

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER

DATE: FEBRUARY 19, 2016

AGENDA ITEM
E-1
FEBRUARY 24, 2016

**RESOLUTION DETERMINING NEED FOR EXCEPTION TO THE
CALPERS 180-DAY WAIT PERIOD PURSUANT TO GOVERNMENT
CODE SECTIONS 7522.56 AND 21224**

ITEM

Consider a resolution justifying an exception to the 180-day wait period for hiring retiree [RECOMMEND ADOPT RESOLUTION APPROVING AN EXCEPTION TO 180-DAY WAIT PERIOD]

BACKGROUND

On January 13, 2016, the Board adopted Resolution 2016-1399 approving an exception to the CalPERS 180-day wait period to retain the services of retired annuitant Michael S. LeBrun. This resolution has been deemed null and void by CalPERS because Mr. LeBrun retired at an age which is under "normal retirement age" (age 60). As a result of this rule, there must be a bona fide break in service of 60 days between the retirement date and the date the retiree's employment will begin.

In 2012, the Public Employees' Pension Reform Act of 2013 (PEPRA) was passed and went into effect January 1, 2013. One of the provisions of PEPRA governs post-retirement employment of retirees. Specifically, all CalPERS retirees working in any capacity for CalPERS employers are subject to the following requirements:

- A 180-day wait period between the retirement date and the date employment begins, unless an exception applied;
- The work is of limited duration in a retired annuitant-designated position (not a permanent part-time position);
- The time worked is 960 hours or less in a fiscal year (July 1 - June 30);
- The compensation paid is an hourly pay rate that is within the salary schedule for the equivalent position performing comparable duties; and
- No additional compensation or benefits are paid.

As defined above, retirees are generally prohibited from being employed in any capacity by a CalPERS covered employer for a period of 180 days following the date of retirement. However, there are exceptions to the 180-day wait period, two of which affect local government employers. One of these exceptions allows a retired firefighter or a retired peace officer to perform firefighter or peace officer retired annuitant work under 960 hours in a fiscal year. The other exception allows an employer to employ a recent retiree before the expiration of the 180-day wait period if the governing body certifies through the adoption of a resolution that the appointment is necessary to fill a critical need, prior to the expiration of the 180-day wait period.

On January 31, 2016, Mr. LeBrun separated from District employment as General Manager. His institutional knowledge and experience in all facets of District related services is invaluable. The District desires to retain Mr. LeBrun as a Projects Assistant and he will work at the direction of

the General Manager. His duties will include assisting the General Manager with critically needed work on a number of ongoing projects dealing with groundwater policy and interagency negotiations. Because of his in-depth knowledge and experience, Mr. LeBrun has unique skills and training to complete these tasks in a timely manner. With consideration for CalPERS and PEPRA provisions governing post-retirement employment of retirees, the earliest Mr. LeBrun is eligible for employment with the District is April 1, 2016.

As required under Government Code sections 7522.56 and 21224, Mr. LeBrun will be paid similar to other employees performing comparable duties. His hours will not exceed 960 hours in a fiscal year, and his pay will include no additional benefits.

The attached resolution authorizes the District to make the required finding to allow Mr. Michael S. LeBrun, retired annuitant, to fill a critically needed role at the District. In addition, Mr. LeBrun has specialized skill needed to be appointed for a limited duration as a Project Assistant. The Project Assistant is paid \$76.59 per hour for up to 960 hours in a fiscal year as directed by the General Manager. The pay rate is commensurate with the District's current salary schedule.

FISCAL IMPACT

Sufficient funds are available in the District's approved budget to finance the proposed temporary appointment.

RECOMMENDATION

It is recommended your Board, by motion and roll call vote, adopt a resolution approving an exception to the CalPERS 180-day wait period pursuant to Government Code sections 7522.56 and 21224.

ATTACHMENTS

- A. Resolution 2016-XXXX 180 Day Exception

February 24, 2016

ITEM E-1

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2016-XXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING AN EXCEPTION TO THE CALPERS 180-DAY WAIT PERIOD
PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21224**

WHEREAS, in compliance with Government Code Sections 7522.56 and 21224, the District must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Michael S. LeBrun separated from District employment on January 31, 2016 and retired on February 1, 2016; and

WHEREAS, Government Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement, which is July 29, 2016; and

WHEREAS, section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the District and Michael S. LeBrun certify that Michael S. LeBrun has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the District Board of Directors hereby appoints Michael S. LeBrun as an extra help retired annuitant to perform the duties of Project Assistant under Government Code section 21224, effective April 4, 2016; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, pursuant to Government Code section 21224, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the current maximum base monthly salary for this position is \$13,275.00 and the current hourly equivalent is \$76.59. The current minimum base monthly salary for this position is \$10,921.00 and the current hourly equivalent is \$63.01; and

WHEREAS, the temporary classification as Project Assistant is hereby ordered and shall be paid on an hourly basis, commensurate with the base salary range of the full time equivalent position; and

WHEREAS, the hourly rate paid to Michael S. LeBrun will be \$76.59 per hour; and

WHEREAS, Michael S. LeBrun has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

- 1) The District Board of Directors does hereby certify the appointment of Michael S. LeBrun as Project Assistant as described in the staff report is necessary to fill the critically needed position of Project Assistant for the Nipomo Community Services District on April 4, 2016, because of Mr. LeBrun's unique institutional knowledge, specialized skills and experience in a number of ongoing projects Mr. LeBrun has worked on.
- 2) Previously adopted Resolution 2016-1399 is null and void.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2016-xxxx

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING AN EXCEPTION TO THE CALPERS 180-DAY WAIT PERIOD
PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21224

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 adopted this 13th day of January 2016.

