

NOVATO SANITARY DISTRICT

December 28, 2009

The Board of Directors of Novato Sanitary District will hold a Closed Session at 5:00 p.m., Monday, December 28, 2009, at the District offices, 500 Davidson Street, Novato. (Open session begins after the closed sessions at approximately 6:30 p.m. See agenda below).

Materials related to items on this agenda are available for public inspection in the District Office, 500 Davidson Street, Novato, during normal business hours.

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – EXPOSURE TO LITIGATION – ONE POTENTIAL CASE:

Significant exposure to litigation pursuant to Subsection (b) of Government Code Section 54956.9

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

Existing litigation pursuant to Subsection (a) of Government Code Section 54956.9, Suzan Sharpley, Robert Abeling vs William Long, Novato Sanitary District, Elaine Ginnold, Marin County Registrar of Voters

AGENDA

1. PLEDGE OF ALLEGIANCE:

2. AGENDA APPROVAL:

3. REPORT FROM CLOSED SESSION:

4. PUBLIC COMMENT (PLEASE OBSERVE A THREE-MINUTE TIME LIMIT):

This item is to allow anyone present to comment on any subject not on the agenda, or to request consideration to place an item on a future agenda. Individuals will be limited to a three-minute presentation. No action will be taken by the Board at this time as a result of any public comments made.

5. BOARD MEMBER REPORTS:

6. CONSENT CALENDAR:

- a. Approval of amendment to expenditure authorization for work in Alameda del Prado.

- b. Approve a contract amendment with Nute Engineering to provide engineering services during construction, Pump Station Rehabilitation Project 72403.
- c. Adoption of Resolution Amending the District's 401(a) Plan with Lincoln National Life Insurance to Reflect Provisions of the Pension Protection Act of 2006.
- d. Approval of meeting schedule – January 11th and 25th, February 8th and 22nd, March 8th and 22nd. Resolution
- e. Approval of disbursements.

7. COLLECTION SYSTEM IMPROVEMENTS PROJECT 72706:

- a. Consider adoption of a resolution making CEQA findings; approving plans and specifications; and authorizing advertising for bids for the force main replacement project – Bel Marin Keys.

8. PERSONNEL:

- a. Consider hiring permanent District employees to fill vacancies.

9. ADMINISTRATION:

- a. Consider adoption of District policies.

10. COMMITTEE REPORTS:

- a. Solid Waste Committee.
- b. Wastewater Operations Committee.
- c. Adhoc Wastewater Facilities Upgrade Committee.

11. MANAGER'S ANNOUNCEMENTS:

12. ADJOURNMENT:

Next resolution no. 3018

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District at (415) 892-1694 at least 24 hours prior to the meeting. Notification prior to the meeting will enable the District to make reasonable accommodation to help ensure accessibility to this meeting.

Materials that are public records and that relate to an open session agenda item will be made available for public inspection at the District office, 500 Davidson Street, Novato, during normal business hours.

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Annual Collection System Repairs – Alameda del Prado 8” Sewer Main Repair; Project No. 72803	MEETING DATE: December 28, 2009 AGENDA ITEM NO: 6.a.
RECOMMENDED ACTION: Receive report on project status and consider awarding revised repair work to Ghilotti Brothers, Inc. for an updated amount not-to-exceed \$55,000.00.	
SUMMARY AND DISCUSSION: <p>At its December 14, 2009 meeting, the Board awarded Ghilotti Brothers of San Rafael a contract to reconstruct 125 feet of vitrified clay pipe gravity sewer main on Alameda Del Prado originally constructed in the 1950s. The pipe is cracked, has significant sags, and warrants repair to eliminate stoppages caused by grease and roots. The contract amount was not-to-exceed \$35,000.00, and the intent was to complete this work prior to a road moratorium following a Federal Stimulus Package funded road repair project by the County of Marin.</p> <p>When the contractor began work on the project on December 22, 2009, it was discovered that one of North Marin Water District’s 14” ACP high pressure water mains in the street crossed over the sewer main at a very slight angle. This would require the contractor to expose over 15 feet of water main and install the new portion of the sewer main under the water main. Also, the Water District could not shut the main off in order for work to proceed, and it would be dangerous proceeding with the work.</p> <p>District staff reviewed the work site and prepared a revised plan to modify the alignment of the sewer main. This plan allows for the sewer main to cross the water main in such a way as to minimize the length of water main that would have to be exposed to reconstruct the sewer main, and in summary, requires installing 190 feet of sewer main and two manholes instead of replacing 125 feet as proposed before.</p> <p>The revised plan was sent to Ghilotti Brothers for a quote. Ghilotti Brothers has submitted a revised proposal in the amount of \$53,302.00 to complete the work. Staff has reviewed the revised quote and determined that it is reasonable. However, staff also anticipates that there may be a potential for encountering poor soils due to unknown soils conditions along a portion of the revised alignment. Therefore, staff recommends revising the original authorization to an overall not-to-exceed amount of \$55,000, and awarding the work to Ghilotti Brothers.</p>	
ALTERNATIVES: None.	
BUDGET INFORMATION: This work will be funded from Project 72803, Annual Collection System Repairs. The FY09-10 budget for repair work is \$200,000.00. To date \$52,902.60 has been expended from this budget.	
DEPT.MGR.:	MANAGER:

