

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN  
GENERAL MANAGER



DATE: FEBRUARY 20, 2015

**AGENDA ITEM  
E-1  
FEBRUARY 25, 2015**

**INTRODUCE ORDINANCE TO REPEAL DISTRICT CODE SECTIONS  
3.05.10 THROUGH 3.05.060 AND 3.05.080 THROUGH 3.05.170  
WATER ALLOCATION POLICY**

**ITEM**

Introduce and edit, if necessary, an Ordinance to repeal Sections 3.05.010 through 3.05.060 and 3.05.080 through 3.05.170 pertaining to water allocation policy. [RECOMMEND BY MOTION AND ROLL CALL VOTE AUTHORIZE STAFF TO READ PROPOSED ORDINANCE BY TITLE ONLY AND THEN, BY SEPARATE MOTION, INTRODUCE ORDINANCE AND SET HEARING DATE FOR ADOPTION]

**BACKGROUND**

In 2004, your Board adopted an Ordinance intended to limit new and increased demand on area groundwater resources by allocation of groundwater resources. Subsequently, the District added 500 acre feet per year of capacity to the Nipomo Supplemental Water Project and is now accounting for new water connection against this supplemental water volume. Therefore the allocation system is no longer applicable.

**FISCAL IMPACT**

Minor staff time preparing board materials.

**STRATEGIC PLAN**

Goal 1. WATER SUPPLIES. 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**

By motion and roll call vote authorize staff to read proposed Ordinance by title only and then, by separate motion, introduce Ordinance and set hearing date for adoption.

**ATTACHMENTS**

- A. Ordinance 2015-XXX Repeal Allocation

February 25, 2015

E-1

ATTACHMENT A

**ORDINANCE NO. 2015-XXX**

**AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
REPEALING SECTIONS 3.05.10 THROUGH 3.05.060 AND 3.05.080  
THROUGH 3.05.170, WATER ALLOCATION POLICY, OF THE DISTRICT  
CODE**

**WHEREAS**, the Nipomo Community Services District ("District") provides water service within the District's water service area pursuant to §61100(a) of the Community Services District Law, and

**WHEREAS**, it is essential for the protection of the health, welfare, and safety of the residents of the Nipomo Community Services District ("District"), and the public benefit of the State of California ("State"), that the groundwater resources of the Nipomo Mesa be conserved; and

**WHEREAS**, the Nipomo Community Services District ("District") is a party to a groundwater adjudication, Santa Maria Valley Water Conservation District v. City of Santa Maria, etc et al, Case No CV 770214, and

**WHEREAS**, the District agreed to purchase an additional 500 acre feet per year of supplemental water to water in-fill development within District boundaries pursuant to the Stipulated Judgment, and

**WHEREAS**, the District is currently constructing a supplemental water pipeline and expects delivery of supplemental water in Summer 2015, and

**WHEREAS**, the current allocation ordinance is no longer applicable, and

**WHEREAS**, the District Board of Directors, at a public meeting, on February 25, 2015, considered a Staff Report, and public testimony regarding repealing Sections 3.05.010 through 3.05.060 and 3.05.080 through 3.05.170 of the District Code; and

**WHEREAS**, on March \_\_, 2015, the District Board of Directors, at a public meeting, took the following actions in considering the repealing of Sections 3.05.010 through 3.05.060 and 3.05.080 through 3.05.170:

- A. Considered the facts and analysis as presented in the Staff Report prepared for the adoption of this Ordinance;
- B. Conducted a public hearing to obtain public testimony on the proposed Ordinance;

**WHEREAS**, in repealing Sections 3.05.010 through 3.05.060 and 3.05.080 through 3.05.170, the District does not intend to limit other authorized means of managing, protecting and conserving the groundwater basin, and intends to work cooperatively with the NMMA Technical Group and other agencies to implement joint groundwater management practices; and

**WHEREAS**, based on the Staff Report, staff presentation, and public comment, the District Board of Directors finds:

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
REPEALING SECTIONS 3.05.10 THROUGH 3.05.060 AND 3.05.080 THROUGH 3.05.170, WATER  
ALLOCATION POLICY, OF THE DISTRICT CODE

- A. Sections 3.05.010 through 3.05.060 and 3.05.080 through 3.05.170 are no longer applicable or necessary.

**NOW, THEREFORE BE IT ORDAINED**, by the Board of Directors of the District as follows:

**Section 1. Repeal of Sections 3.05.010 through 3.05.060 and 3.05.080 through 3.05.170 to the District Code**

Sections 3.05.010 through 3.05.060 and 3.05.080 through 3.05.170 of the District Code are hereby repealed in their entirety.

**Section 2. Incorporation of Recitals**

The recitals to this Ordinance are true and correct and are incorporated herein by this reference.

**Section 3. Severability**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

**Section 4. Effect of headings in Ordinance**

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

**Section 5. Inconsistency**

To the extent that the terms of provision of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior District Ordinance(s), Motions, Resolutions, Rules, or Regulations adopted by the District, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed.

**Section 6 — CEQA**

The Board of Directors of the District finds that the policies and procedures adopted by this Ordinance are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378 (b) (2) because such policies and procedures constitute general policy and procedure making. The Board of Directors

ORDINANCE NO. 2015-XXX

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
REPEALING SECTIONS 3.05.10 THROUGH 3.05.060 AND 3.05.080 THROUGH 3.05.170, WATER  
ALLOCATION POLICY, OF THE DISTRICT CODE

further finds that the adoption of the rules and regulations established by this Ordinance is not a project as defined in CEQA Guideline Section 15378, because it can be seen that the action will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The District General Manager is directed to prepare and file an appropriate notice of exemption.

**Section 7 — California Department of Fish and Game Certificate of Fee Exemption**

Pursuant to § 711.4 (c)(2)A of the Fish and Game Code, the District Board of Directors finds that rules and regulations adopted by this Ordinance will have no effect on fish and wildlife. The General Manager is authorized to file a California Department of Fish and Game Certificate of Fee Exemption.

**Section 8. Effective Date**

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. The Ordinance shall be published once with the names of the members of the Board of Directors voting for and against the Ordinance in a paper of general circulation.

Introduced on the 25<sup>th</sup> day of February, 2015 and adopted by the Board of Directors of the Nipomo Community Services District March \_\_, 2015, by the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAINING:

\_\_\_\_\_  
CRAIG ARMSTRONG  
President of the Board

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
MICHAEL S. LEBRUN  
General Manager and Secretary to the Board

\_\_\_\_\_  
MICHAEL W. SEITZ  
District Legal Counsel

T:\BOARD MATTERS\ORDINANCES\2015\2015-XXX REPEAL CHAPTER 3.05.DOC

TO: MICHAEL S. LEBRUN  
GENERAL MANAGER *MSL*

FROM: PETER V. SEVCIK, P.E.  
DIRECTOR OF  
ENGINEERING & OPERATIONS

DATE: FEBRUARY 20, 2015

**AGENDA ITEM  
E-2  
FEBRUARY 25, 2015**

**AECOM SCOPE AMENDMENT # 9 FOR THE  
SOUTHLAND WASTEWATER TREATMENT FACILITY  
PHASE 1 IMPROVEMENT PROJECT**

**ITEM**

Consider approval of Scope Amendment #9 with AECOM for engineering services in the amount of \$40,170 for construction phase design services for Southland Wastewater Facility Phase 1 Improvement Project [RECOMMEND BY MOTION AND ROLL CALL VOTE TO ADOPT RESOLUTION APPROVING SCOPE AMENDMENT #9 WITH AECOM IN THE AMOUNT OF \$40,170 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER].

**BACKGROUND**

The Board selected AECOM to provide final engineering design services for Phase 1 of the Southland Wastewater Treatment Facility (WWTF) Improvement Project. While construction of the project was completed last year, District staff continues to work on closing out the project. The two remaining items in AECOM's contract are the preparation of record drawings to document changes that occurred during construction and finalization of the operations and maintenance manual. However, the overall contract limit of \$1,631,038 has been reached.

