

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN
GENERAL MANAGER

MSL

DATE: JULY 18, 2014

AGENDA ITEM

E-1

JULY 23, 2014

CONSIDER CHANGES TO ORGANIZATIONAL STRUCTURE, DUTY STATEMENTS, AND SALARY RANGE – VARIOUS POSITIONS

ITEM

Consider proposed changes to three staff positions [RECOMMEND CONSIDER RECOMMENDATION OF PERSONNEL COMMITTEE AND APPROVE CHANGES]

BACKGROUND

The District current authorized staffing is seventeen full-time staff positions and two ½-time contract positions – see the current organization chart, Attachment A. Five of the full-time positions are vacant – a 30% vacancy rate.

The Wastewater Supervisor/Chief Plant Operator position was created three years ago. The District has recruited unsuccessfully for the Supervisor/CPO three separated times. Staff is recommending a 10% increase in the salary range for this position and some minor changes in the requirements for the position.

Recruitment for the Secretary Clerk position is ongoing. The position has been vacant since the previous Billing Clerk retired in fall of 2013 and was back-filled by then Secretary Clerk, Ms. Wallravin.

In 2012, the District created a part-time Public Information Assistant to improve outreach and education programs. Ms. Matson has capably filled the position since December 2012. She has also proven a valuable office administrative resource during the extended Secretary Clerk vacancy. Staff is recommending an expansion of the position's role in the public information program and the addition of clerk duties to the position. It is recommended the position be converted to a full-time regular employee status.

On July 17, your Personnel Committee met and considered the above staff recommendations. In both cases, the Committee recommends Board approval. The Committee staff reports are attached and include further background information pertaining to the recommended action.

FINANCIAL IMPACT

The recommended changes will result in increased staffing costs once the positions are filled. However, staff anticipates the approved 2014-2015 budget will not need to be amended since spending on staff salaries remains well under-budget due to the ongoing vacancies .

STRATEGIC PLAN

Goal 3 – PERSONNEL AND ORGANIZATION. Maintain a qualified, long-term and productive workforce to assure an effective organization.

RECOMMENDATION

Consider Committee recommendation and by motion and roll call vote approve recommended

ATTACHMENT

- A. 2014-2015 Organizational Chart
- B. July 17, 2014 Personnel Committee Staff Report

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JULY 23, 2014

ITEM E-1

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Board of Directors

President Craig Armstrong, Directors Jim Harrison, Larry Vierheilig, Dan Gaddis, Bob Blair

Legal Counsel
Michael W. Seitz

General Manager
Michael S. LeBrun

Approved 2014-2015 Fiscal

Finance Director/
Assistant GM
Lisa Bognuda

Director of Engineering
& Operations
Peter Sevcik

Assistant
Engineer
Jessica Garcia

Billing Clerk
Merrie Wallravin

Secretary
Clerk
Vacant

Public Information
Assistant
(½ Time, Contract)
Jessica Matson

Office Assistant
(½ Time, Contract)
Amy Valadez

Wastewater
Supervisor
Vacant

Utility
Operator
Mike
Baumgarten

Utility
Operator
Vacant

Utility
Operator
Vacant

Utility Worker
Rigo Rodriguez

Utility Worker
Reed Brewer

Utility Worker
Francisco
Maldonado

Utility Worker
Derek Calleja

Maintenance
Worker/
Customer Service
Tyler Voelker

Maintenance
Worker/
Customer Service
Vacant

Water
Supervisor
Scott German

JULY 23, 2014

ITEM E-1

ATTACHMENT B

TO: PERSONNEL COMMITTEE

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: JULY 15, 2014

AGENDA ITEM

2

JULY 17, 2014

CONSIDER PUBLIC INFORMATION ASSISTANT

ITEM

Consider proposed changes to the Public Information Assistant job description, status, and salary [RECOMMEND CONSIDER PROPOSED CHANGES, MAKE RECOMMENDATION TO BOARD OF DIRECTORS]

BACKGROUND

In October 2012, the District created a Public Information Assistant position to provide support services in the area of outreach and public information. The position was defined as a part-time contract position.

Since December 2012 the position has been filled by the same contract employee. The position currently pays \$17/hour at a cost of ~\$23/hour to the District.

Staff is proposing to:

- Change the title of the position to Public Information Director/Clerk
- Increase the roles and responsibilities of the position related to public information
- Expand the position to include documentation of Board action (meeting recordation and draft minutes)
- Convert the position to regular full-time, non-exempt.

The proposed changes would foster continued improvement in the District's outreach programs and provide needed depth to office administrative function. The new position would report to the Assistant General Manager.

FISCAL IMPACT

Based on the proposed responsibilities and requirements of the new position, staff is proposing a salary of \$3,161 - \$3,842 per month (Range 10 of District Salary Schedule). This equates to an hourly pay of \$18.24/hour at a cost of ~\$26/hour to the District.

Due to existing position vacancies, staff does not anticipate a need to revise the 2014-2015 Budget to account for these proposed changes.

STRATEGIC PLAN

Goal 3 – PERSONNEL AND ORGANIZATION. Maintain a qualified, long-term and productive workforce to assure an effective organization.

RECOMMENDATION

Consider proposed changes to the Public Information Assistant position and make a recommendation to the Board of Directors

ATTACHMENT

- A. Public Information Assistant Job Description
- B. Proposed Public Information Director/Clerk Job Description

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JULY 17, 2014

ITEM 2

ATTACHMENT A

**PUBLIC INFORMATION ASSISTANT
CHAPTER SEVEN - JOB DESCRIPTIONS**

**NUMBER: 7210
EFFECTIVE: 10/10/12**

7210 – PUBLIC INFORMATION ASSISTANT

BY CONTRACT

DEFINITION

Under general direction of the General Manager, the Public Information Assistant develops public relations materials including District newsletters, press releases, promotional and educational materials. Assist in the development and implementation of a public information and public education program. Perform a variety of administrative and operational functions in support of assigned outreach/education programs and perform other related work as required.

CLASS CHARACTERISTICS

This is a single position classification. The Public Information Assistant is a part-time (approximately 20 hours per week) contract position. The employee will work under general supervision of the General Manager within a broad framework of policies and procedures.

EXAMPLES OF DUTIES (Illustrative only – intended to identify essential functions and requirements of the job. NOT intended to be all-inclusive)

- Designs and develops public information, media advertising and marketing materials; writes, designs, edits, and produces bi-monthly customer newsletter, District brochures, event flyers, advertisements, bill inserts, and assists with monthly Manager's column.
- Coordinates with other departments and District staff as needed to complete assignments.
- Prepares and distributes press releases, fact sheets, media advisories, and articles.
- Assists with update of District website; prepares informational materials for web-site posting.
- Participate in establishing, updating, and executing the District's Information and Public Outreach Plan.
- Maintain District lobby and Board Room with appropriate information.
- Research grant programs and develop grant proposals that support District needs.
- Performs related duties similar to the example duties in scope and function as required.
- Represents the District in a professional manner.