CRAIG ARMSTRONG
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

MARIO IGLESIAS
General Manager and Secretary to the Board

MICHAEL W. SEITZ
District Legal Counsel

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER
DATE: FEBRUARY 18, 2016

**AGENDA ITEM
E-2
FEBRUARY 24, 2016**

APPROVE REVISED BOARD BY-LAWS AND POLICIES

ITEM

Approve Revised Board By-Laws and Policies [RECOMMEND REVIEW AND DISCUSS REVISIONS AND, IF APPROPRIATE, ADOPT RESOLUTION APPROVING BOARD BY-LAWS AND POLICIES]

BACKGROUND

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

Your Board reviewed the Board By-Laws and Policies at the February 10, 2016, Regular Meeting and directed staff to make a minor edit on page 7, section 5. DIRECTORS. Staff added an additional edit for the Board's consideration on page 7, section 4. PREPARATION OF MINUTES AND MAINTENANCE OF RECORDINGS.

Staff recommended edit changes to the language in the Board's By-Laws and Policies to stay consistent with the District's Record Retention Policy. The most recent records retention policy was adopted by your Board on October 14, 2015, under Nipomo Community Services District Resolution 2015-1391 [attached].

The current Board By-Laws allow the District to retain audio/video tapes for up to 5 years. As stated in the Records Retention Policy, Exhibit A of Resolution 2015-1391, page 6, audio/video tapes are to be retained for the current year plus three months.

Administration: Legal/Legislative

Tapes, Audio/Video	Current Year + 3 months.	GC 34090.7	When used for minute preparation and may have historical value.
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Attached are the Board By-Laws and Policies with the directed edit and the staff's recommended edit in 'mark-up' view for your review and approval.

RECOMMENDATION

Staff recommends that your Honorable Board review the Board By-Laws, propose any additional changes and by motion and roll call vote, adopt the attached Resolution approving the revised Board By-Laws and Policies.

ATTACHMENT

- A. Draft Resolution with Proposed 2016 Board By-Laws and Policies
- B. Adopted Records Retention Policy, Nipomo Community Services District Resolution 2015-1391

February 24, 2016

ITEM E-2

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2016-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 10, 2016, 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 24, 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. 2016-XXXX**

**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 24th day of February 2016.

CRAIG ARMSTRONG,
President of the Board of Directors

ATTEST:

APPROVED:

MARIO IGLESIAS
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.

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.
- 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:

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- (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 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

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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 Comments on agendized items should be held until the appropriate item is called.
- 3.4 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.

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- (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 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

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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 in accordance with its current Records Retention Policy, 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

- 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-disrespectful to others.
- 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

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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.
- 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.

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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, workloads, 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. 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.

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- 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 In no event shall Director compensation exceed \$100 per day.
- 9.5 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 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

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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 thirty (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 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 Harassment Prevention Training

Board members, the General Manager, and supervisors that are designated in the Districts conflict of interest code, shall receive 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

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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.
- (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 NCSD 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

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

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

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. 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.

16. 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.

17. 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.

February 24, 2016

ITEM E-2

ATTACHMENT B

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-1391

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY AND
REPEALING RESOLUTION 2000-718

WHEREAS, the California Secretary of State has issued local government records management guidelines, and certain legislation has been passed and signed into law that augments the authority of local governments and districts to establish records retention schedules that comply with the Secretary of State guidelines (AB 474 amending California Government Code Sections 60200 et seq.); and

WHEREAS, said Board of Directors is authorized by the provisions of California Government Code Section 60200 et seq., to establish a records retention schedule applicable to district records; and

WHEREAS, an appropriate records retention schedule assists the District by documenting which records require office or temporary storage, which records have historic value, and which records should be destroyed because they no longer have any administrative, fiscal or legal value; and

WHEREAS, it is timely to repeal the existing records management and records retention schedule (Resolution 2000-718).

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

Section 1: Authorization for Destruction of Records. The Record Retention Schedule set forth in Exhibit "A" hereto is adopted as the approved schedule for the District in compliance with Government Code Sections 60200 et seq., and after such records have been retained for the time periods and according to the process set forth therein, such records may be destroyed upon the request of the General Manager without further action by the Board of Directors of the District.

Section 2: Authorization of Record after Scanning. Any record not expressly required by law to be filed and preserved in original form may be destroyed at any time after it is electronically stored in conformance with the requirements of Government Code Section 60203.

Section 3: Destruction of Duplicates. Pursuant to Government Code Section 60200, any duplicate record, paper or document, the original or a permanent photographic copy of which is in the files of the District, may be destroyed after

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A RESOLUTION OF THE BOARD OF DIRECTORS OF
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confirmation that such original or permanent photographic copy remains on file with the District.

Section 4: Retention of Records Not Mentioned. All records, papers and documents not mentioned in this Resolution may be scanned as archival records or destroyed so long as such disposal is consistent with the recommendations of the Local Government Records Management Guidelines as set forth by the Secretary of State (June 2004) as the same may be amended from time to time.

Section 5: Retained Records. Notwithstanding the provisions of Section 1 above or any other provision of law, pursuant to Code Section 60201(d) the District may not destroy or dispose of any record that is any of the following:

- a. Relates to formation, change of organization, or reorganization of the District;
- b. An ordinance adopted by the District. However, an ordinance that has been repealed or is otherwise invalid or unenforceable may be destroyed or disposed of five years after it was repealed or became invalid or unenforceable;
- c. Minutes of any meeting of the Board of Directors of the District;
- d. Relates to any pending claim or litigation or any settlement or other disposition of litigation within the past two years;
- e. Is the subject of any pending request made pursuant to the California Public Records Act (Chapter 3.5, Division 7, Title 1, commencing with Section 6250 of the Code), whether or not the District maintains that the record is exempt from disclosure, until the request has been granted or two years have elapsed since the District provided written notice to the requester that the request has been denied;
- f. Relates to any pending construction that the District has not accepted or as to which a stop notice claim legally may be presented;
- g. Relates to the title to real property in which the District has an interest;
- h. Relates to any non-discharged contract to which the District is a party;
- i. Has not fulfilled the administrative, fiscal, or legal purpose for which it was created or received;
- j. Is an unaccepted bid or proposal, which is less than two years old, for the construction or installation of any building, structure, or other public work;
- k. Specifies the amount of compensation paid to District employees or to independent contractors providing personal or professional

NIPOMO COMMUNITY SERVICES DISTRICT
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A RESOLUTION OF THE BOARD OF DIRECTORS OF
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services to the District, or relates to expense reimbursement to District officers or employees or the use of District paid credit cards or any travel compensation mechanism. However, a record described in this paragraph may be destroyed or disposed of pursuant to Section 60201 of the Code seven years after the date of payment; and

- I. Any other records required by law to be filed or preserved.