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Pump Station Improvements; Project No. 72403	MEETING DATE: December 28, 2009 AGENDA ITEM NO.: 6.b.
RECOMMENDED ACTION: Approve a contract amendment in the amount of \$90,000 with Nute Engineering on a time and materials basis to provide engineering services during construction.	
SUMMARY AND DISCUSSION: <p>The District currently has an approved contract in place with Nute Engineering (Nute) for Nute to provide design services for thirteen pump station rehabilitation projects. These pump stations are being converted from self-priming type underground pump stations to submersible type pump stations. The Rush Creek & Deer Island Pump Station Rehabilitation Project has been awarded, and it is expected that the remaining three design stages constituting the rest of the pump stations will begin within the next few months. Engineering assistance from Nute will be needed through the construction phase of these projects, as follows:</p> <ul style="list-style-type: none"> ◆ Attendance at the pre-construction & weekly meetings as needed, ◆ Review of selected submittals and working drawings ◆ Provide technical consultations with District & construction management staff as necessary, ◆ Evaluate proposals for modifications to the contract work, ◆ Assist with pump station startup, ◆ Review of Operations & Maintenance manuals, ◆ Preparation of record drawings. <p>Nute has provided an estimate of \$90,000.00, or \$22,500.00 per project or \$7,000.00 per pump station to cover this work. Staff has reviewed the estimate, believes it to be reasonable, and recommends that the Board approve the referenced contract amendment with Nute.</p>	
ALTERNATIVES: None.	
BUDGET INFORMATION: This work will be funded from Project 72403, Pump Station Rehabilitation Projects. The FY09-10 budget includes \$2,000,000 for the project, of which about \$580,000 has been expended to date.	
DEPT.MGR.:	MANAGER:

12/23/09

Novato Sanitary District Check Register

December 28, 2009

Date	Num	Name	Credit
Dec 28, 09			
12/28/2009	50221	American Express-21007	1,162.68
12/28/2009	50222	Aquatic Biosystems Inc.	140.50
12/28/2009	50223	AT&T-SAC	396.42
12/28/2009	50224	Banner Enterprises Inc.	1,272.40
12/28/2009	50225	BoundTree Medical, LLC	325.70
12/28/2009	50226	California Diesel & Power	601.00
12/28/2009	50227	Comet Building Maintenance, I...	1,090.00
12/28/2009	50228	Custom Tractor Service	15,255.00
12/28/2009	50229	E & M Electric & Machinery, Inc.	263.08
12/28/2009	50230	Electrical Equipment Company	39.10
12/28/2009	50231	Frontier Analytical Laboratory	1,000.00
12/28/2009	50232	G & K Services	1,919.72
12/28/2009	50233	Grainger	641.58
12/28/2009	50234	HACH/American Sigma Inc	1,929.81
12/28/2009	50235	IDEXX Distributing Corp.	350.64
12/28/2009	50236	Independent Journal	65.35
12/28/2009	50237	Koffler Electrical Mech, Inc.	2,160.00
12/28/2009	50238	Labworks Equipment	265.52
12/28/2009	50239	Maggiora & Ghilotti Inc.	16,270.48
12/28/2009	50240	Marin/Sonoma Mosquito Dist	4,468.04
12/28/2009	50241	Meyers, Nave, Riback, Silver &...	16,366.83
12/28/2009	50242	Miller Pacific Engineering, Inc.	1,938.60
12/28/2009	50243	MME	864.38
12/28/2009	50244	North Bay Construction, Inc.	21,783.88
12/28/2009	50245	North Marin Auto Parts	19.26
12/28/2009	50246	North Marin Water District	5,221.31
12/28/2009	50247	Novato Chevrolet	512.50
12/28/2009	50248	Novato, City	1,239.58
12/28/2009	50249	Novato, City3	2,300.00
12/28/2009	50250	Nute Engineering Inc.	49,798.09
12/28/2009	50251	Orkin Pest Control	75.90
12/28/2009	50252	Pacific, Gas & Electric	111,187.33
12/28/2009	50253	Pape Material Handling	304.96
12/28/2009	50254	PSC	38,250.90
12/28/2009	50255	Rauch Communication Consult...	842.50
12/28/2009	50256	Reliable Crane & Rigging	880.00
12/28/2009	50257	Roy's Sewer Service, Inc.	3,097.50
12/28/2009	50258	Sonoma Marin Area Rail	1,245.68
12/28/2009	50259	State Water Resources Contro...	27,746.00
12/28/2009	50260	Water Components & Building	2,126.36
12/28/2009	50261	WC's Locks & Keys	110.00
12/28/2009	50262	Whitley Burchett & Associates ...	806.00
12/28/2009	50263	Zee Medical Company	131.38
Dec 28, 09			336,465.96