EMPLOYMENT STANDARDS

KNOWLEDGE OF:

- Local government agencies and community services districts.
- Operations, services, and activities of a public information and communications program.
- Basic principles and practices of public information and education program development and implementation.
- Principles, practices, and techniques of distributing information for mass media communications.
- Communication media sources, including but not limited to newspapers, radio, television, and internet.
- Methods and techniques of news reporting and editing.

**PUBLIC INFORMATION ASSISTANT
CHAPTER SEVEN - JOB DESCRIPTIONS**

**NUMBER: 7210
EFFECTIVE: 10/10/12**

- Principles of research, writing, editing, and preparing a variety of informational publications, speeches, bulletins, press releases, feature stories, and distribution materials.
- Methods and techniques of layout and graphic design.
- Photography and photo editing.
- Legislative process and procedures.
- Methods and techniques used in developing communications for internal and external audiences.
- English usage, spelling, grammar, and punctuation.
- Principles of web design.
- Office procedures, methods, and equipment including computers and applicable software applications such as word processing, desktop publishing, graphics, and presentation software.
- Working command of Spanish language, written and verbal, is desirable.

ABILITY TO:

- Participate in planning, developing, organizing, and coordinating a comprehensive public information and education program for the District.
- Participate in recommending and implementing goals and objectives for providing public information and communication programs.
- Identify target audiences and develop pertinent messages.
- Analyze the effectiveness of public information activities, initiate, and develop procedures for improving public information efforts.
- Write clear and concise bulletins, press releases, feature stories, and materials for distribution to the news media and public.
- Understand the implications of public information and evaluate the news value of District activities and functions.
- Add, subtract, multiply and divide, and calculate percentages, fractions, and decimals.
- Operate office equipment including computers and supporting word-processing, desktop publishing, and graphics applications.
- Operate a motor vehicle safely.
- Communicate clearly and concisely, both orally and in writing.
- Follow written and oral directions.
- Establish and maintain effective working relationships with those contacted in the course of work.

PHYSICAL CHARACTERISTICS:

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.

- Sufficient mobility to work in an office setting; stand or sit for prolonged periods of time; operate office equipment including use of a computer keyboard; lifting 25 pounds, carrying, pulling, pushing.
- Hearing and speech to interact in person and on the telephone.
- Ability to verbally communicate and exchange information.
- Vision to read printed material and a computer screen.

EDUCATION AND EXPERIENCE

- Graduation from an accredited four-year college or university with a degree in Communications, Journalism, or a related field, or equivalent experience.

JULY 17, 2014

ITEM 2

ATTACHMENT B

**JOB DESCRIPTION
NIPOMO COMMUNITY SERVICES DISTRICT**

DRAFT

POSITION: Public Information Director/Clerk

FLSA STATUS: Non-Exempt – Full Time (40 hour week)

REPORTS TO: Finance Director

1. DEFINITION AND SUMMARY OF DUTIES

Under general direction of the Finance Director and in close coordination with the General Manager, the Public Information Director/Clerk leads the development and implementation of the District's public information program, assists in preparation and publication of public meeting agendas, attends Board Meetings and documents Board Action.

As Public Information Director the employee maintains the District Website and social media platforms, develops public relations materials including District newsletters, press releases, promotional and educational materials.

As Clerk, the employee assists in preparation of Board Agenda, attends and documents Board meetings, and performs a variety of administrative and operational functions in support of general office administration and the Billing Clerk.

This is a full-time office support class position, responsible for the District's outreach program, website, and providing a variety of office administrative support including the preparation of Board meeting materials and documentation of Board meetings. Successful performance requires attendance during regular office hours and occasionally at off-hours Board meetings and other District-related events. The employee must possess skill to deal with the public successfully. The employee is responsible for independently performing a full range of public information activities and providing office support to the District, and other duties as assigned.

2. ESSENTIAL DUTIES AND RESPONSIBILITIES

- a) Develop and maintain the District's Public Information and Outreach Program.
- b) Design and develop public information, media advertising and marketing materials; writes, designs, edits, and produces bi-monthly customer newsletter, District brochures, event flyers, advertisements, bill inserts, and assists with monthly Manager's column.
- c) Maintain District lobby, Board Room, website and social media platforms with up-to-date and appropriate information.
- d) Coordinate closely with the General Manager to develop and distribute public information. Prepares informational materials for web-site posting.
- e) Prepare and distributes press releases, fact sheets, media advisories, and articles.
- f) Knowledge of Brown Act (Open Meeting Rules) and Fair Political Practices Commission Rules and Regulations.
- g) Assist in preparation of the agenda for Board of Directors meetings; lead final review, assembly and production of Agenda materials, distribute agenda packets to Board members and assure that appropriate legal notification of meeting time and content is publicized.
- h) Attend all Board meetings; assures that all required materials are available; operate a recorder for documentation of the meetings and take supplemental notes.

JOB DESCRIPTION
NIPOMO COMMUNITY SERVICES DISTRICT

DRAFT

POSITION:	Public Information Director/Clerk
FLSA STATUS:	Non-Exempt – Full Time (40 hour week)
REPORTS TO:	Finance Director

- i) Draft Board meetings minutes from recording and notes; after review, prepare and distributes copies following established instructions.
- j) Maintain Ordinances and Resolutions, obtain proper signatures and attachments, follow directives in document, including but not limited to newspaper publishing, CEQA filings, recordings with County Clerk-Recorder.
- k) Coordinate timely response to public records requests
- l) Provide assistance and back-up to Billing Clerk on a regular basis.
- m) Assist customers and the public in person and over the telephone in all aspects of District business; explains District policies and procedures, answers questions and resolves complaints or problems.
- n) Act as Program Manager for District's water conservation classroom education program.
- o) Coordinate with other departments and District staff as needed to complete assignments.
- p) Safely operate a motor vehicle (District or personal) to perform District duties.
- q) Research grant programs and develop grant proposals that support District needs.
- r) Assist in developing budgets annually for the Outreach Program and all related programs.
- s) Perform related duties similar to the example duties in scope and function as required.
- t) Represent the District in a professional manner.

3. QUALIFICATIONS

This position requires knowledge and proficiency in the following:

- a) Local government agencies and community services districts.
- b) Legislative process and procedures.
- c) Standard office practices and procedures, including filing and the use of standard office equipment.
- d) Microsoft Word, Excel and Outlook. Proficiency in these applications is required. Knowledge of Microsoft Access is desirable.
- e) Correct business English, including spelling, grammar and punctuation.
- f) Techniques for dealing with the public, in person and over the telephone.
- g) Handling multiple tasks and meeting critical time deadlines.
- h) Methods and techniques used in developing communications for internal and external audiences.
- i) English usage, spelling, grammar, and punctuation.
- j) Basic principles and practices of public information and education program development and implementation.
- k) Operations, services, and activities of a public information and communications program.
- l) Principles of web design.