Section 6: Resolution 2000-718 is hereby repealed in its entirety.

Section 7: Incorporation of Recitals. The Recitals are true and correct and incorporated herein by this reference. The Recitals and referenced reports and studies contained therein constitute and support the findings of the District in support of this Resolution.

Section 8: Effect of Repeal on Past Actions and Obligations. This Resolution does not affect prosecutions for violations committed prior to the effective date of this Resolution, does not waive any fee or penalty due and unpaid on the effective date of this Resolution, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any prior Resolution or Ordinance.

Section 9: CEQA Findings. The Board of Directors of the District finds that the records retention policy adopted by this Resolution exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines Section 15273. The District General Manager is directed to prepare and file appropriate notices.

Section 10: Severance Clause. If any section, subsection, sentence, clause or phrase of this Resolution 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 Resolution. The Governing Board of the District hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 11: Effective Date. This Resolution shall take effect immediately.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-1391

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY AND
REPEALING RESOLUTION 2000-718

Upon the motion of Director Armstrong, seconded by Director Woodson, and on the following roll call vote, to wit:

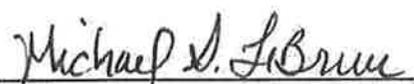
AYES: Directors Armstrong, Woodson, Eby, and Gaddis
NOES: None
ABSENT: Director Blair
CONFLICTS: None

the foregoing resolution is hereby adopted this 14th day of October, 2015.


CRAIG ARMSTRONG
President of the Board

ATTEST:

APPROVED AS TO FORM:


MICHAEL S. LEBRUN
General Manager and Secretary to the Board

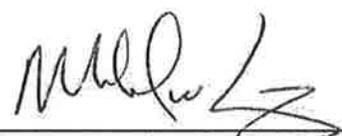

MICHAEL W. SEITZ
District Legal Counsel

EXHIBIT A

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-1391

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY

LEGEND Records Retention	
AC = Active	T = Termination
AU = Audit	AD = Adoption
CU = Current Year	CL = Closed/Completion
E = Election	L = Life
P = Permanent	S = Supersede

CITATIONS	
B&P - Business and Professions	FMLA – Family & Medical Leave Act, 1993
CAC – California Administrative Code	GC – Government Code
CCP – Code of Civil Procedure	H&S – Health & Safety
CCR – Code of California Regulations	OSHA – Occupational Safety & Health Act
CEQA – California Environmental Quality Act	UFC – Uniform Fire Code
CFR – Code of Federal Regulations	USC – United States Code
EC – Election Code	

EXHIBIT A

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-1391

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY

ADMINISTRATION			
Record Series	Retention	Citation	Descriptor
AUDIT			
Annual Financial Report	CL + 2	GC34090	Independent auditor analysis
Bonds	CL + 10	GC34090; CCP 337.5	Final bond documentation
Budget	P	GC34090	Annual operating budget approved by Legislative Body
Budget Operating (copies)	S	GC34090	Departmental Reference
Hearing or Review	AU + 2	GC34090; OMBA-128	Documentation created and or received in connection with an audit hearing or review
Reports	AU + 4	GC34090; OMBA-128	Internal and/or external
Reviews, Internal/External Periodic	CU	GC34090; GC6250	Daily, weekly, monthly, quarterly or other summary, review, evaluation, log, list, statistics, except a report
ELECTIONS			
Ballots Prop.218/Assessment Districts	P	California Constitution Art. XIII	Property related fees/(Assessment Ballot proceeding)
Certificates of Election	T + 4	GC 81009(a) (d)	Certificates of election; Original reports and statements
FAIR POLITICAL PRACTICES			
Administration/ Campaign Statements and Conflict of Interest	CU + 5		FPPC Opinions
History	P	GC 34090	History of elections
Statement of economic interest - Elected Officials	T + 7	GC 81009(e)	FPPC Filings
Oaths of Office	T + 6	GC34090; 29 USC 1113	Elected Officials
Petitions	8 months	EC 17200, 17400; GC 7253.5; EC 14700 + GC 3756:8	From date of filing or election; Initiative, referendum, recall, Charter Amendments
GENERAL SUBJECT			
Administration	P	GC34090	
Biographies	CU + 2	GC34090	
Classifications and Appointments	P	GC 34090; GC 12946; 29 CFR	Includes supplemental Personnel records. Wage rate tables 2 years.

EXHIBIT A

NIPOMO COMMUNITY SERVICES DISTRICT
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A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY

ADMINISTRATION			
Record Series	Retention	Citation	Descriptor
		516.6(2); 29 CFR 1602.4	
Correspondence/ Originating Department	CU + 2	GC34090(d)	If not attached to agreement or project file
Goals & Objectives	CU + 2	GC34090	Departmental goals & objectives
Policies & Procedures, Departmental	S + 5	GC34090(d)	Retain while current
Promotional Marketing			
External	CU + 7		
Internal	2		
Reports			
Departmental	CU + 2	GC34090	Special or final summary, review or evaluation
Staff	CU + 2	GC34090	Non-agenda related, includes supporting documentation
Special Projects	CU + 2	GC34090	
Support Services	CU + 2	GC34090	Reproduction; printing; postal/ mailing services, other internal resources
Travel Records	CU + 2	GC34090	
GRANTS			
Community Development Block Grant and Urban Development	T + 4	GC34090; 24 CFR 570.502 24 CFR85.42*	Applications, reports, contracts, supporting documents; *OMB Cir. A-102, A-110, A-128
Federal and State	CL + 5	GC34090	Refer to grant application close-out procedure
Financial Records	CL + 5	GC34090	Refer to grant application close-out procedure
Unsuccessful	CL + 2	GC34090	Applications not entitled
HUMAN RESOURCES			
Benefit Plan Claims	P	GC6250 et seq; OMBA-129 29 CFR 1602.30; 32; Lab Rel Sec 1174*	May include dental, disability, education, health, life and vision including dependent care and Employee Assistance *29 CFR 1637.3; 29 USC 1027; 29 CFR 1627.3; 29 USC 1113
Benefit Plan Enrollment, Denied	CL + 4	GC34090; OMBA-128	
Bond, Personnel Fidelity	T + 2	GC34090	Employee Fidelity Bonds
Employee Handbook	S + 2	GC 34090	General employee information including benefit plans
Employee Programs	CL + 2	GC 34090; GC12946	Includes recognition
Employee Rights General Employees	T + 2	GC12946; 29CFR	May include Arbitration, grievances, union requests,