AECOM's design contract included Task Group 5, Office Engineering, to support the construction of the project. The majority of the work in this task group involved submittal review, request for information (RFI) response and change order review. The effort required was dependent on the contractor's approach to the preparation of submittals, the number of RFI's submitted and the number of change orders that arose. Based on the actual level of effort required, AECOM has requested \$29,840 additional budget for this Task Group.

AECOM's design contract included Task Group 10, On-call Technical Assistance During Startup, to provide technical support during the commissioning and testing processes on an as-needed basis. The purpose was to provide the District with a greater degree of assurance that the constructed systems were functioning in compliance with the criteria set forth in the contract documents and satisfy the District's operational needs, especially given that the Wastewater Supervisor position was vacant at the time. Based on the actual level of effort required, AECOM has requested \$10,330 additional budget for this Task Group.

**FISCAL IMPACT**

The total amount of Scope Amendment #9 is \$40,170. The proposed task order will be funded from the project budget and sufficient funding is available. The total contract amount will increase from \$1,631,038 to \$1,671,208.

**STRATEGIC PLAN**

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT. Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

**RECOMMENDATION**

Staff recommends that the Board, by motion and roll call vote, adopt Resolution 2015-XXXX approving AECOM Scope Amendment #9 for Southland WWTF Phase 1 Improvement Project in the amount of \$40,170 and authorizing the General Manager to execute Task Order.

**ATTACHMENT**

- A. AECOM Budget Revision Request dated February 13, 2015
- B. Resolution 2015-XXXX Southland WWTF Phase 1 Improvement Project AECOM Scope Amendment #9

February 25, 2015

E-2

ATTACHMENT A





AECOM 805 542 9840 tel  
1194 Pacific Street 805 542 9990 fax  
Suite 204  
San Luis Obispo CA 93401  
www.aecom.com

February 13, 2015

Mr. Michael LeBrun, PE  
General Manager  
Nipomo Community Services District  
P.O. Box 326  
Nipomo, CA 93444

Dear Mr. LeBrun,

**Southland WWTF Improvements Project, Phase 1:  
Scope Amendment 9 – Additional Construction Phase Services**

AECOM has prepared this contract amendment request based on discussion and review with District staff of the remaining scope of services for the Project and the remaining level of effort to complete the requested services. The scope of work is divided by major task group and includes office engineering during construction and on-call technical support during commissioning. Details for each task group are included below.

**Task Group 5 – Office Engineering During Construction** (updated from existing scope)

AECOM has provided office engineering during construction services for the Project including attendance of the preconstruction job walk, training for EADOC construction administration software, submittal review, responses to Requests for Information (RFIs), review of and responses to Requests for Change and attendance at Project meetings. The scope and budget for these services were developed on a time and materials basis using assumptions regarding the level of effort that would be required. Upon review of the actual level of effort required, we are recommending a revision to the budget of \$40,170 for the following office engineering tasks which will allow us to complete the outstanding tasks which are preparation of Record Drawings and completion of the O&M Manual.

Task 504. Submittal Review – AECOM has reviewed multiple technical submittals and resubmittals for the project materials. For budgeting purposes when the Project was awarded for construction, AECOM anticipated a total of 100 submittals and 60 resubmittals, with resubmittal reviews budgeted at half the time of the original submittal or less. In Scope Amendment No. 8, AECOM revised the estimated number of submittals and resubmittals to 140 and 65 respectively. However, at the time of project startup, AECOM had reviewed and responded to 259 submittals and 65 resubmittals. We have calculated that additional budget totaling \$29,840 is adequate to cover the additional services.

During the review of the additional submittals, AECOM continued to use the document submittal software (EADOC) for electronic submittal responses and performed the following services:

- Received submittals from the Construction Administrator.
- Reviewed submittals in a timely fashion and returned them to the Construction Administrator.
- Advised the Construction Administrator of any repeated deficiencies in the shop drawing submittals in order to expedite the review process.



Task Group 10 – On-call Technical Assistance during Startup

Under Scope Amendment No. 8, AECOM was authorized to provide commissioning assistance in order to give the District with a greater degree of assurance that the constructed systems would function in compliance with criteria set forth in the Contract Documents and satisfy the District's operational needs. The on-call startup assistance task group was approved to be provided on an as-needed basis through observation of commissioning tests, review of test results, site visits and other on-call services. The District approved \$21,000 for this task group. During the startup process, AECOM was engaged to provide more support than originally anticipated due to the WWTP Operator position being unfilled. We have calculated that additional budget totaling \$10,330 is adequate to cover the additional services

AECOM attended and observed operations during testing as requested by the District or the District's Construction Administrator and was also available for technical support in areas such as the following:

- Observation during vendor check outs for mechanical processes
- Observation during Operational Readiness Testing
- Observation during Clean Water Testing
- Observation during Reliability Acceptance Testing
- Review of test results
- Technical assistance during commissioning and performance testing

Budget

Based upon the above, the total requested budget amendment is \$40,170 (see attached for detailed breakdown). This would revise the approved budget from \$1,631,038 to \$1,671,208.

Please feel free to contact me if you have any questions or comments. We appreciate the opportunity to continue to support the District.

Sincerely,



Joshua T. Nord, PE  
Project Manager



Ben P. Horn, PE  
Operations Manager

Additional Services

AECOM is available for additional fee on a time-and-materials basis to assist the District if additional support services are required.

**Project Budget**

Southland WWTF Improvements Project, Phase 1  
 Scope Amendment #9 Additional Office Engineering, Startup Support, and O&M Completion  
 Nipomo Community Services District  
**DRAFT**

Task Description	Personnel Hours								Budget						
	Principal	Technical Leader	Senior Engineer II	Senior Engineer I	Associate Engineer	Assistant Engineer	Senior Designer	Drafter	Cartical	Total Hours	Labor	Non-Labor Fee	Subconsultants	Total Non-Labor	Total
<b>Task Group 5 - Office Engineering During Construction</b>															
Task 504 Submittal Review (additional 119 submittals)	24	16	10	40	80	-	-	-	12	182	\$ 27,630	\$ 2,210	-	\$ 2,210	\$ 29,840
<b>Subtotal</b>	24	16	10	40	80	-	-	-	12	182	\$ 27,630	\$ 2,210	-	\$ 2,210	\$ 29,840
<b>Task Group 10 - Technical Support during Commissioning</b>															
Task 1001 On-call Technical Assistance during Startup	8	24	12	-	-	-	-	-	-	44	\$ 8,820	\$ 1,510	-	\$ 1,510	\$ 10,330
<b>Subtotal</b>	8	24	12	-	-	-	-	-	-	44	\$ 8,820	\$ 1,510	-	\$ 1,510	\$ 10,330
<b>Total</b>	32	40	22	40	80	-	-	-	12	226	\$ 36,450	\$ 3,720	-	\$ 3,720	\$ 40,170

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER

DATE: FEBRUARY 20, 2015

**AGENDA ITEM  
E-3  
FEBRUARY 25, 2015**

## **CONSIDER UPDATED BOARD BY-LAWS AND POLICIES**

### **ITEM**

Consider updated Board By-Laws and Policies and propose edits for consideration [RECOMMEND REVIEW BY-LAWS, ADOPT RESOLUTION APPROVING UPDATED BY-LAWS OR DIRECT STAFF TO RETURN WITH REVISIONS, IF ANY, FOR FUTURE BOARD APPROVAL]

### **BACKGROUND**

Pursuant to Section 17 of the Board By-Laws, the Board By-Laws Policy shall be reviewed annually. The review shall be provided by District Counsel and ratified by Board action.

On February 11, 2015, your Board reviewed current By-Laws and recommended changes. A draft Resolution and update of the By-Laws is provided with proposed revisions shown in underline/strike out format.

### **RECOMMENDATION**

Staff recommends that your Board, by motion and roll call vote, approve resolution adopting By-Laws update or, if additional edits are proposed, direct Staff to place consideration of edits on the agenda for the next Regular Board Meeting.