JOB DESCRIPTION
NIPOMO COMMUNITY SERVICES DISTRICT

DRAFT

POSITION: Public Information Director/Clerk

FLSA STATUS: Non-Exempt – Full Time (40 hour week)

REPORTS TO: Finance Director

- m) Principles, practices, and techniques of distributing information for mass media communications.
- n) Communication media sources, including but not limited to social media, internet, newspapers, radio, and television.
- o) Methods and techniques of news reporting and editing.
- p) Principles of research, writing, editing, and preparing a variety of informational publications, speeches, bulletins, press releases, feature stories, and distribution materials.
- q) Methods and techniques of layout and graphic design.
- r) Photography and photo editing.
- s) Drafting accurate minutes of Board meetings.
- t) Record keeping principles and practices including electronic records creation and retrieval methods.
- u) Working command of Spanish language, written and verbal is desirable.

4. ESSENTIAL ABILITIES

- a) Plan, develop, organize, and direct a comprehensive public information and education program for the District.
- b) Participate in recommending and implementing goals and objectives for providing public information and communication programs.
- c) Identify target audiences and develop pertinent messages.
- d) Analyze the effectiveness of public information activities, initiate, and develop procedures for improving public information efforts.
- e) Write clear and concise bulletins, press releases, feature stories, and materials for distribution to the news media and public.
- f) Understand the implications of public information and evaluate the news value of District activities and functions.
- g) Add, subtract, multiply and divide, and calculate percentages, fractions, and decimals.
- h) Operate office equipment including computers and supporting word-processing, desktop publishing, and graphics applications.
- i) Operate a motor vehicle safely.
- j) Communicate clearly and concisely, both orally and in writing.
- k) Follow written and oral directions.
- l) Establish and maintain effective working relationships with those contacted in the course of work.
- m) Performing detailed office support work with minimal supervision.
- n) Drafting accurate minutes of Board meetings.
- o) Entering numerical and other data into a computer with speed and accuracy.
- p) Ability to prioritize and handle multiple tasks and meeting critical time deadlines.

JOB DESCRIPTION
NIPOMO COMMUNITY SERVICES DISTRICT

DRAFT

POSITION: Public Information Director/Clerk

FLSA STATUS: Non-Exempt – Full Time (40 hour week)

REPORTS TO: Finance Director

- q) Filing/scanning with speed and accuracy.
- r) Applying and explaining policies and procedures.
- s) Working effectively and cooperatively with a wide variety of customers and other individuals in person and over the telephone.
- t) Exercising sound independent judgment within established policy and procedural guidelines.
- u) Maintaining confidentiality of information where necessary.
- v) Ability to cope and maintain calm demeanor in a potentially stressful working environment.
- w) Establishing and maintaining effective working relationships with those contacted in the course of the work, including Board members, management team, co-workers, and members of the public.

5. PHYSICAL REQUIREMENTS

- a) Ability to read printed materials and a computer screen.
- b) Ability to type on a keyboard and use a mouse for extended periods of time.
- c) Ability to use computer software to access, record and convey information in required format.
- d) Ability to interact in person and on the telephone, relaying information verbally.
- e) Ability to communicate clearly, concisely and effectively, both orally and in writing.
- f) Ability to maintain, regular, predictable, punctual attendance.
- g) Mobility to work in a standard office environment and use standard office equipment.
- h) Ability to grasp, lift and move files, binders, boxes and other collections of documents (which can total up to 40 pounds).

6. EDUCATION AND EXPERIENCE

- a) Graduation from an accredited four-year college or university with a degree in Communications, Marketing, Journalism, or a related field, or equivalent experience.

7. LICENSES

- a) Possession of a valid California class C driver's license and a satisfactory driving record.
- b) Must be bondable by the District's fidelity bond insurer.

JOB DESCRIPTION
NIPOMO COMMUNITY SERVICES DISTRICT

DRAFT

POSITION:	Public Information Director/Clerk
FLSA STATUS:	Non-Exempt – Full Time (40 hour week)
REPORTS TO:	Finance Director

ACKNOWLEDGEMENT:

By signing below, I acknowledge all of the following:

I have reviewed the above Job Description, and I understand it to be accurate and complete. I understand that management and/or the Board retains the right to assign me other tasks as necessary. I also understand that district management has the right to change this Job Description and my assigned job duties at any time.

If, at any time, I am unable to perform any of the assigned job duties or need any accommodation for medical reasons, I will alert the General Manager or his/her designee and will participate in an interactive process regarding possible workplace accommodations.

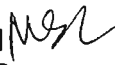
I understand that I am a non-exempt employee and that I can be required to work in excess of my normally assigned working hours, including being required to report to duty in cases of disaster response.

Employee's Name (print)

Employee's Name (signature)

Date

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TO: PERSONNEL COMMITTEE
FROM: MICHAEL S. LEBRUN 
GENERAL MANAGER
DATE: July 15, 2014

AGENDA ITEM

3

JULY 17, 2014

CONSIDER CHANGES TO WASTEWATER SUPERVISOR JOB DESCRIPTION AND SALARY RANGE

ITEM

Consider proposed job description and salary range change to Wastewater Supervisor position. [RECOMMEND CONSIDER PROPOSED CHANGES, MAKE RECOMMENDATION TO BOARD OF DIRECTORS].

BACKGROUND

The District is currently in the process of finalizing construction of the Phase I Facility Improvements at the Southland Wastewater Treatment and Reclamation Facility. The new facility went on-line on March 5, 2014 and the project is scheduled to be completed in September 2014. The facility has been reclassified by the State Water Resources Control Board as a *Class III* facility (old pond system was classified *Class I*), meaning the District's lead wastewater plant operator (a.k.a. Chief Plant Operator) is required, by March 2015, to possess a *Grade III* Wastewater Treatment Plant Operator Certificate as issued by the State of California Water Resources Control Board. Staff proposes to revise the job description to also include a new certification related to the District's environmental laboratory.

Recruitment for this position is a high priority for the District and a competitive salary range and benefit package is critical to a successful recruitment. The District has recruited three times unsuccessfully to fill the current position.

FISCAL IMPACT

Staff conducted informal web based research for local agency comparable salaries for this position which are summarized below.

