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# CAMBRIA COMMUNITY SERVICES DISTRICT

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**Thursday, December 12, 2019 - 2:00 PM**

1000 Main Street Cambria, CA 93428

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## AGENDA

Copies of the staff reports or other documentation relating to each item of business referred to on the agenda are on file in the Office of the District Clerk, available for public inspection during District business hours. The agenda and agenda packets are also available on the CCSD website at [www.cambriacsd.org](http://www.cambriacsd.org). The District Office hours are Monday - Thursday, and every other Friday from 9:00 a.m. through 4:00 p.m. Please call 805-927-6223 if you need any assistance. If requested, the agenda and supporting documents shall be made available in alternative formats to persons with a disability. The District Clerk will answer any questions regarding the agenda.

### 1. OPENING

- A. Call to Order
- B. Pledge of Allegiance
- C. Establishment of Quorum
- D. Election of Board of Director Officers
  - i. ELECTION OF BOARD OF DIRECTOR OFFICERS
  - ii. DISCUSSION AND CONSIDERATION OF STANDING COMMITTEE APPOINTMENTS
- E. Report from Closed Session
- F. Agenda Review: Additions/Deletions

### 2. ACKNOWLEDGEMENTS AND PRESENTATIONS (Estimated Time: 5 Minutes per item)

- A. PROS Chairman's Report

### 3. PUBLIC COMMENT (Estimated time: 30 minutes. At President's discretion additional comments may be heard at the end of meeting.)

Members of the public may now address the Board on any item of interest within the jurisdiction of the Board but not on its agenda today. In compliance with the Brown Act, the Board cannot discuss or act on items not on the agenda. Each speaker has up to three minutes. Speaker slips (available at the entry) should be submitted to the District Clerk.

**2 4. REGULAR BUSINESS (Estimated time: 15 Minutes per item)**

- A.** DISCUSSION AND CONSIDERATION OF ADOPTION OF RESOLUTION 43-2019 ESTABLISHING THE 2020 CCSD REGULAR BOARD MEETING SCHEDULE
- B.** DISCUSSION AND CONSIDERATION OF INTRODUCTION OF ORDINANCE 03-2019 AMENDING SECTIONS OF THE CCSD MUNICIPAL CODE RELATING TO DELINQUENT WATER BILLS, AND ADOPTION OF RESOLUTION 45-2019 ESTABLISHING A POLICY FOR THE DISCONTINUANCE OF RESIDENTIAL WATER SERVICE IN COMPLIANCE WITH THE WATER SHUTOFF PROTECTION ACT
- C.** DISCUSSION AND CONSIDERATION TO APPROVE POLICY COMMITTEE RECOMMENDATION TO ADOPT DRAFT POLICIES 1015: OVERVIEW OF THE DISTRICT CLERK'S ROLE, 1020: BOARD/STAFF COMMUNICATION, AND 1025: CLAIMS AGAINST THE DISTRICT
- D.** DISCUSSION AND CONSIDERATION TO APPROVE POLICY COMMITTEE RECOMMENDATION TO ADOPT DRAFT POLICIES 1030: CODE OF ETHICS, 1035: CONFLICT OF INTEREST, AND 1040: CORRESPONDENCE TO THE BOARD
- E.** DISCUSSION AND CONSIDERATION TO APPROVE POLICY COMMITTEE RECOMMENDATION TO ADOPT A POLICY REGARDING USE OF ELECTRONIC DEVICES DURING BOARD MEETINGS
- F.** DISCUSSION AND CONSIDERATION TO FILL VACANT SEAT ON THE POLICY COMMITTEE

**5. FUTURE AGENDA ITEM(S) (Estimated time: 15 Minutes)**

Requests from Board members to receive feedback, direct staff to prepare information, and/or request a formal agenda report be prepared and the item placed on a future agenda. No formal action can be taken except to direct staff to place a matter of business on a future agenda by majority vote.

**6. ADJOURN TO CLOSED SESSION (Estimated time: 60 Minutes)**

- A.** Public Comment
- B.** PUBLIC EMPLOYMENT PERFORMANCE EVALUATION, pursuant to Government Code Section 54957(b)(1)  
Title: General Manager
- C.** CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6 Agency Designated Representatives: General Manager, John F. Weigold, IV and Che Johnson; Employee Group: International Association of Fire Fighters (IAFF)
- D.** CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6 Agency Designated Representatives: General Manager, John F. Weigold, IV and Che Johnson; Employee Organization: Services Employee International Union
- E.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Government Code Section 54956.9(d)(1)  
Name of case: Benedetti v. CCSD
- F.** CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code Section 54956.9(d)(1)  
Name of case: Madrid v. CCSD; Case No. 19CV-0719
- G.** CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **1.D.i**

FROM: Monique Madrid, Administration Department Manager

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Meeting Date: December 12, 2019      Subject: ELECTION OF BOARD OF DIRECTOR OFFICERS

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**RECOMMENDATIONS:**

1. The President opens nominations for the office of President
2. Accept nominations from the Board Members
3. Close nominations
4. Motion and a second on the nomination
5. Roll-call vote on the motion
6. New President is seated
7. The new President opens nominations for the office of Vice President
8. Accept nominations from the Board Members
9. Close nominations
10. Motion and a second on the nomination
11. Roll-call vote on the motion
12. The Vice President is seated

**FISCAL IMPACT:**

None.