### **ATTACHMENT**

- A. Resolution 2015-XXXX Board By-Laws

February 25, 2015

E-3

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2015-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AMENDED BOARD BY-LAWS AND POLICIES**

**WHEREAS**, the Board of Directors of Nipomo Community Services District (District) is committed to providing excellence in legislative leadership; and

**WHEREAS**, the District is a member of the Special District Risk Management Authority (**SDRMA**); and

**WHEREAS**, **SDRMA** has adopted a Credit Incentive Program whereby the District may receive a credit on insurance premiums for the annual review of Board Policies and Procedures (Board By-Laws and Policies); and

**WHEREAS**, Section 16 of the Board By-Laws and Policies provides for the annual review of the Board By-Laws and Policies by District Legal Counsel; and

**WHEREAS**, Government Code §§ 61045 and 61047 requires the Board of Directors to adopt:

- A Rules or By-laws governing its proceedings;
- B Administrative Policies;
- C Director Compensation Policies; and
- D Director Reimbursement Policies; and

**WHEREAS**, Government Code Section § 54954.3(b) provides in relevant part:

“The legislative body of a local agency may adopt reasonable regulations ----- limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker;” and

**WHEREAS**, on February 11, 2015, District Legal Counsel reviewed the District's previously adopted Board By-Laws and Policies and the District Board of Directors instructed staff to return with a revised version for Board adoption; and

**WHEREAS**, on February 25, 2015, the District conducted a public hearing and considered public comment regarding the adoption of the revised Board By-Laws and Policies.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Directors of the Nipomo Community Services District, as follows:

1. The Nipomo Community Services District Board By-Laws and Policies attached hereto as Exhibit “A” are hereby approved and adopted.
2. All prior District Board By-Laws and Policies, Resolutions and Policies of the District that are inconsistent with the Board By-Laws and Policies attached hereto as Exhibit “A” are hereby repealed.

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2015-1330**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AMENDED BOARD BY-LAWS AND POLICIES**

Upon motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, on the following roll call vote, to wit:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

the foregoing resolution is hereby passed and adopted this 25<sup>th</sup> day of February 2015.

\_\_\_\_\_  
**CRAIG ARMSTRONG,**  
President of the Board of Directors

ATTEST:

APPROVED:

\_\_\_\_\_  
**MICHAEL S. LEBRUN**  
General Manager and Secretary to the Board

\_\_\_\_\_  
**MICHAEL W. SEITZ**  
District Legal Counsel

NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTOR  
BOARD BY-LAWS AND POLICIES  
EXHIBIT "A"

1. OFFICERS OF THE BOARD OF DIRECTORS

- 1.1 The officers of the Board of Directors are President and Vice President.
- 1.2 The President of the Board of Directors shall serve as chairperson at all Board meetings. He/She shall have the same rights as the other Directors of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
- 1.3 In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining Directors present shall select one of themselves to act as chairperson of the meeting.
- 1.4 The President and Vice President of the Board shall be elected annually at the last meeting of each calendar year.
- 1.5 The term of office for the President and Vice President of the Board shall commence on January 1 of the year immediately following their election.
- ~~1.6 The President or, in his/her absence, the Vice President or their designee are authorized to attend meetings of the San Luis Obispo County Planning Commission and meetings of the San Luis Obispo County Board of Supervisors without compensation except reimbursement for use of his/her private vehicle to attend such meetings pursuant to 10.1(b) of these by-laws.~~

2. MEETINGS

- 2.1 Subject to holiday and scheduling conflicts, regular meetings of the Board of Directors shall commence at 9:00 a.m. on the second and fourth Wednesday of each calendar month in the Board Room at the District Office located at 148 South Wilson, Nipomo, CA. The Board of Directors reserves the right to cancel and/or designate other dates, places, and times for Director meetings due to scheduling conflicts and holidays.
- 2.2 Special Meetings.  
  
Special meetings may be called by the President or three (3) Directors with a minimum of twenty-four (24) hours public notice. Special meeting agenda shall be prepared and distributed pursuant to the procedures of the Brown Act by the General Manager or the Assistant General Manager in consultation with the President or, in his or her absence, the Vice President or those Directors calling the meeting.
- 2.3 Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.



NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTOR  
BOARD BY-LAWS AND POLICIES  
EXHIBIT "A"

- 2.4 No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act. Pursuant to the Brown Act:
- (a) Directors may briefly respond to statements or questions from the public;
  - (b) Directors may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting;
  - (c) The Board may take action to direct the General Manager to place a matter on a future agenda;
  - (d) Directors may make brief announcements or make a brief report on his/her own activities under the Director Comment portion of the Agenda.
- 2.5 The President, or in his/her absence the Vice President, shall be the presiding officer at District Board meetings. He/She shall conduct all meetings in a manner consistent with the policies of the District. He/She shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/She shall vote on all questions, and on roll call votes his/her name shall be called last.
- 2.6 Three (3) Directors of the Board shall constitute a quorum for the transaction of District business. When a quorum is lacking for a regular, adjourned, or special meeting, the President, Vice President, or any Director shall adjourn such meeting; or, if no Director is present, the District Secretary shall adjourn the meeting.
- 2.7 Except as otherwise specifically provided by law, a majority vote of the total membership of the Board of Directors is required for the Board of Directors to take action.
- 2.8 A roll call vote shall be taken upon the passage of all ordinances and resolutions, and shall be entered in the minutes of the Board, showing those Directors voting aye, those voting no, those temporarily absent because of a conflict of interest, and absent. A roll call vote shall be taken and recorded on any motion not passed unanimously by the Board. Silence shall be recorded as an affirmative vote.
- 2.10 Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording

NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTOR  
BOARD BY-LAWS AND POLICIES  
EXHIBIT "A"

cannot continue without disruptive noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings.

- 2.11 All recording devices, including but not limited to tape recorders, video tape recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated in plain public view and from behind the public speaker's podium. The President retains the discretion to alter these guidelines, including the authority to require that all video tape recorders, still and/or motion picture cameras be located in the back of the room.

3. AGENDAS

- 3.1. The General Manager, in cooperation with the Board President, shall prepare the agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request an item to be placed on the regular meeting agenda no later than 4:30 p.m. twelve calendar days prior to the meeting date. Such a request must be also submitted in writing either at the time of communication with the General Manager or delivered to the office within the next working day.

- 3.2 The following applies to reconsideration of prior Board actions.

- (a) After the passage of 9 months from the effective date of the motion, resolution, or ordinance, the matter may be placed on the agenda pursuant to Section 3.1, above, or other provisions of the Brown Act.
- (b) Prior to the passage of 9 months, any member of the Board of Directors or the General Manager may request the Board of Directors, by motion, to agree to reconsider a prior Board action at a subsequent meeting of the Board.
- (c) The President of the Board of Directors, upon a determination that there is a need to take immediate action, may place an item on the agenda for reconsideration.

~~3.3 Subject to the following rules, a block of 20 minutes is set aside for each agenda item for public comment, including general public comment:~~

- ~~(a) Comments on agendized items should be held until the appropriate item is called.~~
- ~~(b) Unless otherwise directed by the President, public comment shall be presented from the podium.~~
- ~~(c) The person giving public comment shall state his/her name and whether or not he/she lives within the District boundary prior to giving his/her comment. Public comment shall be directed to the President of the Board.~~

NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTOR  
BOARD BY-LAWS AND POLICIES  
EXHIBIT "A"

~~(d) — The President, after consideration of the length of the Agenda, the nature of the Agenda item, and the meeting limitations, may expand or further limit the 20-minute time allocation for public comment.~~

~~(e) — Each public commenter shall be limited to 3 minutes unless shortened or extended by the President with consideration of the length of the Agenda, the nature of the Agenda item, and the meeting limitations.~~

3.43 Those items on the District Agenda which are considered to be of a routine and non-controversial nature are placed on the "Consent Agenda". These items shall be approved, adopted, and accepted, etc. by one motion of the Board of Directors; for example, approval of Minutes, approval of Warrants, various Resolutions accepting developer improvements, minor budgetary items, status reports, and routine District operations.