12/23/09

Novato Sanitary District Check Register

December 28, 2009

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Credit</u>
Dec 28, 09			
12/28/2009	2007	Empire Mini Storage - Novato	730.00
12/28/2009	2008	HDR EngineeringInc	1,442.60
12/28/2009	2009	ModSpace Corporation	361.36
12/28/2009	2010	Verizon California Inc	2,200.00
Dec 28, 09			<u>4,733.96</u>

Novato Sanitary District

Check Register

December 30, 2009

Date	Num	Name	Credit
Dec 30, 09			
12/30/2009	-3053	December Payroll Checks	140,123.16
12/30/2009	50099	ACS	80.00
12/30/2009	50100	Lincoln Financial Group-401a Plan	4,187.16
12/30/2009	50101	Local Union 315	440.00
12/30/2009	50102	Marin Employ Federal Credit Union	517.00
12/30/2009	50103	State Disbursement Unit	400.00
12/30/2009	50104	State Street Bank & Trust	2,000.00
12/30/2009	50105	North Bay Children's Center	40.00
12/30/2009	50106	CalPers Health	33,994.78
12/30/2009	50107	Fort Dearborn Life Insurance	2,767.32
12/30/2009	50108	Lincoln Financial Group-401a Plan	3,549.29
12/30/2009	50109	Medina, Angel	1,992.95
12/30/2009	50110	Retiree-Bayles	725.92
12/30/2009	50111	Retiree-Bolick	491.72
12/30/2009	50112	Retiree-Coates	1,279.66
12/30/2009	50113	Retiree-Cordeiro	960.12
12/30/2009	50114	Retiree-Dimarco	960.12
12/30/2009	50115	Retiree-Edington	960.12
12/30/2009	50116	Retiree-Gibby	193.36
12/30/2009	50117	Retiree-Goldfarb	725.92
12/30/2009	50118	Retiree-Green	725.92
12/30/2009	50119	Retiree-Griffin	960.12
12/30/2009	50120	Retiree-Healon	725.92
12/30/2009	50121	Retiree-Jackson	193.36
12/30/2009	50122	Retiree-Longman	960.12
12/30/2009	50123	Retiree-Macleod	491.72
12/30/2009	50124	Retiree-Mann	960.12
12/30/2009	50125	Retiree-Murphy	193.36
12/30/2009	50213	Retiree-Neighbors	491.72
12/30/2009	50214	Retiree-O'Shea	491.72
12/30/2009	50215	Retiree-Perucchi	960.12
12/30/2009	50216	Retiree-Rotnicki	193.36
12/30/2009	50217	Retiree-Sproul	491.72
12/30/2009	50218	Retiree-Welsh	960.12
12/30/2009	50219	EDD	8,297.19
12/30/2009	50220	Lincoln Financial Group	14,783.01
12/30/2009	ach	United States Treasury	26,546.04
Dec 30, 09			254,814.24