**DISCUSSION:**

The first order of business of the new Board is the election of Board Officers, President and Vice-President.

Section 1.4 of the Board of Director Bylaws provides the procedure for the election of the President and Vice-President annually.

- 1.4 The President and Vice-President of the Board shall be elected annually at the first regular meeting in December and the term of office shall commence immediately upon election and continue until replaced.

The procedures are outlined above for the Board's consideration under recommendations.

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **1.D.ii**

FROM: Monique Madrid, Administration Department Manager

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Meeting Date: December 12, 2019      Subject: DISCUSSION AND CONSIDERATION  
OF STANDING COMMITTEE  
APPOINTMENTS

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**RECOMMENDATIONS:**

Staff recommends the Board of Directors review the Standing Committee Chairperson Assignments, determine if the Elections of Officers has any effect on the current appointments, and make new appointments as necessary.

**FISCAL IMPACT:**

None.

**DISCUSSION:**

The Board of Directors created three Standing Committees, appointing one CCSD Board Director as Chairperson to each committee. Section 2.3(a) of the Standing Committee Bylaws identifies the method of appointment stating, "The Chairperson shall be appointed by the President of CCSD Board of Directors, subject to Board approval."

Therefore, if the Board of Directors determines that the Election of Officers creates a need for new appointments, the Board has the Standing Committee Bylaws to use as a guide in the process. The Standing Committee Bylaws and the charts listing the appointments of the Standing Committee Chairperson and Committee Members are attached for the Board's review.

The current Committee Chairpersons are as follows:

- Finance Committee: Cindy Steidel
- Resources and Infrastructure Committee: Harry Farmer
- Policy Committee: Donn Howell

Staff recommends the President make recommendations for new appointments if the Election of Officers would have an effect on the current Chairperson appointments.

CAMBRIA COMMUNITY SERVICE DISTRICT  
STANDING COMMITTEE BYLAWS

1. STATEMENTS OF PURPOSE

1.1. Finance Committee

- (a) The Finance Committee serves as an advisory resource to the Cambria Community Services District Board of Directors with the purpose of providing oversight for transparent budget processes and financial management that promote fiscal stability and instill public trust. In addition, the Committee supports and works directly with the CCSD General Manager and Finance Manager in enhancing financial integrity and monetary discipline.
- (b) At the direction of the CCSD Board of Directors, the Committee: 1) discusses and receives public input and advises the Board on financial matters; 2) provides financial review, assessment and recommendations to district staff and CCSD Board of Directors regarding potential projects available to the district by private, public, county or state entities, including preparation of Finance priorities for submission to the CCSD staff.
- (c) Apart from their normal function and as part of this advisory resource, Committee members have no individual authority and may not represent the Committee or the CCSD in any policy, act or expenditure.
- (d) The Committee maintains collaborative working relationships with the public, other standing committees and the CCSD Board of Directors. The Committee supports other standing committees' fiscal review needs.

1.2. Resources and Infrastructure Committee

- (a) The Resources and Infrastructure Committee serves as an advisory resource to the CCSD Board of Directors on matters concerning infrastructure and resources. The Committee's purpose is to: 1) assess existing resources and gather information regarding infrastructure and resource needs of the community; 2) establish a collaborative working relationship with the public and the CCSD Board of Directors; 3) create plans for meeting the needs of the community within the bounds of current and potential resources and priorities of the CCSD; 4) recommend plans of action to the Board of Directors regarding actions to meet the community infrastructure and resources needs.
- (b) Apart from their normal function and as part of this advisory resource, Committee members have no individual authority and may not represent the Committee or the CCSD in any policy, act or expenditure.
- (c) The Committee maintains collaborative working relationships with the public, other standing committees and the CCSD Board of Directors. Support other standing committees' resource and infrastructure review needs.

1.3. Policy Committee

- (a) The Policy Committee serves as an advisory resource to the CCSD Board of Directors on matters of operational and governance policy. The purpose of the Committee is to review existing operational and governance policies, focusing on the CCSD Board Policy Handbook, and to recommend new policies and changes to existing policies to the Board of Directors. At its discretion, the Board may assign other policy work to the Committee.
- (b) Apart from their normal function and as part of this advisory resource, Committee members have no individual authority and may not represent the Committee or the CCSD in any policy, act or expenditure.

- (c) The Committee maintains collaborative working relationships with the public, other standing committees and the CCSD Board of Directors. The Committee supports other standing committees' policy review needs.