(a) Directors may request that any item listed under "Consent Agenda" be removed from the "Consent Agenda", and the Board will then take action separately on that item. Members of the public will be given an opportunity to comment on the "Consent Agenda"; however, only a member of the Board of Directors can remove an item from the "Consent Agenda". Items which are removed ("pulled") by Directors of the Board for discussion will typically be heard after other "Consent Agenda" items are approved unless the President chooses an earlier or later time.

(b) A Director may ask questions on any item on the "Consent Agenda". When a Director has a minor question for clarification concerning a consent item which will not involve extended discussion, the item may be discussed for clarification and the questions will be addressed along with the rest of the "Consent Agenda". Directors are encouraged to seek clarifications prior to the meeting if possible.

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

4. PREPARATION OF MINUTES AND MAINTENANCE OF RECORDINGS

4.1 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of

NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTOR  
BOARD BY-LAWS AND POLICIES  
EXHIBIT "A"

each particular type of business transacted set off in paragraphs with proper subheads.

- 4.2 The minutes of the Board of Directors shall record the aye and no votes taken by the members of the Board of Directors for the passage or denial of all ordinances, resolutions, or motions.
- 4.3 The District Secretary shall be required to make a record only of such business as was actually considered by a vote of the Board and, except as provided in Sections 4.4 and 4.6 below, shall not be required to record any remarks of Directors or any other person.
- 4.4 The District Secretary shall attempt to record the names and general place of residence of persons addressing the Board during general public comment.
- 4.5 Any Director may request for inclusion into the minutes brief comments pertinent to an agenda item, only at the meeting in which the item is discussed. In addition, the minutes shall include the names of speakers who provided public comment on each agenda item and a summary of the Directors' reports. Materials submitted with such comments shall be appended to the minutes at the request of the General Manager, District Counsel, the Board President, or any Director.
- 4.6 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.
- 4.7 Any recording of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public Records Act. Consistent with Government Code Section 54953.5(b), the District will maintain the recordings for a 30-day period after the recording. During the 30-day period, the District will provide, without charge, the necessary equipment for inspection of said recordings at the District Office during regular business hours. In addition to the 30-day requirement, the District will attempt to maintain the recordings, without legal obligation to do so, for a minimum of 5 years after the date of the recording. However, during this extended period, the District may not be able to provide the necessary equipment to facilitate inspections.

5. DIRECTORS

NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTOR  
BOARD BY-LAWS AND POLICIES  
EXHIBIT "A"

- 5.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors. Directors are encouraged to seek clarification prior to the meeting, if possible.
- 5.2 Members of the Board of Directors shall exercise their independent judgment on behalf of the interest of the entire District, including the residents, property owners and the public as a whole.
- 5.3 Information may be requested from staff before meetings, within such limitations as required by the Brown Act. Information that is requested shall be distributed through the General Manager, and all Directors will receive a copy of all information being distributed.
- 5.4 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.
- 5.5 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. ~~Once the Board of Directors takes action, dissenting Directors should not create barriers to the implementation of said action.~~
- 5.6 Pursuant to §54952.2 of the Brown Act:
  - (a) Except during an open and public meeting, a majority of the Board of Directors shall not use a series of communications of any kind, directly or thru intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the District.
  - (b) Subsection (a) above shall not be construed as preventing District management staff from engaging in separate conversations or communications with members of the District Board of Directors in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the District, provided that District Staff does not communicate to members of the Board of Directors the comments or positions of any other member or members of the Board of Directors.
- 5.7 Directors shall not be prohibited by action of the Board of Directors from citing his or her District affiliation or title in any endorsement or publication, so long as no misrepresentation is made, or implied, about the District's position on an issue.

6. AUTHORITY OF DIRECTORS

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

NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTOR  
BOARD BY-LAWS AND POLICIES  
EXHIBIT "A"

- 6.2 Directors do not represent any fractional segment of the District but are, rather, a part of the body which represents and acts for the District as a whole.
- 6.3 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

7. AUTHORITY OF THE GENERAL MANAGER

Pursuant to Government Code §61051, the General Manager shall be responsible for the following:

- 7.1. The implementation of the policies established by the Board of Directors for the operation of the District;
- 7.2 The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employee relations system established by the Board of Directors;
- 7.3 The supervision of the District's facilities and services;
- 7.4 The supervision of the District's finances.

8. DIRECTOR GUIDELINES

- 8.1 Directors, by making a request to the General Manager or Assistant General Manager, shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as the basis for certain actions of Staff, justification for Staff recommendations, etc. If the General Manager or the Assistant General Manager cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, work loads, and priorities, then the General Manager or Assistant General Manager shall inform the individual Director why the information is not or cannot be made available.
- 8.2 In handling complaints from residents or property owners within the District, or other members of the public, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager for processing and the District's response, if any.
- 8.3 Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, should refer said concerns directly to the General Manager.
- 8.4 When approached by District personnel concerning a specific District policy, Directors should direct inquiries to the General Manager or Assistant General Manager. The chain of command should be followed.

NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTOR  
BOARD BY-LAWS AND POLICIES  
EXHIBIT "A"

If a Director concludes that a personnel issue is not being adequately addressed in this manner, he/she should refer it to the Board's personnel committee for further consideration, in accordance with District Personnel Policy.

- 8.5 Directors and General Manager should develop a working relationship so that current issues, concerns, and District projects can be discussed comfortably and openly.
- 8.6 When responding to constituent requests and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager, or in his/her absence, to the Assistant General Manager.
- 8.7 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

9. DIRECTOR COMPENSATION

- 9.1 Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular adjourned or special meeting of the Board of Directors attended by him/her.
- 9.2 Each Director appointed to a committee is authorized to receive one hundred dollars (\$100) as compensation for each public meeting of a standing committee attended by him/her.
- 9.3 Each Director appointed to an ad hoc committee is authorized to receive seventy-five dollars (\$75.00) as compensation for each ad hoc committee meeting attended by him/her.
- 9.4 Each Director is authorized to receive one hundred dollars (\$100) per day as compensation for representation of the District at a public meeting or public hearing conducted by another public agency and/or participation in a training program on a topic that is directly related to the District, provided the Board of Directors has previously approved the member's participation and the member delivers a written report to the Board of Directors at the District's next regular meeting regarding the member's participation.
- 9.5 In no event shall Director compensation exceed \$100 per day.
- 9.6 Director compensation shall not exceed six full days in any one calendar month.

10. DIRECTOR REIMBURSEMENT

- 10.1 Subject to the following rules and budgetary limitations, each Director is entitled to reimbursement for their actual and necessary expenses (including the cost of programs and seminars), for his/her attendance at

NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTOR  
BOARD BY-LAWS AND POLICIES  
EXHIBIT "A"

programs, conferences, and seminars that are related to District functions and/or Director development.

- (a) It is the policy of the District to exercise prudence with respect to hotel/motel accommodations. It is also the policy of the District for Directors and staff to stay at the main hotel/motel location of a conference, seminar, or class to gain maximum participation and advantage of interaction with others whenever possible.

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

- (b) Members of the Board of Directors shall use government and group rates offered by a provider of transportation for travel when available. Directors, using his/her private vehicle on District business, shall be compensated at the prevailing IRS per diem mileage rate.
- (c) Any Director traveling on District business shall receive in addition to transportation and lodging expenses, a per diem allowance to cover ordinary expenses such as meals, refreshments, and tips. The amount set for per diem shall be considered fair reimbursement. The per diem shall include \$10.00 for breakfast, \$15.00 for lunch and \$30.00 for dinner, for a daily total of \$55.00.
- (d) All travel and other expenses for District business, conferences, or seminars outside of the State of California shall require separate Board authorization, with specific accountability as to how the District shall benefit by such expenditure.

10.2 All expenses that do not fall within the reimbursement policy set forth in 10.1, above, shall be approved by the Board of Directors, at a public meeting, before the expense is incurred.

10.3 Board members shall submit an expense report on the District form within ~~thirtyten~~ (30) calendar days after incurring the expense. The expense report shall be accompanied by receipts documenting each expense. Expense reports for mileage, as referenced in Section 10.1(b), shall be



NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTOR  
BOARD BY-LAWS AND POLICIES  
EXHIBIT "A"

submitted no later than the end of each quarter (March, June, September, and December).