Agency	Position	Certification	Salary Range
City of Pismo Beach	Wastewater System Supervisor	Grade 3	\$5653 - \$6872
City of San Luis Obispo	WRF Chief Operator	Grade 3	\$5401 - \$6632
City of Lompoc	WWTP Operations Supervisor	Grade 4	\$5237 - \$6366
City of Santa Maria	Water Resources Supervisor	Grade 3	\$6066 - \$7374
Laguna Sanitation District	Chief Wastewater Plant Operator	Grade 4	\$5746 - \$7015
Average			\$5620 - \$6852
NCSO Current	Wastewater Supervisor	Grade 3	\$5677 - \$6900
NCSO Proposed	Wastewater Supervisor	Grade 3	\$6259 - \$7608

In order to effectively address the District's needs and ensure a successful recruitment to fill the existing vacancy, staff is proposing to increase the salary for the position by 10% by changing the salary range from Range 34 to Range 38.

STRATEGIC PLAN

Goal 3 – PERSONNEL AND ORGANIZATION. Maintain a qualified, long-term and productive workforce to assure an effective organization.

RECOMMENDATION

Consider information and make a recommendation to your Board regarding the proposed changes to the Wastewater Supervisor job description and salary range.

ATTACHMENTS

- A. Draft proposed Wastewater Supervisor Job Description

JULY 17, 2014

ITEM 3

ATTACHMENT A

1. DEFINITION

Under general direction, plans, schedules, assigns, and reviews the work of assigned wastewater operations staff within the Engineering and Operations Department; plans, schedules, assigns, coordinates, monitors, and provides technical input for assigned wastewater system maintenance, construction, and repair projects, and other special programs; performs a variety of technical tasks relative to the operation, maintenance and repair of District wastewater treatment facilities and wastewater collection systems; works cooperatively with the Water Supervisor on staff scheduling and on special projects; supervises water operations staff in the absence of the Water Supervisor; provides technical assistance to the Director of Engineering and Operations and may act, if designated, for the Director of Engineering and Operations in their absence; and performs related work as required.

2. SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Director of Engineering and Operations. Exercises direct and general supervision over lower-level staff. Coordinates and monitors the work of outside contractors, vendors, and consultants.

3. CLASS CHARACTERISTICS

This is a working supervisory-level class. Responsibilities include planning, organizing, supervising, reviewing, and evaluating the work of the wastewater operations. Incumbents are expected to independently perform the full range of wastewater system maintenance and operations duties. Performance of the work requires the use of considerable independence, initiative, and discretion within established guidelines. This class is distinguished from the Director of Engineering and Operations in that the latter has management responsibility for all utility engineering, operations and maintenance functions and activities of the District.

4. EXAMPLES OF DUTIES (Illustrative Only)

Management reserves the right to add, modify, change or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

- A. Plans, organizes, assigns, supervises, and reviews the work of assigned staff in the Engineering and Operations Department.
- B. Trains staff in work and safety procedures and in the operation and use of equipment and supplies; implements procedures and standards.
- C. Evaluates employee performance, counsels employees, and effectively recommends initial disciplinary action; assists in selection and promotion.
- D. Supervises water operations staff in the absence of Water Supervisor.
- E. Monitors operations and activities of the wastewater operations work unit; recommends improvements and modifications and prepares various reports on operations and activities.
- F. Develops weekly work schedules and priorities for assigned personnel and work projects and special projects to be completed; determine needed parts and supplies, prepare purchase orders.
- G. Determines and recommends equipment, materials, and staffing needs for assigned maintenance projects; participates in the annual budget preparation;

- prepares detailed cost estimates with appropriate justifications, as required; maintains a variety of records and prepares routine reports of work performance.
- H. Monitors and controls supplies and equipment; orders supplies and tools as necessary; prepares documents for equipment procurement; participates in informal bid processes for repair and construction projects as necessary.
 - I. Performs the most complex wastewater operations duties and provides technical assistance to crews.
 - J. Answers questions and provides information to the public; investigates complaints; recommends corrective actions to resolve issues.
 - K. Maintains daily, weekly and monthly logs and records of work performed; prepares periodic reports.
 - L. Conducts traffic control when working in high traffic areas of the District; oversees installation of street barricades and cones prior to the performance of maintenance or repair activities; directs and controls traffic around work sites.
 - M. Supervise operation, maintenance and repair of two wastewater treatment and reclamation facilities including but not limited to headworks, aeration, clarification, chemical feed systems, plant process water, electrical system, biosolids processing and disposal, effluent disposal, and SCADA.
 - N. Supervise and perform collection system flushing with sewer vacuum truck/hydrocleaner, cleaning of manholes, sewer lift stations and TV inspection of sewer lines, respond to and direct emergency repairs as appropriate.
 - O. Performs line locating, inspect sewer mains and laterals for new construction as necessary.
 - P. Perform a variety of skilled mechanical installation, maintenance and repair of pumps and chemical feed systems; maintain and repair pneumatic, hydraulic and electronic control systems.
 - Q. Manage and maintain District SCADA system; establish and maintain set points required for proper operation of District facilities; establish and maintain alarms.
 - R. Performs and supervises confined space entry.
 - S. Responds to emergency situations as necessary.
 - T. Assists Water Supervisor on projects, as assigned, involving coordination of crews.
 - U. Track performance goals.
 - V. Prepares regulatory reports.
 - W. Performs other duties as assigned.

5. QUALIFICATIONS

Knowledge of:

- A. Principles and practices of employee supervision, including work planning, assignment, review and evaluation, discipline, and the training of staff in work procedures.
- B. Principles and practices of wastewater operations and maintenance program development and administration.
- C. Principles, practices, equipment, tools and materials of wastewater system construction, maintenance, and repair.
- D. Basic principles of contract administration for wastewater system maintenance and repair projects.
- E. Basic principles and practices of budget and capital improvement program development, administration, and accountability.

- F. Safety principles, practices, and procedures of wastewater facilities and systems, including equipment and hazardous materials.
- G. Occupational hazards and standard safety practices, and appropriate precautions applicable to work assignments, including those associated with working with high pressure equipment, and working in vaults and confined spaces.
- H. Materials, methods, equipment, tools, practices and procedures used in maintenance and repair of wastewater system infrastructure and facilities.
- I. Operation, materials, and methods of wastewater system construction, collection, and treatment.
- J. Basic principles and procedures of record keeping.
- K. Operation and maintenance of a variety of hand and power tools, vehicles, and power equipment.
- L. Applicable Federal, State, and local laws, codes, regulations and departmental policies, including National Pollution Discharge Elimination System (NPDES).
- M. Modern office practices, methods and computer equipment.
- N. Computer applications related to the work, including Microsoft Word, Excel, and Outlook as well as computer tracking programs for facility maintenance activities.
- O. English usage, grammar, spelling, vocabulary, and punctuation.
- P. Techniques for effectively dealing with engineers, developers, contractors, District staff, and representatives of other agencies.
- Q. Techniques for providing a high level of customer service to the public and District staff, in person and over the telephone.