## 2. COMMITTEE MEMBERS

- 2.1. The Committee shall consist of five volunteer members from the community and one CCSD Board Director to act as chairperson.
- 2.2. Each Committee member must live and be registered to vote within the CCSD boundaries.
- 2.3. Method of appointment
  - (a) The Chairperson shall be appointed by the President of CCSD Board of Directors, subject to Board approval.
  - (b) Volunteer committee members shall be appointed by a majority vote of CCSD Board of Directors to two- year terms
  - (c) To fill an opening on the Committee resulting from the expiration of a regular term of office with no request for reappointment, such vacancy shall be advertised for a minimum of two weeks in the local newspaper, on the CCSD website and at all Cambria CSD public information bulletin boards. Application forms may be obtained and submitted on the website and Administrative Offices during normal business hours during the application period.
  - (d) At the end of a term of office, and with the request of the member and approval by the Committee, the CCSD Board of Directors may reappoint that member for additional two-year terms, in increments.
- 2.4. Vacancies
  - (a) Vacancies of unexpired terms of office of regular Committee members shall be filled following the procedures defined under 2.3 (c), above. Such vacancy shall be by appointment of the Cambria CSD Board of Directors.

## 3. COMMITTEE OFFICERS

- 3.1. The Chairperson shall be chosen annually by the Board of Directors
- 3.2. The Vice-Chairperson and Secretary shall be chosen annually by a majority of the Committee. Neither the Chairperson nor Vice-Chairperson may serve a Secretary.
- 3.3. Chairperson Duties:
  - (a) vote only in the event of a tie vote;
  - (b) preside over meetings;
  - (c) establish committee meeting agendas;
  - (d) appoint appropriate ad hoc committees ;
  - (e) sign reports;
  - (f) represent the Committee at regular CCSD Board meetings;
  - (g) coordinate input for agenda preparation for the monthly Committee meetings with CSD staff;
  - (h) develop a meeting calendar, including joint Committee meetings, to be approved by the CCSD board;
  - (i) appoint Committee members to act as liaison to another Committee.
- 3.4. Vice Chairperson duties:
  - (a) perform the duties of the Chairperson in their absence.
- 3.5. Secretary duties:
  - (a) record the minutes of the meetings in action form, ensuring the accuracy of when, how and by whom the Committee's business was conducted.
  - (b) Submit the draft written minutes and audio recording to CCSD staff for the public record.
  - (c) Minutes should include at a minimum:
    - the date, time and location of the meeting;

- a list of the Committee members present and absent;
  - a record of reports presented and by whom;
  - the text of motions presented and description of any action taken
  - list of items considered for future agenda,
  - time of meeting adjournment.
4. COMMITTEE MEMBER GUIDELINES AND AUTHORITY
- 4.1. Members of the Committee and their activities are bound by all applicable provision of the Brown Act (Government Cod Sections 54950, et seq.).
- 4.2. Members of the Committee shall not participate in discussion of, or vote on issues constituting conflicts of interest – “no public official shall make, participate in making, or in any attempt to use his official position to influence a governmental decision in which he/she knows or has reason to know he/she has a financial interest.” (Government Code Section 87100).
- 4.3. Members of the Committee are charged with protecting and upholding the public interest and exhibiting the highest level of ethics.
- 4.4. Committee members shall at all times conduct themselves with courtesy towards each other, to staff and to members of the audience present at Committee meetings.
- 4.5. Committee members have the right to disagree with ideas or opinions, while being respectful. Once the Committee takes action, individual Committee members should not create barriers to the implementation of any action voted upon by the Committee.
- 4.6. Apart from their normal function as a part of the Committee, members have no individual authority. As individuals, members may not commit the CCSD to any policy, act or expenditure
- 4.7. After two consecutive unexcused absences of a Committee member, the Committee, by a quorum of the Committee, may recommend action to the CCSD Board.
- 4.8. Should a Committee member disrupt Committee meetings or participate in behavior contrary to the charges and responsibilities of the Committee, the Committee, by a majority vote, may recommend action to the CCSD Board.
5. AGENDA PROCEDURE
- 5.1. Members shall provide input on the agenda to the Chairperson.
- 5.2. Chair shall develop the draft agenda in cooperation with the Vice Chair and CCSD staff.
- 5.3. CCSD staff shall prepare the final agenda, attachments and emails to all Committee members.
- 5.4. CCSD staff shall post agendas at the District Administrative Office and be distributed to an agenda distribution list.
6. MEETINGS
- 6.1. The Committee shall meet within the jurisdictional boundaries of the CCSD, except as otherwise permitted by the Brown Act.
- 6.2. Information that is exchanged before meetings shall be distributed through the District Clerk, and Committee members will receive all information being distributed as part of the normal meeting Agenda.
- 6.3. The Committee shall meet monthly on dates set annually by the Committee, unless otherwise publicly noticed 72 hours in advance. The Committee may call publicly noticed special meetings as needed, with required 24-hour notice.
- 6.4. A majority of all Committee members, including the Chair, shall constitute a quorum.
- 6.5. All Committee meetings shall be conducted by laws governing open meetings and public participation.
- 6.6. The CCSD General Manager shall determine a staff liaison to the Committee for the purpose of improving the flow of communication.
7. PARLIAMENTARY AUTHORITY