10.4 Members of the Board of Directors shall provide brief reports on the program, conferences, and seminars attended at the expense of the District at the next regular meeting of the Board of Directors.

11. TRAINING

11.1 Ethics Training

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

(b) Each newly elected Board Member and designated District personnel shall receive ethics training no later than one year from the first day of service with the District and thereafter shall receive ethics training at least once every two years.

11.2 ~~Sexual Harassment Prevention Training~~

~~Board members, may receive, and the General Manager, and supervisors that are designated in the Districts conflict of interest code shall receive sexual harassment prevention training in accordance with the law~~

12. COMMITTEES

12.1 Ad Hoc Committees

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

12.2 Standing Committees

(a) The Board may create standing committees at its discretion. The Board President shall propose and the Board of Directors shall approve standing committee membership.

(b) Standing committees shall be advisory committees to the Board of Directors and shall not commit the District to any policy, act or expenditure. Each standing committee may consider District-related issues, on a continuing basis, assigned to it by the Board of Directors. Members of the standing committees shall be appointed by the Board of Directors.

NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTOR  
BOARD BY-LAWS AND POLICIES  
EXHIBIT "A"

- (c) All standing committee meetings shall be conducted as public meetings in accordance with the Brown Act and Sections 2, 3 and 4 of these By-Laws. Summary notes for each meeting of each committee shall be forwarded to the NCS D Board of Directors as a public record.

13. CORRESPONDENCE DISTRIBUTION POLICY

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

- 13.1 All letters approved by the Board of Directors and/or signed by the President on behalf of the District, and
- 13.2 All letters and other documents received by the District that are of District-wide concern, as determined by District staff.

14. CONFLICTS AND RELATED POLICY

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

14.1 Conflict of Interest

Each Director is encouraged to review the District Conflict Code on an annual basis. The general rule is that an official may not participate in the making of a governmental decision if it is: reasonably foreseeable that the decision will have a material financial effect on the official or a member of his or her immediate family or on an economic interest of the official, and the effect is distinguishable from the effect on the public generally. FPPC regulations related to interests in real property provide that, if the real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by a decision, that interest is now deemed to be directly involved in the decision.

14.2 Interest in Contracts, Government Code Section 1090

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

14.3 Incompatible Office, Government Code Section 1099

NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTOR  
BOARD BY-LAWS AND POLICIES  
EXHIBIT "A"

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

| ~~15. EVALUATION OF CONSULTANTS~~

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

| 156. CONTINUING EDUCATION

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

| 167. BOARD BY-LAWS REVIEW POLICY

Subject to 3.1 the Board By-Laws and Policies shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

| 178. RESTRICTIONS ON BY-LAWS

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

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TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN  
GENERAL MANAGER  
DATE: FEBRUARY 20, 2015

*MSL*

**AGENDA ITEM  
E-4  
FEBRUARY 25, 2015**

**CONSIDER SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY  
REQUEST FOR NOMINATIONS**

**ITEM**

Consider Special District Risk Management Authority's call for nominations to SDRMA Board of Directors [RECOMMEND DISCUSS AND NOMINATE CANDIDATE]

**BACKGROUND**

See the information provided by SDRMA.

**FISCAL IMPACT**

None

**RECOMMENDATION**

Consider the information, should your Board desire, provide a nomination and direct staff to file paper work.

**ATTACHMENTS**

- A. January 23, 2015 SDRMA Packet

February 25, 2015

E-4

ATTACHMENT A

## Notification of Nominations – 2015 Election SDRMA Board of Directors

January 23, 2015

Mr. Craig Armstrong  
Board President  
Nipomo Community Services District  
Post Office Box 326  
Nipomo, California 93444-0326

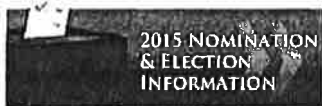
Dear Mr. Armstrong:

Notice of Nominations for the Special District Risk Management Authority (SDRMA) Board of Directors 2015 Election is being provided in accordance with the SDRMA Sixth Amended and Restated Joint Powers Agreement. The following nomination information is enclosed: Nomination Packet Checklist, Board of Director Fact Sheet, Nomination/Election Schedule, SDRMA Election Policy No. 2015-01, Sample Resolution for Candidate Nomination and Candidate Statement of Qualifications.

General Election Information - Three (3) Directors seats are up for election. The nomination filing deadline is Friday, May 1, 2015. Ballots will be mailed to all SDRMA member agencies in mid-May. Mail-in ballots will be due Tuesday, August 25, 2015.

Nominee Qualifications - Nominees must be a member or the agency's governing body or full-time management employee (see SDRMA Election Policy 2015-01, Section 4.1) and be an active member agency of **both** SDRMA's property/liability and workers' compensation programs. Candidates must be nominated by resolution of their member agency's governing body and complete and submit a "Statement of Qualifications".

Nomination Documents and Information - Nomination documents (Nominating Resolution and Candidates Statement of Qualifications) and nomination guideline information may also be obtained on SDRMA's website at [www.sdrma.org](http://www.sdrma.org). To obtain documents electronically:



*From the SDRMA homepage, click on the "2015 Nomination & Election Information" button. All necessary nomination documents and election information may be downloaded and printed.*

Term of Office – Directors are elected to 4-year terms. The term of office for the newly elected Directors will begin January 1, 2016 and expire December 31, 2019.

Nomination Filing Deadline – Nomination documents **must be received in SDRMA's office no later than 5:00 P.M. on Friday, May 1, 2015.**

Please do not hesitate to contact SDRMA Chief Operating Officer Paul Frydendal at 800.537.7790, if you have any questions regarding the 2015 SDRMA Board of Director Nominations or the election process.

Sincerely,  
Special District Risk Management Authority

  
Gregory S. Hall, ARM  
Chief Executive Officer

# 2015 Nomination Packet Checklist



## SDRMA BOARD OF DIRECTORS NOMINATION AND ELECTION GUIDELINES

January 8, 2015, marked the official commencement of nominations for the SDRMA Board of Directors. Three seats on the Board of Directors are up for election in August 2015.

**For your convenience we have enclosed the necessary nomination documents and election process schedule.** Please note that some items have important deadlines. All document contained in this packet, as well as additional information regarding SDRMA Board elections are available on our website [www.sdrma.org](http://www.sdrma.org) and/or by calling SDRMA Chief Operating Officer Paul Frydendal at 800.537.7790.

- \_\_\_\_ **Attachment One:**     **SDRMA Board of Directors Fact Sheet:** SDRMA Board of Directors has established a policy that requires candidates seeking election to the SDRMA Board of Directors to be: 1) a member of the agency's governing body or full-time management employee (per SDRMA Election Policy 2015-01, Section 4.1) of their respective member agency that is currently participating in **both** SDRMA's Property/Liability and Workers' Compensation Programs, and 2) nominated by resolution of the Board of Directors of their respective member agency. This document also reviews the Board of Directors' Role and Responsibilities along with additional information.
  
- \_\_\_\_ **Attachment Two:**     **SDRMA Board of Directors 2015 Nomination/Election Schedule:** Please review this document for important deadlines.
  
- \_\_\_\_ **Attachment Three:**   **SDRMA Election Policy No. 2015-01:** A Policy of the Board of Directors of the Special District Risk Management Authority establishing guidelines for Director elections.
  
- \_\_\_\_ **Attachment Four:**     **Sample Resolution for Candidate Nomination:** A resolution of the Governing Body of the Agency nominating a candidate for the Special District Risk Management Authority Board of Directors.
  
- \_\_\_\_ **Attachment Five:**     **Candidate Statement of Qualifications:** Please be advised that no statements are endorsed by SDRMA. Candidate statements of qualification will be distributed to the membership with the SDRMA election ballot, "exactly as submitted" by the candidate.