Ability to:

- A. Assist in developing and implementing goals, objectives, practices, policies, procedures, and work standards.
- B. Supervise, train, plan, organize, schedule, assign, review, and evaluate the work of staff.
- C. Organize, implement, and direct wastewater system maintenance and operations activities.
- D. Analyze, interpret, apply, and enforce Federal, State and local policies, procedures, laws and regulations.
- E. Understand, interpret, and successfully communicate both orally and in writing, pertinent department policies and procedures.
- F. Identify problems, research and analyze relevant information, develop and present recommendations and justification for solution.
- G. Perform the most complex maintenance duties and operate related equipment safely and effectively.
- H. Plan, coordinate, oversee, and track facility maintenance and repair activities.
- I. Perform routine installation, repair and maintenance activities of wastewater collection system and water distribution system.
- J. Lead in diagnosis, disassembly and repair of routine wastewater lift station equipment.
- K. Perform preventive maintenance on wastewater system equipment per preventive maintenance schedule.
- L. Oversee and maintain a variety of maintenance and repair records.
- M. Work independently and exercise higher level of responsibility in the absence of the Superintendent.
- N. Accurately determine mechanical repair needs.

- O. Develop contract specifications for wastewater system maintenance contracts; administer such contracts.
- P. Develop cost estimates for supplies and equipment.
- Q. Research, analyze, and evaluate new service delivery methods, procedures and techniques.
- R. Maintain accurate records and files of work performed.
- S. Make sound, independent decisions within established policy and procedural guidelines.
- T. Organize own work, set priorities and meet critical time deadlines.
- U. Operate modern office equipment including computer equipment and software programs.
- V. Use English effectively to communicate in person, over the telephone and in writing.
- W. Use tact, initiative, prudence and independent judgment within general policy and legal guidelines in politically sensitive situations.
- X. Establish and maintain effective working relationships with those contacted in the course of work.

Skill in:

6. PHYSICAL CHARACTERISTICS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer, and to work in the field around water and wastewater facilities and systems; strength, stamina and mobility to perform medium to heavy physical work, to work in confined spaces, around machines and to climb and descend ladders, and operate varied hand and power tools and construction equipment; to attend meetings and to operate a motor vehicle; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone or radio. The job involves fieldwork requiring frequent walking in operational areas to identify problems or hazards. Finger dexterity is needed to access, enter and retrieve data using a computer keyboard or calculator and to operate above-mentioned tools and equipment. Positions in this classification bend, stoop, kneel, reach and climb to perform work and inspect work sites. Employees must possess the ability to lift, carry, push, and pull materials and objects necessary to perform job functions.

7. WORKING CONDITIONS

8. ENVIRONMENTAL ELEMENTS

Employees work primarily in the field and are exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, confining workspace, chemicals, mechanical and/or electrical hazards, and hazardous physical substances and fumes. Employees interact with upset public and private representatives and contractors in interpreting and enforcing departmental policies and procedures.

9. EDUCATION AND EXPERIENCE

Any combination of training and experience which would provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to the completion of the twelfth (12th) grade and four (4) years of progressive field experience in the operation and maintenance of wastewater collection and treatment facilities. Supplemental college coursework in wastewater sciences or related field is desirable.

10. LICENSES

- A. Must have a valid California Class C driver's license with satisfactory driving record.
- B. Must have Grade III Wastewater Treatment Operator Certificate issued by the California State Water Resources Control Board.
- B.C. Must obtain a Grade 1 Lab Analyst Certification from the California Water Environment Association within 12 months.
- C.D. Must obtain Grade II Wastewater Collection System Maintenance Certification from the California Water Environment Association with 24 months.
- D.E. Must obtain have Grade II Water Distribution Operator Certification issued by the State of California within 24 months.
- E.F. Grade II Water Treatment Plant Operator Certificate issued by the State of California highly desirable.

11. OTHER REQUIREMENTS

Regular on-call duty for response to off-hours water and wastewater emergency situations is required. Must be able to arrive at District facilities within thirty (30) minutes from the time of an initial call-back. Work hours are subject to 24-hour emergency callbacks and standby and requires working varying hours, overtime, weekends and holidays.

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *msl*
GENERAL MANAGER

DATE: JULY 18, 2014

AGENDA ITEM
E-2
JULY 23, 2014

**CONSIDER MANDATORY WATER CONSERVATION REGULATIONS
ADOPTED BY STATE WATER RESOURCES CONTROL BOARD**

ITEM

Review and discuss emergency water conservation regulations recently adopted by the CA State Water Resources Control Board [RECOMMEND – CONSIDER REGULATIONS AND DIRECT STAFF]

BACKGROUND

On July 15, 2014, the State Water Resources Control Board adopted emergency regulations in response to ongoing statewide drought and water shortage conditions – see Attachment A.

District Counsel and staff will provide an overview of the regulations and lead a discussion on implementation.

FINANCIAL IMPACT

Conservation is absolutely necessary during extended drought as we are currently experiencing. Conservation results in a loss of sales revenue. Mandating water conservation measures through enforcement and levee of fines requires substantial staff and legal resources.

STRATEGIC PLAN

Goal 1 – WATER SUPPLY – Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

RECOMMENDATION

Review and discuss the State emergency regulations and direct staff.

ATTACHMENT

- A. State Water Resources Control Board Resolution 2014-0038

JULY 23, 2014

ITEM E-2

ATTACHMENT A

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2014-0038**

**TO ADOPT AN EMERGENCY REGULATION
FOR STATEWIDE URBAN WATER CONSERVATION**

WHEREAS:

1. On April 25, 2014, Governor Edmund G. Brown Jr. issued an executive order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water. The executive order finds that the continuous severe drought conditions present urgent challenges across the state including water shortages in communities and for agricultural production, increased wildfires, degraded habitat for fish and wildlife, threat of saltwater contamination, and additional water scarcity if drought conditions continue into 2015. The National Integrated Drought Information System reported that nearly 80% of the state was reported to be under "extreme" drought conditions at the end of June;
2. The executive order refers to the Governor's Proclamation No. 1-17-2014, issued on January 17, 2014, declaring a State of Emergency to exist in California due to severe drought conditions. The January Proclamation notes that the state is experiencing record dry conditions, with 2014 projected to become the driest year on record. Since January, state water officials indicate that reservoirs, rainfall totals and the snowpack remain critically low. This follows two other dry or below average years, leaving reservoir storage at alarmingly low levels. The January Proclamation highlights the State's dry conditions, lack of precipitation and the resulting effects on drinking water supplies, the cultivation of crops, and the survival of animals and plants that rely on California's rivers and streams. The January Proclamation also calls on all Californians to reduce their water usage by 20 percent;
3. There is no guarantee that winter precipitation will alleviate the drought conditions that the executive orders address, which will lead to even more severe impacts across the state if the drought wears on;
4. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports";
5. Over 400,000 acres of farmland are expected to be fallowed, thousands of people may be out of work, communities risk running out of drinking water, and fish and wildlife will suffer.