- 7.1. The rules contained in the current edition of Rosenberg's Rules of Order, Newly Revised, shall govern the Committee in all cases to which they are applicable and in which they are not inconsistent with these bylaws, any special rules of order the Committee may adopt and statutes applicable to the Committee that do not authorize the provision of these laws to take precedence. The bylaws of Committees shall be governed by the current edition of Rosenberg's Rules of Order.
8. AMENDMENTS TO BYLAWS
  - 8.1. The Bylaws may be amended by majority vote at any regular meeting of the Committee provided that written notice of the proposed changes is mailed to each member of the Committee no less than one week in advance. Changes to the Bylaws must be approved by the CCSD Board.
9. COMMITTEES
  - 9.1. The President shall make appointments to all committees subject to Board approval.
  - 9.2. All committees shall meet within the jurisdictional boundaries of CCSD, except as may be permitted by the Brown Act.
  - 9.3. The Board may appoint such ad hoc committees as may be deemed necessary or advisable. The duties of the ad hoc committee shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made. Ad hoc committees shall meet on an as needed basis.
  - 9.4. Standing Committees:
    - (a) Standing Committees may be created at the Board's discretion.
    - (b) Standing Committees may consider CCSD related issues assigned to it on a continuing basis.
    - (c) All Standing Committee meetings shall be conducted as public meetings in accordance with the Brown Act. Action minutes for each meeting of a Standing Committee shall be forwarded to the Board of Directors as a public record and an audio recording shall be made and retained, as required by law.



## **2019 COMMITTEE AND SUBJECT MATTER ASSIGNMENTS**

<b>STANDING COMMITTEE ASSIGNMENTS</b>			
	<b>Director</b>	<b>Public Member</b>	
<b>Finance</b>	Steidel	Ted Siegler Dewayne Lee Mary Maher Marvin Corne Cheryl McDowell	<ol style="list-style-type: none"> <li>1. Strengthen the District's financial health and improve financial transparency to the community by providing overview, analysis and recommendations of financial structures and products in a public forum.</li> <li>2. Review effectiveness and strength of District Financial Policies to assist in normalizing financial parameters and provide definitive guidelines for financial operation.</li> <li>3. Provide advisory oversight of District's Financial processes.</li> </ol>
<b>Resources &amp; Infrastructure</b>	Farmer	Karen Dean Tom Gray James Webb Paul Nugent Brad Fowles	<ol style="list-style-type: none"> <li>1. Analyze and minimize loss of District Water.</li> <li>2. Create inventory management system for physical assets.</li> <li>3. Advise Board on lifecycle expectations for physical assets and assist staff with long-term planning.</li> <li>4. Review and amend District conservation programs and identify opportunities.</li> </ol>
<b>Policy</b>	Howell	John Nixon Gordon Heinrichs John Rohrbaugh Ted Key Claudia Harmon Worthen	<ol style="list-style-type: none"> <li>1. Advance the District's Strategic Planning Efforts.</li> <li>2. Review the District Code and Consider Whether Direction Should be Provided to Draft Amendments.</li> </ol>
<b>AD HOC COMMITTEE ASSIGNMENTS</b>			
<b>Affordable Housing</b>	Steidel Rice	2019 TBD	
<b>Audit</b>	Pierson Steidel	2019 TBD	
<b>Emergency Services</b>	Pierson Steidel	2019 TBD	
<b>GM Search Committee</b>	Pierson Rice	2019 TBD	
<b>Grants</b>	Finance Committee	2019 TBD	
<b>SWF</b>	Pierson Rice	2019 TBD	
<b>Tyler Incode</b>	Farmer Howell	2019 TBD	

<b>Water Efficiency</b>	Resources & Infrastructure Committee	2019 TBD
<b>LIAISON ASSIGNMENTS</b>		
<b>Cambria Fire Safe Focus Group</b>	Pierson	Varies
<b>Cambria Forest Committee</b>	Farmer	Varies
<b>Friends of Fiscalini Ranch Preserve</b>	Farmer	2 <sup>nd</sup> Thur/6:00 p.m./Rabobank Community Room 1070 Main Street Cambria, CA 93428
<b>North Coast Advisory Council</b>	Howell	3 <sup>rd</sup> Wed/6:30 p.m./Rabobank Community Room 1070 Main Street Cambria, CA 93428
<b>San Simeon CSD</b>	Rice	2 <sup>nd</sup> Wed/6:00 p.m./Cavalier Banquet Room 250 San Simeon Avenue, San Simeon CA 93452

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. 4.A.

FROM: Monique Madrid, Administration Department Manager  
Haley Dodson, Deputy District Clerk

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Meeting Date: December 12, 2019      Subject: DISCUSSION AND CONSIDERATION  
OF ADOPTION OF RESOLUTION 43-  
2019 ESTABLISHING THE 2020 CCSD  
REGULAR BOARD MEETING  
SCHEDULE

**RECOMMENDATIONS:**

Staff recommends that the Board discuss the proposed 2020 Regular Board meeting dates and consider adopting Resolution 43-2019 establishing the 2020 CCSD Regular Board Meeting schedule.