**Please complete and return all required nomination and election documents to:**

SDRMA Election Committee  
C/O Paul Frydendal, COO  
Special District Risk Management Authority  
1112 "I" Street, Suite 300  
Sacramento, California 95814





**SDRMA BOARD OF DIRECTORS  
FACT SHEET**

## SDRMA BOARD OF DIRECTORS ROLE AND RESPONSIBILITIES

Special District Risk Management Authority (SDRMA) is a public entity Joint Powers Authority established to provide cost-effective property/liability, worker's compensation, health benefit coverages and comprehensive risk management programs for special districts and other public agencies and providers of municipal services throughout California. SDRMA is governed by a Board of Directors elected from the membership by the programs' members.

Number of Board Members	7-Board Members: SDRMA Board of Directors consists of seven Board Members, who are elected at-large from members participating in either program.
Board of Directors' Role	SDRMA Board of Directors provide effective governance by supporting a unified vision, and ensuring accountability, <i>setting direction based on SDRMA's mission and purpose, as well as establishing and approving policy to ensure SDRMA meets its obligations and commitment to its members.</i>
Board of Directors' Responsibilities	<i>Board Member responsibilities include a commitment to: serve as a part of a unified governance body; govern within Board of Directors' policies, standards and ethics; commit the time and energy to be effective; represent and make policy decisions for the benefit, and in the best interest, of all SDRMA members; support collective decisions; communicate as a cohesive Board of Directors with a common vision and voice; and operate with the highest standards of integrity and trust.</i>
Three (3) Seats For this Election	3-Seats: Elections for Directors are staggered and held every two years, four seats during one election and three seats in the following election. Three seats are up for election this year.
Term of Directors	4-Year Terms: Directors are elected for 4-year terms. Terms for directors elected this election begin January 1, 2016 and end on December 31, 2019.
Board Member Travel Reimbursement	Board Members are reimbursed for reasonable travel and lodging in accordance with SDRMA Board Policy Manual 2014-06 and applicable laws and are allowed to claim a stipend of \$100 per meeting day.
Number of Meetings per Year	8-Board Meetings Annually: Generally not more than one meeting per month, with an average of eight board meetings per year.
Meeting Location	SDRMA office in Sacramento, California.
Meeting Dates	Typically the first Wednesday afternoon and Thursday morning of the month.
Meeting Starting Times	4:00 p.m. and 8:00 a.m.: Meetings are from 4:00 p.m. on Wednesday afternoon until 5:30 p.m. and Thursday from 8:00 a.m. to noon.
Meeting Length	6 - 8 hours: Length of meetings on average.
Average Time Commitment	15 - 20 hours: Commitment per month.

*"The mission of Special District Risk Management Authority is to provide renewable, efficiently priced risk financing and risk management services through a financially sound pool to CSDA member districts, delivered in a timely, cost efficient manner, responsive to the needs of the districts."*

Special District Risk Management Authority | A Property/Liability, Workers' Compensation and Health Benefits Program



**SDRMA BOARD OF DIRECTORS  
2015 NOMINATION/ELECTION SCHEDULE**



# 2015 Nomination/Election Schedule

## TASK TIMELINE

- 1/8 Board approved Election Schedule
- 1/22-23 Mail Notification of Election and Nomination Procedure to Members in January  
90 days prior to mailing Ballots (97 actual days)
- 5/1 Deadline to return Nominations
- 5/7 Tentative Election Comm. Reviews Nominations
- 5/13-14 Mail Ballots 60 days prior to ballot receipt deadline (104 actual days)
- 8/25 Deadline to Receive Ballots
- 8/27 Tentative Election Committee Counts Ballots
- 8/28 Election Committee Notifies Successful Candidates and Provides Them With Upcoming Board Meeting Schedule
- 9/23 Directors' Elect Invited to CSDA Annual Conf/SDRMA Breakfast/Super Session
- 10/28-29 Directors' Elect Invited to SDRMA Board Meeting
- 1/2016 Newly Elected Directors Seated and Election of Officers

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NOVEMBER						
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**SDRMA BOARD OF DIRECTORS  
ELECTION POLICY NO. 2015-01**

**SAMPLE  
RESOLUTION FOR  
CANDIDATE NOMINATION**

Available for download in Microsoft Word file format  
visit our website at [www.sdrma.org](http://www.sdrma.org)

**[AGENCY NAME]  
RESOLUTION NO.**

**A RESOLUTION OF THE GOVERNING BODY OF THE [AGENCY NAME] NOMINATING  
[CANDIDATE'S NAME] AS A  
CANDIDATE FOR ELECTION TO THE SPECIAL DISTRICT RISK MANAGEMENT  
AUTHORITY BOARD OF DIRECTORS**

**WHEREAS**, the Special District Risk Management Authority (SDRMA) is a Joint Powers Authority formed under California Government Code, Section 6500 et.seq., for the purpose of providing risk management and risk financing for California Special Districts and other local government agencies; and

**WHEREAS**, the Joint Powers Agreement (JPA) and Bylaws of SDRMA set forth director qualifications, terms of office and election requirements; and

**WHEREAS**, the Board of Directors of SDRMA established procedures and guidelines for the Director Election process; and

**WHEREAS**, the Board of Directors of SDRMA established a policy requiring candidates seeking election to the SDRMA Board of Directors to be: 1) a member of the agency's governing body or full-time management employee per SDRMA Election Policy 2015-01, Section 4.1 and be an active member agency of **both** SDRMA's property/liability and workers' compensation programs, and 2) be nominated by resolution of their member agency's governing body, and 3) each nominated candidate must submit a completed and signed "Statement of Qualifications" on or before the May 1 filing deadline in order for the candidate's name to be placed on the official ballot.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The governing body of [AGENCY NAME] nominates [CANDIDATE'S NAME], its [POSITION TITLE], as a candidate for the Board of Directors of the Special District Risk Management Authority.

2. **[ONLY IF CANDIDATE IS NOT A MEMBER OF THE AGENCY'S GOVERNING BODY:** The governing body of [AGENCY NAME] has determined that [CANDIDATE'S NAME] is a full-time management employee for purposes of SDRMA Election Policy 2015-01, Section 4.1].

3. The governing body of [AGENCY NAME] further directs that a copy of this resolution be delivered to SDRMA on or before the May 1, 2015 filing deadline.

**ADOPTED** this [DATE] of [MONTH/YEAR] by the Governing Body of [AGENCY NAME] by the following roll call votes:

AYES:	<u>[LIST NAMES of GOVERNING BOARD VOTES]</u>
NAYES:	“
ABSTAIN:	“
ABSENT:	“

APPROVED

ATTEST

\_\_\_\_\_  
President – Governing Body

\_\_\_\_\_  
Secretary

## Policy No. 2015-01

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A POLICY OF THE BOARD OF DIRECTORS OF SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY ESTABLISHING GUIDELINES FOR DIRECTOR ELECTIONS, DIRECTOR APPOINTMENTS, AND CREATION OF A SUPERVISING ELECTION COMMITTEE

WHEREAS, SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) is a joint powers authority, created pursuant to Section 6500, et. seq. of the California Government Code; and

WHEREAS, the Board of Directors recognizes that it is in the best interest of the Authority and its members to adopt a written policy for conducting the business of the Board; and

WHEREAS, establishing guidelines for Director elections and appointments will help ensure a process that is consistent for all nominees and candidates, will promote active participation by SDRMA members in the election/appointment process, and will help ensure election/appointment of the most qualified candidate(s); and

WHEREAS, the Bylaws provide the Board with the option of conducting the election using a mail-in ballot process; and

WHEREAS, the Board of Directors of SDRMA has an overriding and compelling interest in insuring the accuracy of the election/appointment process of its Board members through the creation of an election committee;

NOW, THEREFORE, it is the policy of the Board of Directors of SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY, until such policy shall have been amended or rescinded, that the following procedures shall be followed when conducting Director elections or filling a Director vacancy by appointment:

### 1.0. Election Schedule

- 1.1. Not later than the first Board meeting of each election year, the Board of Directors shall approve an election schedule based on the following criteria and time frames.