6. Many Californians have taken bold steps over the years and in this year to reduce water use; nevertheless, the dire nature of the current drought requires additional conservation actions from residents and businesses. Some severely affected communities have implemented water rationing, limiting water use in some cases to only 50 gallons per person per day, foregoing showers, laundry, toilet flushing, and all outdoor watering.
7. Water conservation is the easiest, most efficient and most cost effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved this summer is water available next year, giving water suppliers the flexibility to manage their systems efficiently. The more water that is conserved now, the less likely it is that a community will experience such dire circumstances that water rationing is required ;
8. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water;
9. Public information and awareness is critical to achieving conservation goals and the Save Our Water campaign, run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response (<http://saveourwater.com>).
10. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated;
11. The emergency regulations set a minimum standard requiring only modest lifestyle changes across the state. Many communities are already doing more and have been for years. They should be commended, but can and should do more. Others are not yet doing so and should at least do this, but should do much more given the severity of the drought;
12. On July 8, 2014, the State Water Board issued public notice that the State Water Board would consider the adoption of the regulation at the Board's regularly-scheduled July 15, 2014 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations;
13. On April 25, 2014, the Governor suspended the California Environmental Quality Act's application to the State Water Board's adoption of emergency regulations pursuant to Water Code section 1058.5 to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, to promote water recycling or water conservation;
14. As discussed above, the State Water Board is adopting the emergency regulation because of emergency drought conditions, the need for prompt action, and current limitations in the existing enforcement process;

15. Disadvantaged communities may require assistance in increasing water conservation and state agencies should look for opportunities to provide assistance in promoting water conservation;
16. Nothing in the regulations or in the enforcement provisions of the regulations, preclude a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulations adopted by this resolution and local agencies retain their enforcement discretion in enforcing the regulations, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, sections 863, 864, and 865, as appended to this resolution as an emergency regulation;
2. The State Water Board staff will submit the regulation to the Office of Administrative Law (OAL) for final approval;
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes;
4. These regulations shall remain in effect for 270 days after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions, or unless the State Water Board renews the regulations due to continued drought conditions as described in Water Code section 1058.5;
5. The State Water Board directs staff to provide the Board with monthly updates on the implementation of the emergency regulations and their effect;
6. Directs State Water Board staff to condition funding upon compliance with the emergency regulations, to the extent feasible;
7. Directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulations; and
8. Directs State Water Board staff in developing an electronic reporting portal to include data fields so that local agencies may provide monthly reporting data on (i) conservation-related implementation measures or enforcement actions taken by the local agency and (ii) substitution during the drought of potable water with recycled water to extend water supplies.

THEREFORE BE IT FURTHER RESOLVED THAT:

9. The State Water Board commends water suppliers that have increased conservation messaging and adopted innovative strategies to enhance customer awareness of water use, such as applications that let customers compare their water use to water use by others; reduce system losses, such as fixing system leaks which can deplete supplies by 10 percent or more; and establish incentives to reduce demand, such as tiered or drought rate structures. The State Water Board also commends all Californians that have already been working to maximize their conservation efforts, both at home and at work;
10. The State Water Board calls upon water suppliers to take the following actions:

Educate customers and employees

- Retail water suppliers should provide notice of the regulations in English and Spanish in one or more of the following ways: newspaper advertisements, bill inserts, website homepage, social media, notices in public libraries;
- Wholesale suppliers should include reference to the regulations in their customer communications;
- All water suppliers should train personnel on the regulations;
- All water suppliers should provide signage where recycled or reclaimed water is being used for activities that the emergency regulations prohibit with the use of potable water, such as operation of fountains and other water features;
- All water suppliers should redouble their efforts to disseminate information regarding opportunities and incentives to upgrade indoor fixtures and appliances;
- All water suppliers should use education and the tools available through the Save Our Water website (<http://saveourwater.com>); and
- All water suppliers should educate and prepare their boards and councils on the drought response actions contained in the emergency regulations and in this resolution, and to make sure that drought response items are placed on agendas as early as possible;

Increasing local supplies

- All water suppliers should accelerate the completion of projects that will conserve potable water by making use of non-potable supplies, such as recycled water, "greywater," and stormwater collection projects;
- All water suppliers should improve their leak reporting and response programs and request that police and fire departments and other local government personnel report leaks and water waste that they encounter during their routine duties/patrols;
- Smaller water suppliers – those with fewer than 3,000 service connections – should take proactive steps to secure their communities' water supplies and educate their customers about water conservation and the status of their supply reserves;
- All water suppliers should conduct water loss audits and make leak detection and repair a top priority for the duration of the drought; and
- All urban water suppliers should evaluate their rate structures and begin to implement needed changes as part of planning for another dry year. Information and assistance on setting and implementing drought rates is available from the Alliance for Water Efficiency. (<http://www.allianceforwaterefficiency.org/>).

11. The State Water Board calls on all Californians to take the following additional actions:
 - Further reduce water demand, whether by using less water in daily routines indoors and out, retrofitting appliances and installing greywater and rainwater catchment systems; and
 - Check residential and business water bills to see if there are high charges that may indicate a leak and to fix the leak, if they are able, or contact their local water utility if they need assistance.
12. The State Water Board encourages its staff, the Department of Water Resources, the Public Utilities Commission, urban water suppliers, and other local agencies to look for opportunities to encourage and promote new technologies that reduce water usage, including through timely access to water usage information and behavioral response.
13. The State Water Board encourages all state and local agencies to look for additional opportunities to minimize potable water use in outdoor spaces.
14. The State Water Board encourages investor-owned utilities to expeditiously submit applications for implementation of the regulations to the California Public Utilities Commission.

CERTIFICATION

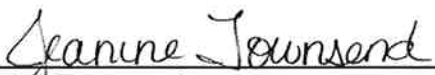
The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on July 15, 2014.

AYE: Chair Felicia Marcus
 Vice Chair Frances Spivy-Weber
 Board Member Steven Moore
 Board Member Dorene D'Adamo

NAY: None

ABSENT: Board Member Tam M. Doduc

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

PROPOSED TEXT OF EMERGENCY REGULATIONS

Article 22.5. Drought Emergency Water Conservation

Sec. 863 Findings of Drought Emergency

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;

(4) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

(5) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to further promote conservation.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

Sec. 864 Prohibited Activities in Promotion of Water Conservation

(a) To promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(3) The application of potable water to driveways and sidewalks; and

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

(b) The taking of any action prohibited in subdivision (a) of this section, in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

PROPOSED TEXT OF EMERGENCY REGULATIONS

Sec. 865 Mandatory Actions by Water Suppliers

(a) The term "urban water supplier," when used in this section, refers to a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water.