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Collection System Improvements; Bel Marin Keys Force Main Replacement Project; Project No. 72706	MEETING DATE: December 28, 2009 AGENDA ITEM NO.: 7.a.
RECOMMENDED ACTION: Consider adoption of a resolution making CEQA findings, approving plans and specifications and authorizing advertising for bids.	
SUMMARY AND DISCUSSION: At its August 10, 2009 meeting the Board authorized Nute Engineering (Nute) to prepare construction plans and specifications for this project. Nute has prepared the documents for the work, and the project is ready for bidding. The work generally consists of replacing the force mains for Bel Marin Keys Pump Stations 1, 2, 3, 4, 6, 7 & 8 utilizing trenchless technologies to install the new force mains. This is an urgent project since the District has already experienced failures in these force mains. The Engineer's Estimate for the work is \$1,300,000. Staff has completed the California Environmental Quality Act (CEQA) documentation and determined that the project is categorically exempt. This determination is made because the work relates to the minor alteration of existing public sewerage facilities involving no expansion of an existing use. Staff recommends adoption of a resolution making CEQA findings, approving plans and specifications and authorizing advertising for bids. Bids are expected to be received on February 2, 2010 and be presented to the Board at the February 8 th meeting.	
ALTERNATIVES: Do not bid the project.	
BUDGET INFORMATION: The FY 09-10 Budget for this work is \$3,000,000.00	
DEPT.MGR.:	MANAGER:

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Personnel: Hiring employees	MEETING DATE: December 28, 2009
AGENDA ITEM NO.: 8.a.	
RECOMMENDED ACTION: Consider hiring permanent District employees to fill vacancies.	
SUMMARY AND DISCUSSION: At its December 14, 2009 meeting, Board Member Welsh requested that an item be placed on the agenda to consider hiring permanent employees rather than temporary employees. Staff recommends against this option for wastewater treatment operations and maintenance staff for the following reasons: <ol style="list-style-type: none">1. Given the uncertainty of future employment, due to the pending referendum, the District would not be able to offer long-term positions.2. Recruiting and selecting employees through regular channels typically takes a public agency 3 to 6 months or more. The new secondary units are scheduled to begin coming on line in February, which doesn't allow sufficient time to recruit and select a new employee.	
ALTERNATIVES: Arrange for temporary assistance on an as needed basis.	
BUDGET INFORMATION:	
DEPT.MGR.:	MANAGER:

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Administration - District Policy Handbook	MEETING DATE: December 28, 2009 AGENDA ITEM NO. : 9.a.
RECOMMENDED ACTION: Consider adoption of District Policies.	
SUMMARY AND DISCUSSION: The following proposed District policies, with the exception of #5030 (Board meeting conduct) were presented for Board consideration on November 23 rd . The Board voted to review them and return them for possible adoption at a later meeting. # 1030 - Public Complaints. # 1040 - Claims Against the District. # 1060 - Policy Complaints. # 4010 - Code of Ethics. # 4015 - Voluntary Candidate Expenditure Ceiling. # 4020 - Attendance at Meetings. # 4040 - Board President. # 4050 - Members of the Board of Directors. # 4060 - Committees of the Board of Directors. # 4070 - Basis of Authority. # 4090 - Training, Education, and Conferences. # 5040 - Board Actions and Decisions. # 5050 - Review of Administrative Decisions. # 5060 - Minutes of Board Meetings. # 5070 - Rules of Order for Board and Committee Meetings.	
ALTERNATIVES: N/A	
BUDGET INFORMATION: No budget impact.	
DEPT. MGR. :	MANAGER'S APPROVAL:

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Public Complaints

POLICY NUMBER: 1030

1030.1 The Board of Directors desires that public complaints be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic.

1030.2 A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state, or federal statute of which the individual has been adversely affected.

1030.3 The method of resolving complaints shall be as follows:

1030.3.1 The individual with a complaint shall first discuss the matter with the Administrative Services Manager or other responsible employee with the objective of resolving the matter informally.

1030.3.2 If the individual registering the complaint is not satisfied with the disposition of the complaint by the Administrative Services Manager or other responsible employee, it shall be forwarded to the General Manager [*or other responsible managing employee*]. At the option of the General Manager [*or other responsible managing employee*], he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. The General Manager [*or other responsible managing employee*] shall memorialize his/her decision in writing, with the individual registering the complaint being provided a copy.

1030.3.3 If the individual filing the complaint is not satisfied with the disposition of the matter by the General Manager [*or other responsible managing employee*], they may request consideration by the Board of Directors by filing said request in writing within ten (10) days of receiving the General Manager's [*or other responsible managing employee's*] decision. The Board may consider the matter at its next regular meeting, or call a special meeting. In making a decision, the Board may conduct conferences, hear testimony, as well as utilize the transcripts of written documentation. The Board's final decision shall be memorialized in writing with the individual registering the complaint being provided a copy.