EXHIBIT A

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A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY

ADMINISTRATION			
Record Series	Retention	Citation	Descriptor
		USC211 (e); 203(m); 207(a)	sexual harassment and Civil Rights, complaints,
Hourly Employees	T + 6	GC12946; GC34090*	*29 CFR 1627.3, Labor Relations Section 1174
Immigrant		Immigration Reform/Control Act 1986 Pub. L 99-603	1-9's
Medical Leave	CL + 30	FMLA 1993 US OSHA; 29 CFR: 1910.20*	May include Family leave; certifications; tests; W-4's; *29 CFR 1602.30.32; 49 CFR 193-9;
Motor Vehicle Pulls (DMV)	CL + 7	GC12946, *	*CA 91009; 8 USC 1324 (a)
Negotiation	P	29 USC Sections 211(c), 203(m), 207(a)	Notes, notebooks, correspondence, contracts, and Memorandums of Agreements
Non-Safety Employees	T + 3	Reference: 29 CFR 1627.3; CCR Sec 1174; 29 CFR 1602.30.32; GC6250 et seq; 29 CFR; GC 12946, 34090*	Non-safety employees may include: Release Authorizations; Certifications; Reassignments; outside employment; commendations disciplinary actions; terminations; Oaths of Office; evaluations-pre-employee medicals; fingerprints; identification cards (ID=s) *1607.4; 29 CFR 655.202; 29 CFR 516.6 et seq; 45 CFR 1068.6(a)
Personnel Records (copies)	CU + 2	GC34090 ; GC6250	Attendance; evaluations; drafts; worksheets; postings
PERS, Social Security, SSI	P	29 CFR 1627.3(2); GC 12946, 34090	EEOC/ADEA
Recruitment	CL + 3	Reference: GC12946; GC6250 et seq; 29 CFR 1602 et seq 29 CFR 1607; 29CFR 1627.3	Applications, resumes, alternate lists/logs, indices; ethnicity disclosures; examination materials; examination answer sheets, job bulletins; eligibility; electronic database
Reports	CU + 2	GC34090	Employee statistics, benefit activity; liability loss
Surveys and Studies	CU + 2	GC 12946, 34090; 29	Includes classification, wage rates

EXHIBIT A

NIPOMO COMMUNITY SERVICES DISTRICT
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A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY

ADMINISTRATION			
Record Series	Retention	Citation	Descriptor
		CFR 516.6(2); 29 CFR 1602.14	
Training Records Non-Safety	CU + 7	GC6250 et seq	Employee applications, volunteer program training, class training materials, internships;
Personnel (by name)	T + 7	GC34090	Paperwork documenting officers internal and external training
Vehicle Mileage Reimbursement Rates	S + 2	GC 34090	Annual mileage reimbursement rates
INFORMATION SERVICES			
Internet, World Wide Web	S + 2	GC34090	Management/Policies and supporting documentation
Inventory, Information Systems	S + 2	GC34090	Hardware/Software Inventory logs; systems manuals
Network Information Systems (LAN/WAN)	CU + 4	GC34090; CCP 337.2; 343	Configuration maps and plans
Program Files and Directories	CU + 2 CU + 2 months CU + 1 CU + .5	GC34090 GC34090.7	Annual Backup Daily Backup Monthly Backup Weekly Backup
LEGAL/ LEGISLATIVE			
Agendas	CU + 2	GC34090	Original agendas and special meeting notices, including certificates of posting, original summaries, original communications and action agendas for Council, Boards and Commissions
Agenda Reports (Master, Subject Files)	CU + 2	GC34090 (d)	Documentation received, created and/or submitted to Council
Appeals, Civil	CU + 3	CCP 583.320(a) (3);GC 34090	
Applications, Boards, Commissions, Committees	CL + 2	GC34090	Not selected
Applications, Boards, Commissions, Committees	T + 5	GC34090; GC40801	Selected
Legal Advertising	CU + 4	CCP 343, 349 et seq.; GC 9112; GC 34090	Includes public notices, legal publications

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A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY

ADMINISTRATION			
Record Series	Retention	Citation	Descriptor
Minutes	P	GC34090(d); GC36814; GC40801	Official minutes and hearing proceedings of governing body or board, commission or committee
Notices, Meeting	CU + 2	GC 34090.7, 54960.1(c)(1)	Special meetings
Opinions	S + 2	GC34090 ; GC6254	Confidential
Ordinances	P	GC34090(d) 40806	Charter amendments; municipal code
Petitions	CU + 1	GC50115; GC6253	Submitted to legislative bodies
Resolutions	P	GC34090(d) 40801	Legislative actions
Tapes, Audio/Video	CU + 3 mos.	GC 34090.7	When used for minute preparation and may have historical value.
MUNICIPAL CLERK			
Assessment Districts	P	GC 34090	Original documentation
Inventory, Records	CU + 2	GC34090; 80 0PS Atty. Gen. 106	Inventory of non-current or inactive records holdings and location, indices. Tapes may be recycled.
Municipal Code	P	GC 34090	Supplements included
Public Records Request	CL + 2	GC 34090	
Records Management	CL + 2	GC34090	Document includes retrieval, transfers - inactive
Records Management Disposition Certification	P	GC34090	Documentation of final disposition or records
Records Retention Schedules	S + 4	CCP 343	
POLICIES/ PROCEDURES			
General Administrative	S + 2	GC34090; 40801	All District policies and procedures
Policy, Board/ Proclamations	S + 2	GC34090	Policies, directives rendered by Board not assigned a resolution or ordinance number
PUBLIC FINANCING AUTHORITY			
Administration	P	GC 34090	
Financial Records	P	GC 34090, 40802, 53901	
Management Reports	2	GC 34090	
PUBLIC INFORMATION			

