what we anticipate to be the actual flow of traffic to and from this proposed site. It is foolish to believe that signage will stop people from driving through Arthur Drive or using any of the Circle streets to turn around. Please review the attached map, which we believe to be a better representation of the traffic flow for usage of this site.

I completely support using recycled water for residential purposes but this not the right location. Please CANCEL this proposed project at the Parkside location. Parkside Drive and Arthur Drive are the ONLY access points to our homes. Adding the additional traffic will impose a dangerous situation, impart noise and air pollution on our neighborhood and be injurious to the enjoyment of our homes.

Please do the right thing!

Thank you,
//s//
Lynn Kriegbaum
[REDACTED] Clifford Circle

Veronica Gonzales

From: Steven Kluj <[REDACTED]>
Sent: Wednesday, July 27, 2022 7:00 PM
To: Board Mailbox
Subject: Stop the relocation

[EXTERNAL – check for red flags]

My family has been a Pleasanton resident since 1988, over 34 years. I'm sure many of you haven't been here that long.

Stop the relocation into the sports park. This is going to create a safety hazard for all the people who play, walk, run and hike around the park. This is going to create neighborhood pollution and traffic nightmare. Can we please see a detailed environmental/traffic report?

I would love your opinion since it's your position on the line next election.

I think we keep it in the same location and turn this location into community center where teams host events and town fundraisers.

Thank you,
Steven Kluj
Long time Pleasanton resident.

The city of planned progress together with community input.

Veronica Gonzales

From: Paul Mercurio [REDACTED] >
Sent: Wednesday, July 27, 2022 7:54 PM
To: Board Mailbox
Subject: Recycled Water Fill Station

[EXTERNAL – check for red flags]

As a homeowner of [REDACTED] Virgil Cir, Pleasanton, CA I am opposed to the proposed recycled water fill station and suggest you rethink your proposal. Do not put the burden on one community. My reasoning is this:

1. It will produce excessive traffic and emissions on Arthur Drive and Cheryl Circle. This residential neighborhood will have trucks and trailers driving and stopping in front of houses and driveways.
2. As a user of the previous fill station I experienced a line of trucks 2000' long waiting to fill up. It was backed up to the stoplight and through your facility. This queue of running trucks (many diesel) should not be allowed next to residences for emissions and safety reasons.
3. The hours of M-F 9:30-3pm do not fit the DSRSD customers. We work during those hours! The process takes hours and I spent many Saturday mornings filling 2 totes and going back and forth for 2-3 hours.
3. The fill station at the Johnson Rd location is appropriate for use by all DSRSD customers. It is close to the freeway and has no effect on neighborhoods. **You** could manage this fill site with only two employees per shift if it is planned correctly. We pay a premium for our water and promoting this service should not be expensive in comparison to other programs. Let's recycle some water!

Thank you for your consideration

Paul Mercurio
[REDACTED] Virgil Circle
Pleasanton

Veronica Gonzales

From: tom walker <[REDACTED]>
Sent: Thursday, July 28, 2022 12:36 PM
To: citycouncil@cityofpleasantonca.gov
Cc: [REDACTED]; mdenis@cityofpleasantonca.gov; Board Mailbox; dswing@cityofpleasantonca.gov
Subject: Recycle Water Fill Station on Parkside Drive

[EXTERNAL – check for red flags]

Dear Mayor Brown and Council Members,

The Subject proposal is a step forward for gardeners but a step backward for Parkside residents and Ken Mercer Sports Park users. The Station belongs in an industrial area with little pedestrian traffic and wider streets. The existing stations at DSRSD would meet that criteria.

We urge you to stop this project pending further investigation. Thank you.

Sincerely,

Tom and Mary Walker
[REDACTED] Clifford Circle
Pleasanton, CA 94588

Sent from [Mail](#) for Windows