1030.3.4 A log will be kept describing each complaint, the source, and how it was resolved. The log will be open for public inspection and the contents will be summarized periodically for Board review.

1030.4 This policy is not intended to prohibit or deter a member of the community or staff member from appearing before the Board to verbally present a testimony, complaint, or statement in regard to actions of the Board, District programs and services, or impending considerations of the Board.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Claims Against the District

POLICY NUMBER: 1040

The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) account adjustment requests and property damage claims against the District. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.

1040.1 Property (Land and Improvements) Damage Claims:

In the course of the District's operations – treatment, collection and disposal of waste water – damage to land and improvements thereon occasionally occurs due to the proximity of the District's facilities to public or private property. When District employees are aware that property has been damaged in the course of their work, restorative measures are to be taken to return the property as close to its original condition as possible.

When a property owner informs a District employee of damage to their property (by telephone or in person), the employee receiving the claim will document in writing the time and date, and a description of the stated circumstances and allegations. Employees should respond to questions, be cordial and respectful, but refrain from commenting on liability questions.

As soon as possible after information about the damage has been received, it shall be given to the appropriate Administrative Services Manager. The Administrative Services Manager, or his/her designee, shall investigate the property owner's allegations.

If the owner of damaged property informs a member of the Board of Directors, the information will be given to the General Manager. Directors should not independently investigate claims, but may go with staff to observe.

Investigations shall be done in a timely fashion and documented with a written report, including photographs and/or interviews, when appropriate. A copy of the report shall be submitted to the General Manager.

If the investigating staff person is convinced that the damage was caused by District personnel, equipment, or infrastructure, he/she shall prepare a work order to have the damage repaired, subject to the following conditions:

- (a) Property owner agrees that the proposed repairs are appropriate and adequate;
- (b) Property owner agrees to allow District personnel access to their property to perform the repair work;

- (c) District personnel have the necessary tools, equipment, and expertise to perform the necessary work;
- (d) Repair work can be accomplished within a reasonable amount of time; and,
- (e) Cost of material for the repairs will not exceed \$500.

If the cost of material for repairs is stated by claimant or estimated by staff to exceed \$500, the owner will be asked to submit their claim in writing on a District claim form [*attached hereto as Appendix A*].

The General Manager shall review the damage claim and the proposed repair work. If he/she determines that the damage is the District's responsibility and that the proposed repair work is appropriate, he/she may authorize the work if the cost of material for the repairs will not exceed \$1,500. A report shall be submitted to the Board of Directors describing the damage claim, including a description of the manner in which it was resolved.

If the cost of material for repairs is stated by claimant or estimated to exceed \$1,500, the claim will be submitted to the Board of Directors for its consideration. The Board will consider the claim during a closed session [*"anticipated litigation"*] of a regular or special meeting. Action to accept or reject the claim shall be taken in open session. The claimant shall be notified of the Board's action regarding their claim. Notification that a claim has been rejected shall be accompanied by proof of service.

The Board will not consider a claim of an amount in excess of the insurance deductible (currently \$10,000), including the cost of investigation, without prior written approval of the District's insurance company.

Claims in excess of the District's insurance deductible shall be forwarded to the insurance company, and the claimant shall be advised of this action.

Claims for personal injury/wrongful death shall not be investigated by District staff or directors but shall be immediately forwarded to the District's insurance company.

1040.2 Property (Vehicles and Unsecured Property) Damage Claims

All claims of damage to vehicles or other unsecured property shall be submitted to the General Manager. He/she shall review the damage claim and the requested restitution. If he/she determines that the damage is the District's responsibility, he/she may authorize repairs or reimbursement of expenses to an amount not to exceed \$1,500. A report shall be submitted to the Board of Directors describing the damage claim, including a description of the manner in which it was resolved.

The claim will be processed as described above if the cost of material for repairs is estimated to exceed \$1,500.

1040.3 Property Damage Claims On District Form

Except for damage to land and improvements estimated to cost less than \$500, all damage claims must be submitted in writing on a District claim form. This will ensure that a claim is valid and protect important rights of the District.