(2) As an alternative to subdivision (b)(1), an urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

(c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, within thirty (30) days, limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week or shall implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

(d) In furtherance of the promotion of water conservation each urban water supplier shall prepare and submit to the State Water Resources Control Board by the 15th of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. Beginning October 15, 2014, the monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves. In its initial monitoring report, each urban water supplier shall state the number of persons it serves.

(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or

(2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105; 350; 10617; 10632.

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: JULY 18, 2014

AGENDA ITEM
E-3
JULY 23, 2014

CHANGES TO CONFLICT OF INTEREST CODE

ITEM

Consider changes to Conflict of Interest Code necessitated by changes to the regulations at the State level [RECOMMEND REVIEW CHANGES IN REGULATIONS, ADOPT RESOLUTION REVISING DISTRICT CONFLICT OF INTEREST CODE]

BACKGROUND

The Political Reform Act requires every local government agency to review its conflict of interest code biennially (every two years). After review, each agency must submit to the County Clerk a notice regarding the review and any update.

On June 18, 2014, the County Clerk-Recorder informed the District of the requirement to conduct the biennially review and required changes to the District's disclosure categories (See Attachment A).

District Counsel reviewed the County direction and is proposing changes to Exhibit B in response to the County's directive. A redline and clean version of the revised Exhibit B is provided as part of Attachment B, Proposed Resolution 2014-COI.

FISCAL IMPACT

Budgeted District staff time to prepare these materials.

STRATEGIC PLAN

Goal 6. GOVERNANCE AND ADMINISTRATION. Conduct District activities in an efficient, equitable and cost-effective manner.

6.4 Periodically review, update and reaffirm District policies and procedures.

RECOMMENDATION

Adopt Resolution revising and updating the District's Conflict of Interest code.

ATTACHMENTS

- A. 2014 Biennial Notice
- B. Resolution 2014-COI

JULY 23, 2014

ITEM E-3

ATTACHMENT A

Office of the County Clerk-Recorder

COUNTY OF SAN LUIS OBISPO • 1055 MONTEREY ST. RM. D120 • SAN LUIS OBISPO, CA 93408 • (805) 781-5080/5088



JULIE L. RODEWALD
COUNTY CLERK RECORDER

CATRINA CHRISTENSEN
DIVISION SUPERVISOR

TOMMY GONG
ASSISTANT COUNTY CLERK RECORDER

June 18, 2014

Nipomo CSD
PO Box 326
Nipomo CA 93444

RECEIVED

JUN 19 2014

NIPOMO COMMUNITY
SERVICES DISTRICT

RE: 2014 BIENNIAL NOTICE FOR CONFLICT-OF-INTEREST CODES

Dear District Manager:

BACKGROUND INFORMATION:

The Political Reform Act requires every local government agency to review its conflict-of-interest code biennially. After review, each agency must submit to the County Clerk-Recorder a notice indicating whether or not an amendment is necessary. The enclosed "2014 Local Agency Biennial Notice" form must be returned to this office no later than **October 1, 2014**.

As part of the implementation of electronic filing of conflict of interest forms, each agency's code was reviewed to ensure it complies with provisions of the Fair Political Practices Act. The details of that review and any required changes are indicated on the attached sheet.

WHAT THIS MEANS TO YOU:

- Review the enclosed FPPC information and the actions required listed on the attachment.
- For additional information on amending a code, the FPPC website contains a wealth of information about Conflict of interest Codes and has a webinar on June 25 with information on amending a code. Visit www.fppc.ca.gov for more information or to sign up for a webinar.
- Determine if your code needs to be amended. Note: You are mandated to make the required changes listed on the attachment.
- **Complete and return the 2014 Local Agency Biennial Notice at your earliest opportunity but no later than October 1, 2014 whether or not you will be making changes to your code.**
- If amendments are necessary, please submit the following:
 - A letter outlining any changes
 - The Agency resolution adopting the code or a letter stating the date the Code was adopted
 - A "red-line/strike out" (track changes) version showing the changes to your current conflict-of-interest code
 - A "final" clean copy of your new conflict-of-interest code

All codes must be reviewed by County Counsel prior to approval. If your agency is amending your code, please submit it to our office **as soon as possible**. County Counsel will return any Agency Code that does not comply with Government Code Section 87309, which states:

No Conflict of Interest Code or amendment shall be approved by the code reviewing body or upheld by a court if it:

- (a) Fails to provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented;
- (b) Fails to provide to each affected person a clear and specific statement of his duties under the Code; or
- (c) Fails to adequately differentiate between designated employees with different powers and responsibilities.

An agency's code is not effective until it has been reviewed by Counsel and approved by the Board of Supervisors. Clerk-Recorder staff can be reached at 781-5080 if you have any questions.

Thank you.
Tami Bisantz
Deputy Clerk-Recorder

Nipomo CSD Attachment

		Action Required
REQUIRED CHANGES TO CODE	Code is unclear on what specific disclosure categories. See sample code for examples of clear categories. ✓	Consult with your counsel on making the changes to the Agency's Code and follow the procedure outlined in the memo.
ITEMS THAT NEED REVIEW BY YOUR AGENCY FOR POSSIBLE CHANGES TO THE CODE		
Positions in Code for which there are no filers	Fire Chief & Utility Supervisor	Review the code to determine if the position still exists in the agency. If someone occupies this position, notify the person of their filing obligation and notify Tami Bisantz in our office of the filer's name. Her contact information is 805 781-5226 or tbisantz@co.slo.ca.us
Positions for filers which are not listed in the Code	NONE	Review the code to determine if this position should be added to the code. If the position is determined to not be a designated position, notify the person that they are not required to file and notify Tami Bisantz in our office of this change. Her contact information is 805 781-5226 or tbisantz@co.slo.ca.us
Suggested Changes to Code	NONE	Consult with your counsel on making the changes to the Agency's Code. If the code will be changed, follow the procedure outlined in the memo.

JULY 23, 2014

ITEM E-3

ATTACHMENT B

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2014-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A CONFLICT OF INTEREST CODE**

WHEREAS, Government Code § 87300 requires the Board of Directors of a District to adopt and promulgate a conflict of interest code pursuant to Article III of Chapter 7 of Title 9 of the Government Code;

WHEREAS, Fair Political Practices Commission Regulation 18730 (2 California Code of Regulations Section 18730), a copy of which is attached hereto as Appendix "A", authorizes the District to incorporate Regulation 18730 by reference as the body of its Conflict of Interest Code; and

WHEREAS, the Board of Directors of the District desires to incorporate Regulation 18730 by reference as the body of its Conflict of Interest Code; and

WHEREAS, in order to complete a Conflict of Interest Code which is adopted by incorporating Regulation 18730 by reference, the District Board of Directors must adopt a list of designated officials and employees and their disclosure categories as an appendix to Regulation 18730,

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The terms of Regulation 18730, and any amendments to said Regulation which may be adopted from time to time by the Fair Political Practices Commission, are hereby incorporated by reference as the body of the Conflict of Interest Code of the Nipomo Community Services District (Appendix "A").