EXHIBIT A

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RESOLUTION 2015-1391

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY

ADMINISTRATION			
Record Series	Retention	Citation	Descriptor
Brochures, publications, newsletter, bulletins	S + 2	GC34090	
Calendar,	CU + 2	GC 34090	
Media Relations	CU + 2	GC 34090	Includes cable, newspaper, radio, message boards, and presentations.
RISK MANAGEMENT			
Accident Reports - Assets	CL + 7	29 CFR 1904.2;29;*	Reports and related records * CFR 1904.6
Bonds, Insurance	P	CCP 337.2; 343	Bonds and insurance policies insuring city property and other assets
Claims, Damage	CL + 5	GC34090; GC25105.5	Paid/Denied
Incident Reports	CL + 7	29 CFR 1904.2; 29 CFR 1904.6	Theft, arson, vandalism, property damage or similar occurrence (excluding fire/law enforcement)
Insurance, Joint Powers Agreement	P	GC34090	
Insurance, Certificates	P	GC34090	Insurance certificates filed separately from contracts, includes insurance filed by licensees
Insurance, Liability/Property	P	GC34090	May include liability, property, Certificates of Participation, deferred, use of facilities
Insurance, Workers Compensation	P	GC6410; 29 CFR 1910.20	Indemnity; PERS - working files - originals with Administrator
Photographs, Negatives, Film	CL + 2	GC34090	
Risk Management Reports	CL + 5	OMB 1220-0029; 29 CFR1904.4; GC 34090	Federal OSHA Forms; Loss Analysis Report; Safety Reports ;Actuarial Studies
Workers Compensation	P	CCR 14311; 15400.2; CA Labor Code 110-139.6	Claim files, Reports, Incidents (working files) originals filed with Administrator

DEVELOPMENT			
Record Series	Retention	Citation	Descriptor
ADMINISTRATION			
Benchmark Data	CU + 2	GC34090d	Horizontal, vertical & control
Bids & Proposals	CL + 2	GC34090d	

EXHIBIT A

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-1391

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY

DEVELOPMENT			
Record Series	Retention	Citation	Descriptor
(Unsuccessful)			
Bonds	CL + 10	CCP 337.5	Housing; Industrial Development
Development Security	CL + 2	GC34090	Documentation created and or received in connection with the performance of work/services for the city, or for parcel maps and subdivision work
Code Books	P	GC34090e	National Electrical Code, Uniform Building, Fire, Mechanical, Plumbing & Supplements
Contractor	CU + 2	GC34090d	Current listing
Correspondence	CU + 2	GC34090d	Working documentation
Development Conditions	L	GC34090	Mitigation measures; filed with case files
Development Agreements	P	CCP337, 337.1(a), 337.15; GC34090; 4 8 CFR 4.703	Infrastructure contracts, franchises. Original maintained for 7 years.
Development Standards	P	GC34090a	Landscape mediums, parkway landscape development, public works construction
Drawings, Project Plan	CU + 2	GC34090d	Does not include those usually filed with case or project
Franchises	P	GC65864, 65869.5, 34090*	Including subdivision agreements, contracts for sale or purchase of property, cable, grant of easements and involving construction of improvements *CCP 337.2, 343; AC16023
General Subject Files	CU + 2	GC34090d	Internal working files including correspondence
Grants, Community/Urban Development (includes CDBG)	CL + 4	24CFR 570.502(b) (3); 241CFR 85.42 & OMB Cir. A- 110, Attach. C; *	Project files, contracts, proposals, statements, reports, sub-recipient dockets, Environmental review, grant documents, applications, inventory, consolidated plan, etc. Includes Section 108 ban guarantee
Historic Preservation Inventory	2	GC34090d	Historic structures & landmarks
Incident Files	2	GC34090d	Emergency Call Outs
Land Uses, nonconforming	P	GC34090a	Building or site usage which does not conform to current standards
Logs	CU + 5		Logs, registers or similar

EXHIBIT A

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-1391

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY

DEVELOPMENT			
Record Series	Retention	Citation	Descriptor
			records listing permits, certificates of occupancy issued; may include inspection, building activity, daily, plan check, utility
Maps & Plats	P	GC34090a	Engineering & field notes and profiles; cross-section of roads, streets, right-of-way, bridges; may include annexations, parks, tracts, block, storm drains, water easements, bench marks, trees, grading, landfill, fire hydrants, base maps, etc.
Master Plans, Annual	S + 2	GC34090	Special or long range program plan for municipalities - coordination of services; strategic planning
Permits, Construction	P	GC34090a; H&S19850; 4003; 4004	Plans, building, signs, grading, encroachment, including blueprints and specifications
Permits, Other	CL + 2	GC34090d	Alterations, encroachment, excavations, road, street sidewalks & curb alterations, transportation, swimming pool drainage, temporary uses, etc.
Photographs	S + 2	GC34090d	Aerial photographs
Projects, Not Completed or Denied	CL + 2	GC34090d	Building, engineering, planning
Reports	cu + 2	GC34090	Activity, periodic
Studies, Special Projects & Areas	CL + 2	GC34090d	Engineering, joint powers, noise, transportation
Surveys	P	GC34090a	Recording data and maps
ENGINEERING			
Capital Improvement Projects	CL + 10	CC337.15	Supporting documents including bidders list, specifications, reports, plans, work orders, schedules, etc.
Special Districts	P	GC34090a	Supporting documents re: improvement, lighting, underground utility; bonds, taxes & construction
Street/Alley (Abandonment/ Vacation)	CL + 2	GC34090d	Relinquishment of rights and fee title
MUNICIPAL FACILITY			
Capital Improvements,	P	2.083110;	Contains records re: Planning,