If an individual does not wish to file a claim on the District form, he/she may present the claim by letter if it conforms to Section 910 and Section 910.2, California Government Code. Section 910 specifies that a claim needs to show all of the following:

- (a) The name and post office address of the claimant.
- (b) The post office address to which the person presenting the claim desires notices to be sent.
- (c) The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted.
- (d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known as the time of presentation of the claim.
- (e) The name or names of the public employee or employees causing the injury, damage, or loss, if known.
- (f) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

Section 910.2 of the California Government Code specifies the following:

The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

If the filed letter/claim does not meet the requirements of the California Government Code §910 and §910.2, then a letter shall be sent to the claimant informing them of this fact.

District staff shall provide no assistance to the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via mail, FAX, or personal delivery to the District office. Upon receipt, office staff shall date-stamp the document.

1040.4 Account Adjustment Requests

The General Manager, or the Deputy Manager in his/her absence, is authorized to adjust a customer's sewer service account when their bill reflects usage that is significantly greater than normal, due to accidental loss of water through broken pipes or when faucets are turned on in the owner's absence, etc. [*or other type of abnormal account cost*], subject to the following conditions:

- (a) the customer requests the account adjustment in writing;
- (b) a similar request has not been made within the past 24 months; and,
- (c) the account shows no record of being delinquent for more than 60 days during the past 24 months.

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NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Policy Complaints

POLICY NUMBER: 1060

1060.1 A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state or federal statute by which the individual has been adversely affected.

1060.2 The Board of Directors of the Novato Sanitary District desires that public complaints be resolved logically and systematically.

1060.3 The process for resolving complaints shall be as follows:

1060.3.1 The citizen with a complaint shall first discuss the matter with the appropriate Department Supervisor with the objective of resolving the matter informally.

1060.3.2 If the citizen registering the complaint is not satisfied with the disposition of the complaint by the Department Supervisor, it shall be forwarded to the General Manager. At the option of the General Manager, he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. The General Manager's decision shall be memorialized in writing with a copy being provided to the plaintiff.

1060.3.3 If the citizen filing the complaint is not satisfied with the disposition of the matter by the General Manager, they may request consideration by the Board of Directors by filing said request in writing within ten (10) days of receiving the General Manager's [*or other responsible managing employee's*] decision. The Board may consider the matter at the next regular meeting, or call a special meeting. In making the final decision, the Board may conduct conferences, hear testimony, as well as utilize the transcripts of written documentation. The Board's final decision shall be memorialized in writing with the plaintiff being provided a copy.

1060.3.4 A log will be kept describing each complaint, the source, and how it was resolved. The log will be open for public inspection and the contents will be summarized periodically for Board review.

1060.4 This policy in no way prohibits or is intended to deter a member of the community or staff from appearing before the Board to verbally present a testimony, complaint, or statement in regard to actions of the Board, District programs and services, or impending considerations of the Board.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Code of Ethics

POLICY NUMBER: 4010

4010.1 The Board of Directors of Novato Sanitary District is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents. In order to assist in the governance of the behavior between and among members of the Board of Directors, the following rules shall be observed.

4010.1.1 The dignity, style, values and opinions of each Director shall be respected.

4010.1.2 Responsiveness and attentive listening in communication is encouraged.

4010.1.3 The needs of the District's constituents should be the priority of the Board of Directors.

4010.1.4 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

4010.1.5 Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.

4010.1.6 Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

4010.1.7 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

4010.1.8 Directors should practice the following procedures:

4010.1.8.1 In seeking clarification on informational items, Directors may directly approach the General Manager to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.

4010.1.8.2 In handling complaints from residents and property owners of the District, said complaints should be referred directly to the General Manager.

4010.1.8.3 In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.

4010.1.8.4 In presenting items for discussion at Board meetings, see Policy #5020.

4010.1.8.5 In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager.

4010.1.9 When approached by District personnel concerning specific District policy, Directors should direct inquiries to the appropriate staff supervisor. The chain of command should be followed.

4010.2 The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

4010.2.1 When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

4010.2.2 Directors should develop a working relationship with the General Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.

4010.2.3 Directors should function as a part of the whole. Issues should be brought to the attention of a Board Committee or to the Board as a whole, rather than to individual members selectively.

4010.2.4 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Voluntary Candidate Expenditure Ceiling

POLICY NUMBER: 4015

4015.1 In accordance with Government Code . 85400§ (Proposition 208), the voluntary expenditure ceiling for candidates for the Board of Directors of Novato Sanitary District, and controlled committees of such candidates, shall be one dollar (\$1) per resident for each election in which the candidate is seeking election to the Board of Directors.