**FISCAL IMPACT:**

None. The budget includes a maximum of \$600 per month for each Director.

**DISCUSSION:**

The 2020 Regular meeting schedule, when adopted, will be used by staff, the media, local community groups, and interested individuals to post, publish and attend Board meetings. The Board has the authority to amend this schedule as the year progresses or the need arises. If the Board decides to consider a month without a meeting, it should be in a month other than July, due to the need to hold the Fire Hazard Fuel Reduction Contract Award public hearing that month. Pursuant to Bylaw Section 2.1, the time for holding regular meetings is established by resolution, therefore Exhibit A to Resolution 43-2019 (attached) includes blanks for the Board to fill in the individual times for each regular meeting.

In conformance with Bylaw Section 2.1, all proposed 2020 regular meeting dates are on the second and third Thursday of each month.

Attachments: Resolution 43-2019  
Exhibit A to Resolution 43-2019 – 2020 Proposed Regular Meeting Schedule

RESOLUTION NO. 43-2019  
DECEMBER 12, 2019

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE CAMBRIA COMMUNITY SERVICES DISTRICT  
ESTABLISHING THE 2020 CCSD REGULAR BOARD MEETING SCHEDULE

BE IT RESOLVED that the Board of Directors of the Cambria Community Services District does hereby adopt the 2020 Regular Board Meeting Schedule, attached hereto as Exhibit A. In conformance with Bylaw Section 2.1, all 2020 regular meeting dates are on the second and third Thursday of each month.

PASSED AND ADOPTED THIS 12<sup>th</sup> day of December, 2019.

\_\_\_\_\_  
President  
Board of Directors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Monique Madrid  
District Clerk

\_\_\_\_\_  
Timothy J. Carmel  
District Counsel



CAMBRIA COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
2020 PROPOSED REGULAR MEETING SCHEDULE

January 9, 2020 at \_\_\_\_ a.m./p.m. – 2<sup>nd</sup> Thursday

January 16, 2020 at \_\_\_\_ a.m./p.m. – 3<sup>rd</sup> Thursday

February 13, 2020 at \_\_\_\_ a.m./p.m. – 2<sup>nd</sup> Thursday

February 20, 2020 at \_\_\_\_ a.m./p.m. – 3<sup>rd</sup> Thursday

March 12, 2020 at \_\_\_\_ a.m./p.m. – 2<sup>nd</sup> Thursday

March 19, 2020 at \_\_\_\_ a.m./p.m. – 3<sup>rd</sup> Thursday

April 9, 2020 at \_\_\_\_ a.m./p.m. – 2<sup>nd</sup> Thursday

April 16, 2020 at \_\_\_\_ a.m./p.m. – 3<sup>rd</sup> Thursday

May 14, 2020 at \_\_\_\_ a.m./p.m. – 2<sup>nd</sup> Thursday

May 21, 2020 at \_\_\_\_ a.m./p.m. – 3<sup>rd</sup> Thursday

June 11, 2020 at \_\_\_\_ a.m./p.m. – 2<sup>nd</sup> Thursday

June 18, 2020 at \_\_\_\_ a.m./p.m. – 3<sup>rd</sup> Thursday

July 9, 2020 at \_\_\_\_ a.m./p.m. – 2<sup>nd</sup> Thursday

July 16, 2020 at \_\_\_\_ a.m./p.m. – 3<sup>rd</sup> Thursday

August 13, 2020 at \_\_\_\_ a.m./p.m. – 2<sup>nd</sup> Thursday

August 20, 2020 at \_\_\_\_ a.m./p.m. – 3<sup>rd</sup> Thursday

September 10, 2020 at \_\_\_\_ a.m./p.m. – 2<sup>nd</sup> Thursday

September 17, 2020 at \_\_\_\_ a.m./p.m. – 3<sup>rd</sup> Thursday

October 8, 2020 at \_\_\_\_ a.m./p.m. – 2<sup>nd</sup> Thursday

October 15, 2020 at \_\_\_\_ a.m./p.m. – 3<sup>rd</sup> Thursday

November 12, 2020 at \_\_\_\_ a.m./p.m. – 2<sup>nd</sup> Thursday

November 19, 2020 at \_\_\_\_ a.m./p.m. – 3<sup>rd</sup> Thursday

December 10, 2020 at \_\_\_\_ a.m./p.m. – 2<sup>nd</sup> Thursday

December 17, 2020 at \_\_\_\_ a.m./p.m. – 3<sup>rd</sup> Thursday

## CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **4.B.**FROM: John F. Weigold, IV, General Manager,  
Timothy Carmel, District Counsel

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Meeting Date: December 12, 2019      Subject: DISCUSSION AND CONSIDERATION OF INTRODUCTION OF ORDINANCE 03-2019 AMENDING SECTIONS OF THE CCSD MUNICIPAL CODE RELATING TO DELINQUENT WATER BILLS, AND ADOPTION OF RESOLUTION 45-2019 ESTABLISHING A POLICY FOR THE DISCONTINUANCE OF RESIDENTIAL WATER SERVICE IN COMPLIANCE WITH THE WATER SHUTOFF PROTECTION ACT