EXHIBIT A

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RESOLUTION 2015-1391

A RESOLUTION OF THE BOARD OF DIRECTORS OF
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DEVELOPMENT			
Record Series	Retention	Citation	Descriptor
			design, construction,
Construction		GC34090a; 4004; H&S 19850; GC34090a	conversion or modification of local government-owned facilities, structures and systems
Facility Rentals/Use	CU + 2	GC34090	Permits, contracts, diagrams, schedules, insurance binders
Maintenance & Operations	CU+ 2	GC34090d	Service requests, invoices, supporting documentation; buildings, equipment, field engineering, public facilities including work orders and graffiti removal
PROPERTY			
Abandonment	P	GC34090a	Buildings, Condemnation, Demolition
Acquisition/ Disposition Disposition	CL + 10	GC34090a; GC6254	Supporting documents re: sale, purchase, exchange, lease or rental of property by City
Annexation Case Files	P	GC34090a	Reports, agreements, public notices
Appraisals	CL + 2	GC34090; GC6254(h)	Exempt until final acquisition or contract agreement obtained
Deeds & Promissory Notes	P	GC34090a *	* 24 CFR 570.502(b)(3); 24 CFR 8.42 & OMB Circ. SA-110
Maps, City Boundary	P	GC34090d	Recorded maps, surveys, monuments
Lot Split Cases	P	GC34090	
Relocation Files	CL + 2	GC34090	e.g., Redevelopment

FINANCE			
Record Series	Retention	Citation	Descriptor
ACCOUNTING			
Accounts Payable	AU + 4	GC34090	Invoices, check copies, supporting documents
Accounts Receivable	AU + 4	GC 34090	
Applications	CL + 2	GC34090	Utility connections, disconnects, registers, service
Assessment Districts	P	GC 34090	Collection information; Original documentation files with municipal clerk
Bank Reconciliation	AU + 5	GC34090; 26 CFR 16001-1	Statements, summaries for receipts, disbursements & reconciliation
Billing Records	AU + 2	GC34090	Customer name, service address, meter reading, usage, payments, applications/cancellations
Budget	AU + 2	GC 34090	
Budget adjustments,	AU + 2	GC34090	Account transfers

EXHIBIT A

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-1391

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY

FINANCE			
Record Series	Retention	Citation	Descriptor
journal entries			
Checks	AU + 5	GC34090; CCP 337	Includes payroll, canceled & voided checks
Deposits, Receipts	AU + 4	GC 34090; CCP 337	Checks, coins, currency
Invoices	AU + 2	GC34090	Copies sent for fees owed, billing, related documents
Journals			
Utility Billing	CU + 2	GC34090	Billing including monthly activity
Voucher	AU + 4	GC34090; CCP 337	Account postings with supporting documents
Taxes, Receivable	AU + 3	CCP338	
Warrant Register	AU + 2	GC 34090.7	
ADMINISTRATIVE SERVICES			
Budget Operating (copies)	S	GC34090	Departmental Reference
Budget, Proposed	CU + 2	GC34090	Presented to Board
Adopted	P	GC 34090	
FIXED ASSETS			
Inventory	AU + 4	GC34090; 26 CFR 301 65-1(F)	Reflects purchase date, cost, account number
Surplus Property			
Auction	AU + 2	GC34090	Listing of property
Disposal	AU + 4	GC34090; CCP 337	Sealed bid sales of equipment
Vehicle Ownership & Title	L	VC 9900 et seq.	Title transfers when vehicle sold
PAYROLL			
Adjustments	AU + 4	GC 34090 29 CFR 516.5-516.6	Audit purposes
Employee Time Sheets	AU + 6	GC34090; 29 CFR 516.2*	Signed by employee for audit & FEMA Reports *20 CFR 516.6(1); IRS Reg. 31.6001-1(e)(z); R&T 19530; LC 1174(d)
PERSEmployee Deduction Reports	T + 4	GC34090; CAC 22-1085-2	Record of deductions (PERS Public Employee Retirement System) *26CFR 31.6001-1; 29 CFR 516.5, 516.6, LC 1174(d)
Register	P	GC34090; GC37207	Labor costs by employee & program
Salary Records	T + 3	GC34090; 29 CFR 516.2	Deduction authorization, beneficiary designations, unemployment claims, garnishments
PURCHASING			

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FINANCE			
Record Series	Retention	Citation	Descriptor
Bids, RFQ's, RFP's Successful Unsuccessful	AU + 4 AU + 5 cu + 2	GC34090; CCP 337; *	Requests for Qualifications; Requests for Proposals regarding goods and services * GC 25105-1; GC 34090
Requisitions			
Purchase Orders	AU + 4	GC34090; CCP 337	Original documents
REPORTS			
Audits	P	GC 34090	
Deferred Compensation	T + 5	GC34090; 26 CFR 16001- 1*	Records of employee contributions and payments *29 CFR 1627.3(2)
Federal and State Tax	AU + 4	GC34090; 29USC 436 *	Forms 1096, 1099, W-4's and W-2's *26 CFR 31.6001.1-4; IRS REG 31.6001-1(e)(2);R&T 19530;29 CFR 516.5-516.6
Financial, Annual	AU + 7	GC 34090.7	
Investment Transactions	P	GC34090; CCP 337; GC 53607	Summary of transactions, inventory & earnings report
Labor Distribution	AU + 2	GC34090	Costs by employee & program
Meter Reading	CU + 2	GC34090	
State Controller	P	GC34090	Controller may destroy after 5 years
TREASURER			
Bank Statements	AU + 2	FC 3368, 30210; GC 43900 et seq	Financing authority
Bonds			
Account Statements	CL + 10	GC34090; CCP 337.5	Monthly statement of transactions.
Administration	CL + 10	GC34090; CCP 337.5	Supporting documents
Bonds and Coupons	CL + 2	GC34090; 53921	Paid/canceled