4015.2 Proposition 208 establishes a two-tiered scheme of campaign contribution limitations applicable to candidates running for local office based on whether the recipient candidate accepts or rejects the voluntary expenditure ceiling established by the local jurisdiction. The decision by a candidate as to whether to accept the ceiling must be made before a candidate accepts any contributions.

4015.2.1 If a candidate for the Board of Directors elects to abide by the ceiling, he/she may accept contributions from businesses, political action committees (PAC's), or individuals in an amount up to \$250.

4015.2.2 If a candidate for the Board of Directors elects not to abide by the ceiling, he/she may accept contributions from businesses, political action committees (PAC's), or individuals in an amount up to \$100.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Attendance at Meetings

POLICY NUMBER: 4020

4020.1 Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

4020.2 A vacancy shall occur if any member ceases to discharge the duty of his/her office for the period of three consecutive months except as authorized by the Board of Directors.

4020.3 Vacancies on the Board of Directors are declared and filled pursuant to the provisions of Section 1770 et seq of the Government Code of the State of California.

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NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Board President

POLICY NUMBER: 4040

4040.1 The President of the Board of Directors shall serve as chairperson at all Board meetings. He/she shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

4040.2 In the absence of the President, the President Pro Tem of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and President Pro Tem of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

4040.3 The Board may designate the President to act as spokesperson for the Board of Directors.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Members of the Board of Directors

POLICY NUMBER: 4050

4050.1 Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings in a manner that does not violate the Ralph M. Brown Act.

4050.1.1 Information exchanged before meetings shall be distributed through the General Manager, and all Directors will receive all information being distributed.

4050.1.2 Copies of information exchanged before meetings shall be available at the meeting for members of the public in attendance, and shall also be provided to anyone not present upon their request.

4050.1.3 Copies of information that is a public record and that relates to an agenda item for open session, that is provided to the Directors less than 72 hours prior to the meeting, shall be made available to the public at the same time that the writing is provided to the Directors in compliance with Gov. Code 54957.5.

4050.2 Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.

4050.3 Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

4050.4 Directors may request for inclusion into minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).

4050.5 Directors shall abstain from participating in consideration on any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities.

4050.6 Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Committees of the Board of Directors

POLICY NUMBER: 4060

4060.1 The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

4060.2 The following shall be standing committees of the Board:

4060.2.1 Wastewater Operations Committee;

4060.2.2 Solid Waste Committee;

4060.3 The Board President shall appoint and publicly announce the members of the standing committees for the ensuing year no later than the Board's regular meeting in July.

4060.4 The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President or a majority vote of the Board. Any recommendations resulting from said review should be submitted to the Board via a written or oral report.

4060.4.1 All meetings of standing committees shall conform to all open meeting laws (e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Basis of Authority

POLICY NUMBER: 4070

4070.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

4070.2 Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole.

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NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Training, Education, and Conferences

POLICY NUMBER: 4090

4090.1 Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District. However, a Director must obtain prior approval of a majority of the Board of Directors before attending any out-of-state conference.

4090.1.1 "Junkets" (a tour or journey for pleasure at public expense), however, will not be permitted.

4090.2 It is the policy of the District to encourage Board development and excellence of performance by reimbursing expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. Cash advances or use of District credit cards for these purposes is not permitted.

4090.2.1 The Administrative Services Manager is responsible for making arrangements for Directors for conference and registration expenses, and for per diem. Per diem, when appropriate, shall include reimbursement of expenses for meals, lodging, and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the Administrative Services Manager, together with validated receipts.

4090.2.2 Attendance by Directors of seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the President of the Board of Directors prior to incurring any reimbursable costs.

4090.2.3 Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth by the Administrative Services Manager and by:

4090.2.3.1 Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates.

4090.2.3.2 Directors traveling together whenever feasible and economically beneficial.

4090.2.3.3 Requesting reservations sufficiently in advance, when possible, to obtain discounted airfares and hotel rates.

4090.2.3.4 If the Director elects to use a more expensive transportation mode they will only be eligible for reimbursement up to the average cost of transportation to reach the conference.

4090.3 A Director shall not attend a conference or training event for which there is an expense to the District if it occurs after they have announced their pending resignation, or if it occurs after an election in which it has been determined that they will not retain their seat on the Board. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.