**RECOMMENDATIONS:**

Staff recommends that the Board of Directors discuss and consider introducing Ordinance 03-2019 to amend the CCSD Municipal Code relating to delinquent water bills. This Ordinance pertains to implementation of SB 998, which is codified in the California Health and Safety Code at section 116900 et seq., and will amend the CCSD Municipal Code to provide that the District's Policy on Discontinuance of Residential Water Services will be adopted by resolution. In order to introduce the Ordinance, the Board should read by title only and waive further reading. The Ordinance can be adopted at the next regular Board meeting and will be effective after 30 days. Resolution 45-2019 has also been prepared for Board discussion and consideration in order to adopt a new Policy on Discontinuance of Residential Water Service in compliance with SB 998.

**FISCAL IMPACT:**

The fiscal impact will largely be staff time associated with enforcing compliance with the new regulations. There may also be some impact due to bad debt resulting from water accounts which remain connected while the legal process occurs, and are subsequently abandoned unpaid.

**DISCUSSION:**

At its August 2019 meeting, the Board of Directors discussed and considered an item relating to the requirements of newly adopted legislation, the Water Shutoff Protection Act, Senate Bill (SB) 998, which is codified at section 116900 et seq. of the California Health and Safety Code. The bill applies to an "urban and community water system," which means a public water system that supplies water to more than 200 service connections, and to an "urban water supplier," which is a public water system that supplies water to more than 3,000 service connections. As an urban water supplier, the CCSD is required to comply with this new law beginning February 1, 2020.

An Ordinance is now being presented to the Board of Directors for its consideration. As explained below, the Ordinance will amend several provisions of the CCSD Municipal Code that address nonpayment and delinquent accounts and will provide that the District's Policy on Discontinuance of Residential Water Services will be adopted by Resolution. Resolution 45-2019 has also been prepared for Board consideration to adopt the new Policy.

The new requirements, which have been incorporated into the proposed new CCSD Policy on Discontinuance of Residential Water Services, are summarized below. It should be noted that these new requirements only apply to residential water service for non-payment, and do not apply to service terminations due to other unpermitted actions of a customer.

1. All written notices required under the law must be provided in English, the languages listed in Civil Code Section 1632 (Spanish, Chinese, Korean, Vietnamese and Tagalog) and any other language spoken by 10% or more of the customers in the water system's service area.
2. An urban and community water system must report annually on its website and to the State Water Resources Control Board the number of service discontinuations for inability to pay. The State Water Resources Control Board must post that information on its website.
3. Service Discontinuation Policy: SB 998 requires every urban water supplier to have a written policy on discontinuation of residential water service for non-payment. That policy must be available on the water supplier's website or be provided to customers on request if there is no website. The policy must include the following components:
  - A. A plan for deferred or reduced payments.
  - B. Alternative payment schedules.
  - C. Formal mechanism for a customer to contest or appeal a bill.
  - D. Telephone number for a customer to discuss options to avoid discontinuation of service due to non-payment.
4. Discontinuation Process:
  - A. 60 Day Waiting Period - an urban water supplier must wait for a residential account to be delinquent for at least 60 days before service can be discontinued.
  - B. 7 Business Day Notice Before Discontinuation - an urban water supplier must contact, by telephone or in writing, the customer named on the account at least seven (7) business days before discontinuing service.



1. If notice is given by telephone, the system must: (a) offer to provide the customer the system's written policy on discontinuation of water service; and (b) offer to discuss options to avoid discontinuing water service, including alternative payment schedules, deferred payments, minimum payments, amortization and bill review and appeal.
  2. If notice is given in writing, the notice must be mailed to the customer at the residence's address, but if the customer's address is not the address of the property to which the service is provided, the notice must also be sent to the address of the property served, addressed to "Occupant." The notice must include the following:
    - a. Customer's name and address;
    - b. Amount of delinquency;
    - c. Date by which payment or arrangement for payment is required to avoid discontinuation of service;
    - d. Description of the process to apply for an extension of time to pay the amount owing;
    - e. Description of the procedure to petition for review and appeal of the bill in giving rise to the delinquency; and
    - f. Description of the procedure by which the customer can request a deferred, amortized, reduced or alternative payment schedule.
- C. Unable to Contact - if the water purveyor is not able to contact the customer by telephone or by written notice (e.g., a mailed notice is returned as undeliverable), the purveyor must make a good faith effort to visit the residence and leave, or make other arrangements to place in a conspicuous location, a notice of imminent discontinuation for non-payment, and a copy of the water purveyor's discontinuation policy.
- D. Appeal - if the customer appeals its water bill to the purveyor or to any other administrative or legal body, the purveyor cannot discontinue service while the appeal is pending.
- E. Conditions Prohibiting Discontinuation - an urban water supplier cannot discontinue residential water service if all of the following conditions are met:
1. Health Conditions - the customer or tenant of the customer submits certification of a primary care provider that discontinuation of water service would (i) be life threatening, or (ii) pose a serious threat to the health and safety of a resident.
  2. Financial Inability - the customer demonstrates he or she is financially unable to pay for water service within the water purveyor's normal billing cycle. The customer is deemed "financially unable to pay" if any member of the customer's household is: (i) a current recipient of the following benefits:

CalWORKS, CalFresh, general assistance, Medi-Cal, SSI/State Supplementary Payment Program or California Special Supplemental Nutrition Program for Women, Infants and Children; or (ii) the customer declares the household's annual income is less than 200% of the federal poverty level.