PUBLIC WORKS			
Record Series	Retention	Citation	Descriptor
WASTEWATER			
Collections/ Facilities	CU + 2	GC34090	Daily records, usage
	CU + 2	GC34090	Correspondence, maps, patron list
Incineration Plants, Sludge	CU + 2	40 CFR 61.54	Sludge, sampling, charging rate to measure mercury content
Incinerator Operations, Treatment Plant	CU + 2	40 CFR 60.153	Gas flow through wet scrubbing, oxygen content of exhaust gas, sludge rate, temperatures, fuel flow, total solids and volatile solids

EXHIBIT A

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PUBLIC WORKS			
Record Series	Retention	Citation	Descriptor
Maintenance and Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Maps, Septic Tank	P	GC34090	Location maps
Rates	CU + 2	GC34090	
UTILITIES			
WATER			
Billing/Customer Records	CU + 2	GC34090	Billings, correspondence, complaints
Connection Records	P	GC34090	Maps, water line connections
Grants (see Admin.)			
Inventory, Equipment	CU + 2	GC34090	
Locations	P	GC34090	Mains, valves, hydrants, wells
Maintenance and Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Service	CU + 2	GC34090	Includes work orders, entry cards, manholes, service to property owners
Well & Pumping	CU + 2	GC34090	Times operational, power used and quantity
Maps	P	GC34090	Line location; easements
Master Plans	CU + 2	GC34090	Copies
Meter Operations	CU + 2	GC34090	Reader reports, orders, tests Maintenance Reports
Permits			
National Pollutant Discharge Elimination System (NPDES)	P	40 CFR 122.28	Municipalities of 100,000/more, compliance with Clean Water Act re: pollutants
Others	CU + 2	GC34090	May depend on terms of state or federal agency
Policies and Procedures	S + 2	GC34090	Includes rules and regulations
Rates	S + 2	GC34090	
Reclamation	CU + 5	40 CFR 122.41	Daily operations including sewage flow, grit removal, chlorine usage, lab analysis results, etc.
Reports			
Conservation	CU + 2	GC34090	
Consumption	CU + 2	GC34090	
Corrosion Control	CU + 12	40 CFR 141.91	Compliance documentation
Discharge Monitoring	CU + 5	40 CFR 122.41	Average amount of pollution discharged into waters of municipality.
Drinking	CU + 10	40 CFR 141.33	

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PUBLIC WORKS			
Record Series	Retention	Citation	Descriptor
Water Corrections			
Hydrograph	P	GC34090	Daily flow of streams
Lead Service Line	CU + 12	40 CFR 141.91	Compliance documentation
Public Education	CU + 12	40 CFR 141.91	Compliance documentation
Quality Parameters	CU + 12	40 CFR 141.91	Compliance documentation
Sanitary Surveys	CU + 10	40 CFR 141.33	Statistics, reports, correspondence
Source Water	CU + 12	40 CFR 141.91	Compliance documentation, e.g. lead & copper
State Certification	CU + 12	40 CFR 141.91	Compliance documentation
Variances, Water System	CU + 5	40 CFR 141.33	
Well Level	CU + 2	GC34090	
Sources	CU + 2	GC34090	May include wells, rivers, lakes, districts
Surveyor Field Notes	P	GC34090	Notes preparatory to maps of water installations
Surveys, Water System Sanitary	CU + 10	40 CFR 141.33	Statistics, reports, correspondence
Tests			
Bacteriological Analysis	CU + 5	40 CFR 141.33	Compliance records include location, date, method and results; corrections, analysis of bacterial content
Chemical Analysis	CU + 10	40 CFR 141.33	Compliance records include location, date, method used and results; corrections, analysis of chemical content
Quality	CU + 12	40 CFR 141.91	Compliance documentation including sampling data, analysis, reports, surveys, documents, evaluation, schedules, valves, etc.
Valve Main Records	P	GC34090	
Violations, Drinking Water	CU + 3	40 CFR 141.33	

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER
DATE: FEBRUARY 18, 2016

**AGENDA ITEM
E-3
FEBRUARY 24, 2016**

REVIEW AND DISCUSS DISTRICT'S STRATEGIC PLAN

ITEM

Review and discuss District's Strategic Plan [RECOMMEND REVIEW STRATEGIC PLAN AND PROVIDE DIRECTION TO STAFF]

BACKGROUND

In March 2014, your Board adopted the *2014 Strategic Plan*. The Board reviews the Strategic Plan annually to assess its relevance and to take measure of its goals and objectives. Since 2006, the Board has used Strategic Planning as an intricate part of identifying, developing, and advancing the District's work plan to achieve well-defined outcomes.

The Board and senior staff identified six of its highest priority issues in the District's 2014 Strategic Plan. These six priorities are compiled in a table along with an estimate of the overall percentage of achievement the organization has reached for each high priority issue [Exhibit A].

The Strategic Plan identifies goals and objectives. There are eight strategic elements and each element has numerous strategic goals. Exhibit B lists the eight strategic elements and each of the 42 underlying strategic goals. A strikeout line over a strategic goal indicates the goal has been met. Of the 42 underlying strategic goals, 32 have been met leaving the remaining 10 as ongoing efforts.

The Strategic Plan is intended as a five-year living document. The Plan is scheduled for a full review and update in 2019. However, a comprehensive review may be in order in early 2017 if a majority of the goals and objectives are reached and new goals and objectives need to be instituted.

FISCAL IMPACT

Strategic planning helps focus limited staff resources and improve efficiency. Implementation of the Plan will be dependent on subsequent adoption of budgets and approval of specific projects. Budgeted staff time was used to prepare this report.

STRATEGIC PLAN

Strategic Plan Goal 6. – Governance and Administration. Periodically review, update and reaffirm District policies and procedures.

RECOMMENDATION

Staff recommends your Board review the materials and provide direction to staff.