### 2.0. Election Committee

- 2.1. The Board of Directors herein establishes an election committee with the following composition, duties and responsibilities; The five (5) members of the Election Committee shall include two presently sitting members of the Board of Directors of SDRMA whose seats are not up for election, the Chief Operating Officer of SDRMA, and the CPA/auditor regularly used and retained by SDRMA at the time of counting ballots of and for an election to the Board of Directors. For good reason found and stated, the Board of Directors of SDRMA may appoint any CPA/auditor who, in the discretion of the Board of Directors, would appropriately serve the Election Committee. The General Counsel for SDRMA shall also sit as a member of the Election Committee with the additional obligation of providing legal advice to the balance of the Committee as legal questions may arise.

### 3.0. Member Notification of Election

- 3.1. Authority staff shall provide written notification, of an election for the Board of Directors, to all member agencies during January of each election year. Such written notification shall be provided a minimum of ninety (90) days prior to the distribution of ballots and shall include; (1) the number of Director seats to be filled by election; (2) a copy of this nomination and election procedure; and (3) an outline of nomination/election deadline dates.

### 4.0. Qualifications

- 4.1. A candidate seeking election, re-election or appointment to SDRMA's Board of Directors must be a member of the Governing Body or a full-time management employee of an SDRMA member participating in both the Property/Liability and Workers' Compensation Programs. To qualify as a "full-time management employee,"



the candidate must be a full-time, management-level (as determined by the Governing Body) employee whose wages are reported to the IRS on a "W-2" form. Only one (1) representative from any Member may serve on the Board of Directors at the same time. [Per Bylaws, Article II, (2) (b)]

- 4.2. Each nominated candidate must submit a properly completed "Statement of Qualifications" (required form attached) with an original signature (electronic signatures are not acceptable) on or before the filing deadline in May in order for the candidate's name to be placed on the official ballot. A candidate shall provide responses to all questions on the candidate's "Statement of Qualifications". Each nominated candidate's "Statement of Qualifications" must be filed in SDRMA's office on or before the aforementioned deadline by: (1) personal delivery; (2) U.S. mail; or (3) courier. When ballots are mailed to the membership, each candidate's "Statement of Qualifications" form will be distributed to the membership exactly as submitted by the candidate to SDRMA. However, any attachments submitted by the candidate(s) with the Statement of Qualifications will not be sent by SDRMA with the ballots to any members.
- 4.3. If a nominated candidate elects not to use the provided form "Statement of Qualifications," and prepares instead the candidate's own completed form, the candidate's form must include the title "Statement of Qualifications" and contain exactly all information required and requested by the provided form.

NOTE: The candidate's "Statement of Qualifications" form must be submitted as a part of the nominating process. When ballots are mailed to the membership, each candidate's "Statement of Qualifications" form will be distributed "exactly as submitted" to SDRMA, except that any attachments submitted by the candidate will not be sent to any SDRMA members.

- 4.4. A candidate who does not submit a Candidate's Statement of Qualifications that complies with Section 4.2 or 4.3 will be disqualified by the SDRMA Election Committee.

#### 5.0. Nominating Procedure

- 5.1. Candidates seeking election or reelection must be nominated by action of their respective Governing Body. Only one (1) candidate may be nominated per member agency and one (1) candidate shall not represent more than one (1) member agency. A resolution from the candidate's district/agency Governing Body nominating the candidate must be received by the Authority on or before the scheduled date in May. (A sample of the resolution is enclosed). Actual receipt by the Authority on or before the scheduled deadline date in May is required. The resolution nominating the candidate may be hand-delivered to the Authority or sent by U.S. mail. In the event a candidate is nominated by two (2) or more member agencies, he or she shall represent the member agency whose nominating resolution is first received by the Authority. The other member agency or agencies that nominated the candidate shall be entitled to select a replacement nominee as long as a resolution nominating the replacement is received by the Authority prior to the scheduled deadline date.
- 5.2. A member may not nominate a candidate unless that member is participating in both the Property/Liability and Workers' Compensation Programs and is in "good standing" on the date the nominations are due. "Good standing" is defined as no accounts receivable due to SDRMA which is more than ninety (90) days past due.
- 5.3. No earlier than the day after the deadline for receipt of nominations, the Election Committee, as hereinabove defined and comprised, shall review all nominations received from members, and will reject any nominations that do not meet all of the qualifications specified and set forth in this policy. The Election Committee's decisions regarding the qualification of nominees are final. Following the Election Committee's review of all nominations, the Election Committee shall direct that a ballot be prepared stating and listing all of the qualified nominees. The ballot of qualified nominees shall be distributed to the membership for election by mail as described below.
- 5.4. Upon verification or rejection of each nominee by the Election Committee, staff will mail acknowledgment to both the nominee and the district/agency of its acceptance or rejection as a qualified nominee for election.

## Policy No. 2015-01

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- 5.5. A nominee requesting that his/her nomination be withdrawn prior to the election, shall submit such requests in writing to SDRMA's office a minimum of three (3) days prior to the scheduled date for mailing the ballots. After that date, all qualified nominees names shall appear on the ballot mailed to the membership.

### 6.0. Terms of Directors

- 6.1. The election of directors shall be held in each odd-numbered year. The terms of the directors elected by the Members will be staggered. Four directors will serve four-year terms, to end on December 31 of one odd-numbered year. Three directors will serve four-year terms, to end on December 31 of the alternate off-numbered year. [Per Bylaws, Article II, (3), paragraph 1].

### 7.0. Campaigning

- 7.1. SDRMA staff will mail each qualified candidate's "Statement of Qualifications", "exactly as submitted" by the candidate with the ballots to the membership.
- 7.2. Candidates, at their own expense, may distribute additional information to member agency(s) after the ballots have been mailed and prior to the election.
- 7.3. SDRMA staff is prohibited from actively promoting a candidate or participating in the election process while on Authority premises.
- 7.4. SDRMA staff may provide member information, mailing lists, financial reports or operational data and information, that is normally available through the Public Records Act, to candidates to assist them in their research and campaigning. In addition to obtaining such information under the Public Records Act, candidates may request SDRMA staff prepare mailing labels for the distribution of campaign materials to member agencies. Under existing policy, charges will apply for this service. The SDRMA logo is trademarked for use by SDRMA only. Neither the logo, nor any other Trademark of SDRMA may be used in any campaign literature. No campaign literature is to imply support of any candidate by SDRMA.
- 7.5. SDRMA election mailings to the membership, including ballots and candidates' "Statement of Qualifications", shall be sent via first class mail.

### 8.0. Limitations on Campaigning

- 8.1. As used in this section the following terms have the following meanings:

"Campaign Activity" means any activity that expressly advocates the election or defeat of a candidate or provides direct support to a candidate for his or her candidacy. "Campaign activity" does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes or the use of public resources to nominate a candidate or vote in any Board of Directors election.

"Candidate" means an individual who has been nominated by the Member Agency to have his or her name listed on the ballot for election to the Board of Directors.

"Expenditure" means a payment of Member Agency funds that is used for communications that expressly advocate the election or defeat of a clearly identified candidate. "Expenditure" does not include the use of public funds to nominate a candidate or vote in any Board of Directors election.

"Public resources" means any property or asset owned by the Member Agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and Member Agency-compensated time.

- 8.2. An officer, official, employee, or consultant of a Member Agency may not expend or authorize the expenditure of any of the funds of the Member Agency to support or oppose the election or defeat of a candidate for the Board of Directors.
- 8.3. No officer, official, employee, or consultant of a Member Agency shall use or permit others to use public resources for campaign activity.
- 8.4. At any time during an election campaign, if a Member Agency or its officers, officials, employees or consultants violate this section, that Member Agency shall be ineligible to nominate a candidate for the Board of Directors election in which the violation occurred. Any candidate of an offending Member Agency shall be deemed to have withdrawn his or her candidacy. Prior to declaring a Member Agency ineligible to nominate a candidate or a specific candidate's candidacy withdrawn, the Elections Committee shall hold a hearing to determine whether or not a violation of this section occurred. The hearing shall be conducted pursuant to reasonable procedures that the Elections Committee shall prescribe, provided that the affected Member Agency or candidate shall have an opportunity to dispute the violation. At the conclusion of the hearing, the Elections Committee shall determine by a majority vote whether the violation occurred.