3. Alternative Payment Arrangements - the customer is willing to enter into an amortization agreement, alternative payment schedule or a plan for deferred or reduced payment, consistent with the water system's policy.

#### F. Payment Options

1. Payment Arrangement Options - if all of the conditions under Section E are met, the purveyor must offer the customer one of the following alternative payment arrangements: (i) amortization of the unpaid balance; (ii) participation in an alternative payment schedule; (iii) partial or full reduction of the unpaid balance, without additional charges to other ratepayers; or (iv) temporary deferral of payment.
2. Purveyor Chooses - the purveyor chooses which of the alternative payment arrangements is to be used and sets the parameters of that option; provided that ordinarily the option should result in full payment within 12 months, although the purveyor may allow a longer repayment period to avoid undue hardship to the customer.
3. Failure to Abide - the purveyor may discontinue service no sooner than 5 business days after the system posts a final notice of intent to discontinue service in a prominent place at the customer's property if either of the following has occurred: (i) the customer fails to comply with the agreed upon payment arrangement for 60 days or more; or (ii) while undertaking an agreed upon payment arrangement, the customer does not pay his or her current service charges for 60 days or more.

- G. Restoration of Service - if the purveyor discontinues service for non-payment, it must provide the customer with information on how to restore service.

#### 5. Landlord-Tenant Procedures:

- A. Application - the required procedures apply to individually metered residential service to detached single-family dwellings, multi-unit residential structures and mobile home parks where the property owner or manager is the customer of record.

- B. Required Notice:

1. At least 10 days (7 days if the property is a detached single-family dwelling) prior to the possible termination of water service, the urban water supplier must make every good faith effort to inform the occupants by written notice that the water service will be terminated.
2. The written notice must also inform the tenants that they have the right to become customers to whom the service will be billed (see Item C, below), without having to pay any of the delinquent amounts.

C. Tenants Becoming Customers:

1. The purveyor is not required to make service available to the tenants/occupants unless each tenant/occupant agrees to the terms and conditions for service and meets the system's requirements and rules.
2. However, if (a) one or more of the tenants/occupants assumes responsibility for subsequent charges to the account to the system's satisfaction, or (b) there is a physical means to selectively terminate service to those tenants/occupants who have not met the system's requirements, then the system may make service available only to those tenants/occupants who have met the requirements.
3. If prior service for a particular length of time is a condition to establish credit with the system, then residence and proof of prompt payment of rent for that length of time, to the system's satisfaction, is a satisfactory equivalent.
4. If a tenant becomes a customer of the water system and the tenant's rent payments include charges for residential water service where those charges are not separately stated, the tenant may deduct from future rent payments all reasonable charges paid to the water system during the prior payment period.

6. Enforcement: SB 998 has two express methods for enforcement:

- A. State Water Resources Control Board- the State Water Board is given the same power to enforce SB 998 as it has for other provisions in the California Safe Drinking Water Act. Thus, the State Water Board may issue a citation that can include penalties of up to \$1,000 per day, may issue a compliance order and may recover its enforcement and any litigation costs.
- B. California Attorney General - in addition to the State Water Board taking action, the California Attorney General, at the request of the State Board or on the Attorney General's own motion, may file a civil lawsuit to seek a temporary or permanent injunction to restrain any acts or practices that are unlawful under SB 998.

The CCSD Municipal Code has several provisions that address nonpayment of bills and delinquents accounts (reference Sections 4.04.080, 4.04.090 and 4.04.100). Staff is recommending that since SB 998 only applies to residential accounts, that Sections 4.04.080 and 4.04.090 be amended to clarify that the current provisions only apply to nonresidential accounts, and procedures for residential accounts are to be adopted by resolution. There is no legal requirement that water delinquency account procedures be adopted by ordinance and as the Board is aware, adoption of ordinances involves a more cumbersome process (introduction, adoption and a 30-day waiting period) while resolutions can be adopted at one meeting and made effective immediately. Adopting the Policy on Discontinuance of Residential Water Services by resolution will make it easier to comply with any future changes to related State laws.