SECTION 2. The list of designated officers and employees with disclosure categories is attached hereto as Appendix "B", and is hereby adopted as the Appendix of designated officers and employees with disclosure categories referred to in Regulation 18730.

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

AYES:

NOES:

ABSENT:

CONFLICTS:

The foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Nipomo Community Services District this ____ day of _____, 2014.

CRAIG ARMSTRONG
President of the Board

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN
Secretary to the Board

MICHAEL W. SEITZ
Deputy Legal Counsel

APPENDIX "A"
2014
NIPOMO COMMUNITY SERVICES DISTRICT
CONFLICT OF INTEREST CODE - REGULATION 18730

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in Appendix B are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies. (fn1)

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code. (fn2)

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) ASSUMING OFFICE STATEMENTS. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) ANNUAL STATEMENTS. All designated employees shall file statements no later than April 1.

(D) LEAVING OFFICE STATEMENTS. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive

any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Government Code section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to 2 Cal. Code Regs. section 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property (fn3) is required to be reported, (fn4) the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported, (fn5) the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, (fn6) the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is

a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

1. Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.

2. See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

3. For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

4. Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and

dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

5. A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

6. Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, unpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

APPENDIX "B"
RESOLUTION 2014-XXXX

NIPOMO COMMUNITY SERVICES DISTRICT
CONFLICT OF INTEREST CODE

APPENDIX OF DESIGNATED OFFICERS AND EMPLOYEES
WITH DISCLOSURE CATEGORIES

I. DESIGNATED POSITIONS

—The persons occupying the positions listed below are hereby considered designated officers and employees and are deemed to make, or participate in the making of, decisions, which may have a material effect on a financial interest.

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—DESIGNATED POSITION:

<u>DESIGNATED POSITION</u>	<u>ASSIGNED DISCLOSURE CATEGORIES</u>
Members of the Board of Directors	1,2,3
General Manager	1,2,3
District Legal Counsel	1,2,3
Assistant General Manager/Finance Director	1,2,3
Director of Engineering and Operations	1,2,3
Certain Contract Consultants	1,2,3

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The District has determined that all the positions listed above manage public investments within the meaning of Government Code section 87200 and California Code of Regulations title 2, section 18720, and those persons holding these positions must file statements of economic interest (FPPC Form 700) pursuant to the state Political Reform Act.

1. Members of the Board of Directors
2. General Manager
3. District Legal Counsel
4. District Engineer
5. Utility Supervisor
6. Fire Chief
7. Administrative Supervisor
8. Certain Contract Consultants*

II. DISCLOSURE CATEGORIES

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—Category 1: All persons in this disclosure category shall disclose all interests in real property located in the District or within two miles of the District's boundaries.

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This disclosure is not applicable to the person's principal residence or real property interests with a fair market value of less than \$2,000.

Category 2: All persons in this disclosure category shall disclose all investments in business entities and business positions in business entities that have an interest in real property in the District, or that have done business with the District during the year prior to the date of the person's disclosure statement, or that are likely to do business with District during the year subsequent to the date of the person's disclosure statement. This disclosure category is not applicable to investments with a fair market value of less than \$2,000.

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Category 3: All persons in this disclosure category shall disclose all sources of personal and business entity income from entities that provide services, materials, machinery equipment, or supplies of the type utilized by the District or that are located within the District, including gifts, loans and travel payments. This disclosure category is not applicable to income received from the District.

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~~The disclosure categories for each of the above designated positions (1-8) shall be those described in subparagraphs (A) through (E) of Section 7 of Regulation 18730, as follows:~~

- ~~_____ A. Investments and Real Property Disclosure.~~
- ~~_____ B. Personal Income Disclosure.~~
- ~~_____ C. Business Entity Income Disclosure.~~
- ~~_____ D. Business Position Disclosure.~~
- ~~_____ E. Acquisition or Disposal During Report Period.~~

~~* The disclosure categories, if any, for Consultant will be designated by Contract.~~

Consultants. "Consultant" means an individual who, pursuant to a contract with the District, either: (A) Makes a governmental decision whether to (1) approve a rate, rule, or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; (4) authorize the District to enter into, modify, or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to the specifications for such a contract; (6) grant District approval to a plan, design, report, study, or similar item; or (7) adopt or grant District approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or (B) Serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in California Code of Regulations, title 2, section 18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District's conflict of interest code. (California Code of Regulations, title 2, section 18701(a)(2).)

APPENDIX "B"
RESOLUTION 2014-XXXX

NIPOMO COMMUNITY SERVICES DISTRICT
CONFLICT OF INTEREST CODE

APPENDIX OF DESIGNATED OFFICERS AND EMPLOYEES
WITH DISCLOSURE CATEGORIES

I. DESIGNATED POSITIONS

The persons occupying the positions listed below are hereby considered designated officers and employees and are deemed to make, or participate in the making of, decisions, which may have a material effect on a financial interest.

DESIGNATED POSITION	ASSIGNED DISCLOSURE CATEGORIES
Members of the Board of Directors	1,2,3
General Manager	1,2,3
District Legal Counsel	1,2,3
Assistant General Manager/Finance Director	1,2,3
Director of Engineering and Operations	1,2,3
Certain Contract Consultants	1,2,3

The District has determined that all the positions listed above manage public investments within the meaning of Government Code section 87200 and California Code of Regulations title 2, section 18720, and those persons holding these positions must file statements of economic interest (FPPC Form 700) pursuant to the state Political Reform Act.

II. DISCLOSURE CATEGORIES

Category 1: All persons in this disclosure category shall disclose all interests in real property located in the District or within two miles of the District's boundaries. This disclosure is not applicable to the person's principal residence or real property interests with a fair market value of less than \$2,000.

Category 2: All persons in this disclosure category shall disclose all investments in business entities and business positions in business entities that have an interest in real property in the District, or that have done business with the District during the year prior to the date of the person's disclosure statement, or that are likely to do business with District during the year subsequent to the date of the person's disclosure statement. This disclosure category is not applicable to investments with a fair market value of less than \$2,000.

Category 3: All persons in this disclosure category shall disclose all sources of personal and business entity income from entities that provide services, materials, machinery equipment, or supplies of the type utilized by the District or that are located within the District, including gifts, loans and travel payments. This disclosure category is not applicable to income received from the District.

Consultants. "Consultant" means an individual who, pursuant to a contract with the District, either: (A) Makes a governmental decision whether to (1) approve a rate, rule, or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; (4) authorize the District to enter into, modify, or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to the specifications for such a contract; (6) grant District approval to a plan, design, report, study, or similar item; or (7) adopt or grant District approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or (B) Serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in California Code of Regulations, title 2, section 18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District's conflict of interest code. (California Code of Regulations, title 2, section 18701(a)(2).)