9.0. Balloting

- 9.1. A ballot containing nominees for the Board of Directors, accepted and approved by the Election Committee, shall be mailed by first class mail, to each SDRMA member agency, except as provided in Section 9.2 below, no less than sixty (60) days prior to the deadline for receiving ballots and the closing date for voting. Ballots shall show the date and time the ballots must be received in SDRMA's office. A self-addressed, stamped, return envelope shall be mailed with each ballot.
- 9.2. In the event that the number of qualified/approved nominees is equal to or less than the number of director seats up for election, the mailing of the ballots as outlined in Section 9.1 shall be waived.
- 9.3. Only those qualified nominees approved by the Election Committee will be eligible candidates on the ballot. Write-in candidates shall not be accepted.
- 9.4. It is required that the Governing Body of each member vote on behalf of their agency (sample Resolution enclosed) and the ballot MUST be signed by the agency's Presiding Officer.
- 9.5. A member may not vote unless the member was a member of the Authority in "good standing" on or before the nomination due date for the pending election. "Good standing" is defined as no accounts receivable due to SDRMA which is more than ninety (90) days past due.
- 9.6. A member may cast only one (1) vote for the same candidate. By way of example, if there are four (4) candidates on the ballot, a member may not cast two (2) to four (4) votes for any single candidate. Any ballot casting more than one (1) vote for the same candidate will be considered void.
- 9.7. A member may vote by using the official ballot provided by SDRMA, or a copy of SDRMA's original ballot, or a reasonable duplicate prepared by the member agency. Whichever of the three foregoing formats is used, the ballot must contain an original signature and confirmation that the ballot was approved at a public meeting of the agency's Governing Body. Ballots submitted without an original signature and/or without confirmation that the form of the ballot was approved at a public meeting of the agency's Governing Body will be considered void.
- 9.8. Ballots may be returned using either hand-delivered or mailed in ballots - faxed or e-mailed ballots will not be accepted. Mailed in ballots must be addressed to, and hand-delivered ballots must be delivered to, the Special District Risk Management Authority office presently located at 1112 I Street, Suite 300, Sacramento, California 95814-2865.
- 9.9. Any ballot received after the specified deadline will not be counted and will be considered void.

## Policy No. 2015-01

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### 10.0. Election Results

- 10.1. All ballots will be opened and counted at SDRMA's office only after the deadline for receiving ballots. Ballots will be opened by SDRMA's Election Committee, no more than five (5) days after the closing deadline. Candidates receiving the highest number of votes shall be declared the elected director(s).
- 10.2. In the event of a tie, a coin toss shall be used to determine the elected director. The coin toss shall be conducted by the Election Committee at the time and place of the conclusion of counting ballots.  
  
PROCEDURE: In the event more than two (2) candidates tie, the coin toss shall be between two (2) candidates at a time based on the order in which their name appeared on the ballot. This process shall be repeated, as needed, in cases where there are more than two (2) candidates.
- 10.3. Excluding tie votes, within five (5) days after the ballots are opened and tabulated Authority staff shall advise the candidates and their respective agency in writing of the final election results. Copies of the results shall also be mailed/distributed to SDRMA's Board of Directors, staff and consultants and published in the first available CSDA newsletter.
- 10.4. If a director-elect withdraws after the election or fails to accept the Director seat prior to December 31, the Board shall name a new director-elect by going back to the ballots and awarding the seat to the candidate receiving the next highest number of votes during the election.
- 10.5. Staff shall invite newly elected director(s) to attend the Annual Membership meeting and all scheduled Board meeting(s) after confirmation of election results until the director(s) elect assume office. Director(s) elect will be reimbursed for expenses, except for director stipends, in accordance with approved director reimbursement policy (copy of policy shall be provided to newly elected directors).
- 10.6. A member or candidate dissatisfied with the election result may, within ten (10) days after the ballots are opened and tabulated, file with the Authority a written challenge and appeal. The challenge and appeal must clearly set forth the complaint and any and all facts in support of the challenge and appeal. Within ten (10) days after the ballots are opened and tabulated, the challenge and appeal shall be delivered and received by the Authority. Within five (5) days of receipt of the challenge and appeal, the Authority shall deliver the same to the Election Committee for decision. The Election Committee shall have absolute authority for deciding the challenge and appeal. Notice of the decision of the Election Committee shall be provided to the party filing the challenge and appeal within ten (10) days.

### 11.0. Director Vacancy

- 11.1. If a director vacancy(s) occurs (Note 1), appointment of a replacement director for the balance of the unexpired term will be made by the remaining members of the SDRMA Board. In order to accomplish this in an orderly and consistent manner, when a vacancy(s) of an elected Director(s) occurs, the SDRMA Board of Directors, after discussion and consideration, shall, when deemed appropriate, instruct staff to:
  - a) notify all then member entities that a vacancy has occurred; and
  - b) said notice shall refer to the applicable Article in the By-laws in advising member entities and their eligible candidates of the steps to take to apply for appointment; and
  - c) the SDRMA Board shall establish the closing date for the receipt of applications; and
  - d) candidates shall submit the following, by the date specified in the notice:
    - i) a letter of interest; and
    - ii) a resume, with particular emphasis on the candidate's knowledge of special districts and risk management; and
    - iii) a resolution from, or a letter approved by, the candidate's Governing Body nominating the candidate; and
  - e) the Election Committee shall review all applications received, and shall reject any that do not meet all of the qualifications specified and set forth in this policy; and
  - f) upon verification or rejection of each application by the Election Committee, staff will mail

Policy No. 2015-01

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- acknowledgement to both the applicant and the district/agency of its acceptance or rejection of the applicant as a qualified candidate for appointment; and
- g) candidates shall be interviewed at the next regularly scheduled meeting of the SDRMA Board of Directors following the date of closure for the applications. Interviews shall be in person, or if an unforeseen emergency arises, the interview may be by telephone at the same scheduled time; and
  - h) the SDRMA Board shall make the appointment without undue delay, but need not act at the same meeting.

Note 1: If the Director vacancy occurs within nine (9) months after the date the ballots were counted and certified by the Election Committee or within nine (9) months after a candidate was appointed to fill a vacancy, then the Board shall have the option to interview and appoint the candidate(s) who did not receive sufficient votes to be elected OR to interview and appoint from the pool of candidates from 11.1.g) above. If the Director vacancy occurs in an election year after the Notification of Election is sent to the members, the Board may determine to fill the vacancy by appointing the candidate who receives the next highest number of votes in the election. If the Board determines in its sole discretion that none of these options is appropriate, then staff shall be instructed to proceed with the process described above in steps 11.1 a) to h).

Revised and adopted this 7<sup>th</sup> day of January 2015, by the Board of Directors of Special District Risk Management Authority, at a regular meeting thereof.

This Policy No. 2015-01 supercedes Policy No. 2013-05 and all other policies inconsistent herewith.

APPROVED:

A handwritten signature in black ink, appearing to read "DAVID ARANDA", written over a horizontal line.

David Aranda, President  
Board of Directors

ATTEST:

A handwritten signature in black ink, appearing to read "GREGORY S. HALL", written over a horizontal line.

Gregory S. Hall, ARM  
Chief Executive Officer

CANDIDATE'S STATEMENT  
OF  
QUALIFICATIONS

Available for download in Microsoft Word file format  
visit our website at [www.sdrma.org](http://www.sdrma.org)

**Special District Risk Management Authority  
Board of Directors  
Candidate’s Statement of Qualifications**

**This information will be distributed to the membership with the ballot, “exactly as submitted” by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA.**

Nominee/Candidate \_\_\_\_\_  
District/Agency \_\_\_\_\_  
Work Address \_\_\_\_\_  
Work Phone \_\_\_\_\_ Home Phone \_\_\_\_\_

**Why do you want to serve on the SDRMA Board of Directors? (Response Required)**

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**What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)**

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**Special District Risk Management Authority  
Board of Directors  
Candidate's Statement of Qualifications**

**What special skills, talents, or experience (including volunteer experience) do you have?  
(Response Required)**

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**What is your overall vision for SDRMA? (Response Required)**

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**I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.**

Candidate Signature \_\_\_\_\_ Date \_\_\_\_\_