4090.4 Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

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NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Board Actions and Decisions

POLICY NUMBER: 5040

5040.1 Actions by the Board of Directors include but are not limited to the following:

5040.1.1 Adoption or rejection of regulations or policies;

5040.1.2 Adoption or rejection of a resolution;

5040.1.3 Adoption or rejection of an ordinance;

5040.1.4 Approval or rejection of any contract or expenditure;

5040.1.5 Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel; and,

5040.1.6 Approval or disapproval of matters that require or may require the District or its employees to take action and/or provide services.

5040.2 Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business. Actions taken at a meeting where only a quorum is present, therefore, require all three votes to be effective (unless a 4/5 vote is required by policy or other law).

5040.2.1 A member abstaining in a vote is considered as absent for that vote.

5040.2.1.1 Example. If three of five Directors are present at a meeting, a quorum exists and business can be conducted. However, if one Director abstains on a particular action and the other two cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.

5040.2.1.2 Example. If an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.

5040.2.1.3 Example. If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three Directors must vote in favor of the appointment for it to be approved. If two of the four Directors present abstain, the appointment is not approved.

5040.3 The Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the General Manager.

5040.3.1 The President shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the President, a voice vote may be requested.

5040.3.2 A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).

5040.3.3 Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda for the Board meeting during which said informal action is taken.

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NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Review of Administrative Decisions

POLICY NUMBER: 5050

5050.1 The provisions of §1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of §1094.5 of said code. The provisions of §1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.

5050.2 This policy affects those administrative decisions rendered by the Board of Directors governing acts of the District, in the conduct of the District's operations and those affecting personnel operating policies.

5050.3 The purpose of this policy is to ensure efficient administration of the District, and the expeditious review of decisions rendered by the Board of Directors.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Minutes of Board Meetings

POLICY NUMBER: 5060

5060.1 The Secretary of the Board of Directors shall keep minutes of all regular and special meetings of the Board.

5060.1.1 Copies of a meeting's minutes shall be distributed to Directors as part of the information packet of a regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be kept in a secure location.

5060.1.2 If an audio tape recording of regular and special meetings of the Board of Directors is made, the device upon which the recording is stored shall be kept in a secure location for a minimum of 30 days. Audio recordings shall be available to members of the public if a request is made. Such request shall be made with adequate prior notice and the District shall make a playback machine available upon such request.

5060.1.3 Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed, and individual votes will be recorded unless the action was unanimous. All resolutions and ordinances adopted by the Board shall be numbered consecutively. In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:

- Date, place and type of each meeting;
- Directors present and absent by name;
- Administrative staff present by name;
- Call to order;
- Time and name of late arriving Directors;
- Time and name of early departing Directors;
- Names of Directors absent during any agenda item upon which action was taken;
- Summary record of staff reports;
- Summary record of public comment regarding matters not on the agenda, including names of commentators;
- Approval of the minutes or modified minutes of preceding meetings;
- Approval of financial reports;
- Complete information as to each subject of the Board's deliberation;
- Record of the vote of each Director on every action item for which the vote was not unanimous;
- Resolutions and ordinances described as to their substantive content and sequential numbering;

Record of all contracts and agreements, and their amendment, approved by the Board;
Approval of the annual budget;
Approval of all polices, rules and/or regulations;
Approval of all dispositions of District assets;
Approval of all purchases of District assets; and,
Time of meeting's adjournment.

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NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Rules of Order for Board and Committee Meetings

POLICY NUMBER: 5070

5070.1 General.

5070.1.1 Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules - Robert's Rules of Order.

5070.1.1.1 If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

5070.2 Obtaining the Floor.

5070.2.1 Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

5070.3 Motions.

5070.3.1 Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:

5070.3.1.1 A Director makes a motion; another Director seconds the motion; and the President states the motion.

5070.3.2 Once the motion has been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for the vote.

5070.3.2.1 If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

5070.4 Secondary Motions. Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business is considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

5070.4.1 Motion to Amend. A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

5070.4.2 Motion to Table. A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

5070.4.3 Motion to Postpone. A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

5070.4.4 Motion to Refer to Committee. A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

5070.4.5 Motion to Close Debate and Vote Immediately. When a call for the question is made, a two-thirds vote of Members present is required to end the debate.

5070.4.6 Motion to Adjourn. A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

5070.5 Decorum.

5070.5.1 The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The President may eject any person or persons making personal, impertinent or slanderous remarks, refusing to abide by a request from the President, or otherwise disrupting the meeting or hearing.

5070.5.2 The President may also declare a short recess during any meeting.

5070.6 Amendment of Rules of Order.

5070.6.1 By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or, c) both.