ATTACHMENTS

- A. Nipomo CSD 2014 Strategic Plan, Highest Priority Issues, (pg. 10)
- B. Nipomo CSD 2014 Strategic Plan, Goals and Objectives, (pgs. 13 - 16)

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February 24, 2016

ITEM E-3

ATTACHMENT A

EXHIBIT A

HIGHEST PRIORITY ISSUES

HIGHEST PRIORITY ISSUES		Overall % ACHIEVED
1	Complete supplemental water project. Drought may make it urgent. Complete Supplemental Water with reasonable rate increases.	Completed Phase 1 of supplemental water project. Beginning Phase 2 (500k Reservoir) Overall 60%
2	Complete all \$31 million in capital projects on schedule and budget. These include the Supplemental water project, completing the new wastewater plant and Black Lake improvements.	Completed Phase 1 of SWP, New Wastewater Plan, and Blacklake Well #4 and Standpipe projects Overall 80%
3	Raise the Bar on Operational Effectiveness. Integrating supplemental water project within current operations will require a higher level of operational effectiveness: 1) defining and following operating rules and agreements with purveyors; 2) Coordinate with city on a daily basis on operating supplemental water; 3) Implement new disinfection; 4) Manage the transmission system at a more sophisticated level.	Completed 1) Agreement with Purveyors 2) Established agreeable routine with City of SM 3) Implemented new disinfection 4) Managing transmission system at a more sophisticated level.
4	Upgrade Black Lake wastewater system. It is aging and worn. Need public to understand and accept the rates.	Overall 100% Working on Facilities Assessment Report
5	Developing agreements to pay for supplemental water supplies. We must cease mining water.	Overall 20% Developing agreements to pay for SW supply.
6	Meet all regulations. Continue to provide quality services.	Overall 60% Meeting all regulatory requirements – ongoing
		Overall 100%

February 24, 2016

ITEM E-3

ATTACHMENT B

EXHIBIT B

GOALS AND OBJECTIVES

The goals and objectives are presented on the following pages. They represent, along with the mission, vision and values, the core strategic direction provided in this 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.

- ~~1.1 Complete Phase 1 of Supplemental Supply Projects.~~
- 1.2 Expedite funding and implementation of Phases 2 and 3 of Supplemental Water Projects (up to 3,000 acre-feet).
- ~~1.3 Develop water shortage response and management plan to respond to drought and other supply emergencies.~~
- 1.4 Seek to have the County implement sustainable water supply policies that match the level of development they approve, including all the features described in the Water Resources Policy Statement.
- 1.5 Update Water Master Plan to ensure: long-term quality; reliability; cost-effectiveness; and ability to meet customer needs and regulatory requirements.
- 1.6 Continue to monitor and participate in water supply issues and programs with other local and regional organizations

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.

- ~~2.1 Complete treatment plant construction on-time and budget.~~
- ~~2.2 Manage the collection system with the objective of zero spills and zero permit violations.~~
- ~~2.3 Manage both treatment facilities with the objective of zero permit violations and long-term preservation of assets.~~
- ~~2.4 Carry out treatment plant expansion on the scheduled trigger of 700,000 gallons per day of capacity. District is currently at 650,000 gallons per day. (3-5 years)~~

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

- ~~3.1 — Ensure the District is adequately staffed with high quality, long-term employees and supported by appropriate contractors and partnerships.~~
- ~~3.2 — Maintain a strong commitment to a safe work place.~~
- 3.3 Maintain effective disaster response capability

Goal 4. FINANCE. Maintain conservative, long-term financial management to minimize rate impacts on customers while meeting program financial needs.

- ~~4.1 — Ensure that purveyors and others pay their fair share of financing water supply, supplemental water, conservation, and sustainability of the regional water supply. Purveyors should pay their share up front before getting water in order to help finance next phases of supplemental water program.~~
- ~~4.2 — Monitor liabilities for post-employment benefits. Continue to track State progress to reform post-employment benefit programs.~~
- ~~4.3 — Monitor opportunities for grant funding.~~
- ~~4.4 — Maintain adequate rates to fund future capital replacements.~~
- ~~4.4 — Maintain sound investment policy and investments.~~

Goal 5. OPERATIONS. Maintain a proactive program to ensure readiness of systems and cost-effectiveness of operations.

- ~~5.1 — Continue to improve maintenance management programs for both water and wastewater systems to ensure quality and reliability of services, to maintain warranties, and protect investment in new facilities (maintenance management).~~
- ~~5.2 — Ensure a safe work environment.~~
- 5.3 Utilize metrics for measuring operational effectiveness to ensure improvements in reliability, and cost-effectiveness of operations and maintenance.

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

- 6.1 Board carry out an annual self-evaluation seeking to provide better policy guidance, by-laws, and increase efficiency and effectiveness
- ~~6.2 Utilize technology to maximize productivity and communications.~~
- ~~6.3 Provide excellent customer service.~~
- ~~6.4 Periodically review, update and reaffirm District policies and procedures.~~

Goal 7. COMMUNICATION. Use public outreach to communicate effectively with the public to obtain their input and build understanding and support for the District.

- ~~7.1 Develop and implement a complete outreach plan and timeline with specific goals and budget each year.~~
- ~~7.2 Maintain productive communication and relationships with key stakeholders, such as city, County, State and Federal legislators, service clubs, etc. As appropriate, plan and assign for this role.~~

Goal 8. ADDITIONAL COMMUNITY SERVICES. Staff should focus on meeting the goals and objectives of existing services. Adding new services will be considered on a case-by-case basis and entered into only if funding can be found and existing services are not harmed.

- 8.1 PARK. Remain engaged in community planning at the Board level.
- 8.2 PARK. Communicate district's commitment to follow through pending acquisition and/or availability of funding source.
- 8.3 SOLID WASTE. Seek to maximize solid waste services for community and build understanding of services like hazardous waste, recycling, etc. and District's role.
- ~~8.4 STREET LIGHTING. Monitor maintenance of facilities and respond to observed problems.~~
- ~~8.5 DRAINAGE. Monitor maintenance of facilities and respond to observed problems.~~
- ~~8.6 STREET LANDSCAPING. Monitor landscape maintenance and respond to observed problems.~~