Also, CCSD Municipal Code Section 4.04.100 contains provisions relating to denial of new water and sewer permits for persons with delinquent accounts and removal of persons from wait list positions who have unpaid delinquent bills. Since the majority of agencies that provide water service do not have the type of restrictions and regulations that Cambria has with regard to new service or waiting lists, it is unclear how SB 998 impacts Section 4.04.100. Staff believes that it will be rare for someone who is eligible for the protections of SB 998 to also be seeking new permits or be on a CCSD wait list; however, a conservative approach is to add the following to the beginning of the provisions in Section 4.04.100: "To the extent not inconsistent with the requirements of the District's Policy on Discontinuance of Residential Water Services and the provisions of California Health and Safety Code Sections 116900 et seq.,"

Attachments: Ordinance 03-2019  
Resolution 45-2019 and Exhibit A, Policy on Discontinuance of Residential  
Water Services

## ORDINANCE NO. 03-2019

BOARD OF DIRECTORS  
CAMBRIA COMMUNITY SERVICES DISTRICT  
DATED: December 19, 2019AN ORDINANCE AMENDING SECTIONS 4.04.080, 4.04.090 AND 4.04.100  
OF THE CAMBRIA COMMUNITY SERVICES DISTRICT  
MUNICIPAL CODE RELATING TO DELINQUENT WATER BILLS

**WHEREAS**, the Board of Directors of the Cambria Community Services District (“District”) may adopt rules and regulations for the operation of the District’s water system and for furnishing water to customers; and

**WHEREAS**, the Water Shutoff Protection Act, codified at section 116900 et seq. of the California Health and Safety Code, requires all urban water suppliers to adopt a written policy on the discontinuation of residential water service for nonpayment; and

**WHEREAS**, the written policy must include a plan for deferred or reduced payments; alternative payment schedules; a formal mechanism for a customer to contest or appeal a bill; and a telephone number for a customer to contact to discuss options for averting discontinuation of residential service for nonpayment; and

**WHEREAS**, the Water Shutoff Protection Act applies only to residential connections; and

**WHEREAS**, the District intends to adopt a Policy on the Discontinuance of Residential Water Service for Nonpayment to comply with the requirements of the Water Shutoff Protection Act; and

**WHEREAS**, the Board of Directors now wishes to amend the CCSD Municipal Code to differentiate between delinquent residential accounts and nonresidential accounts and to provide for the adoption of the District’s Policy on the Discontinuance of Residential Water Service for Nonpayment by resolution.

**The Board of Directors of the Cambria Community Services District (CCSD) Ordains** as follows:

**Section 1.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.** Sections 4.04.080, 4.04.090 and 4.04.100 of the CCSD Municipal Code are hereby amended to read as follows:

4.04.080 - Rendering of water bills.

All water meters will be read the last week of even numbered months and the bill will be mailed by the 10<sup>th</sup> day of the odd numbered months. The

water usage charge and other charges shall be sent to the owner of the property, except that where the owner of the property has made arrangements with the manager by letter or on forms provided to have the bills sent to occupant of the property, or to the owner's agent.

In case of nonpayment of bills for non-residential accounts, the property owners shall be liable for the payment of the bills and any penalties and administrative charges. A delinquent notice will be sent on the 10<sup>th</sup> day of the month following the month in which the original bills were mailed to all customers having balances unpaid. Residential accounts will be handled in accordance with the District's Policy on Discontinuance of Residential Water Services, which shall be adopted by resolution of the Board of Directors, and as the same may be amended from time to time.

#### 4.04.090 - Payment of delinquent bill.

##### A. Non-residential Accounts.

1. Customer has fifteen (15) calendar days to: 1. Pay the bill in full, or make a deposit of full amount at the Cambria Community Services District; 2. File an appeal with the general manager.
2. Billing Spread (Partial Payments Only). Receipts from partially paid bills will be applied to an account payable in the following order: 1. Penalty charges; 2. Refuse charges; 3. Sewer charges; 4. Water charges.

Any balance due will also be payable in the same order.

- ##### B. Residential Accounts.
- Where water bills become past due, residential accounts will be handled in accordance with the District's Policy on Discontinuance of Residential Water Services, which shall be adopted by resolution of the Board of Directors, and as the same may be amended from time to time

#### 4.04.100 - Denial of new water and sewer permits for persons with existing unpaid delinquent bills.

- ##### A.
- To the extent not inconsistent with the requirements of the District's Policy on Discontinuance of Residential Water Services and the provisions of California Health and Safety Code Sections 116900 et seq., any person(s) who has a delinquent Community Services District bill will not be permitted to acquire a water or sewer permit until their delinquent bill, including any penalty charges, reconnection charges and deposit, has been paid in full as prescribed by existing provisions.

- B. To the extent not inconsistent with the requirements of the District’s Policy on Discontinuance of Residential Water Services and the provisions of California Health and Safety Code Sections 116900 et seq., any person(s) who has not paid their delinquent Community Services District bill and who has requested to be placed on the District's water and sewer permit allocation list will be removed from the list at the end of the fifteen (15) day delinquent billing period and will relinquish their position on the list.

**Section 3.** This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

**Section 4.** A summary of this Ordinance shall be published in a newspaper published and circulated in the community of Cambria at least five (5) days prior to the Board of Directors meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the District Clerk. Within fifteen (15) days after passage of this Ordinance, it shall be published once, together with the names of the Directors voting thereon, in a newspaper of general circulation within the community.

**Section 5.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

The foregoing Ordinance was adopted at a regular meeting of the Board of Directors of the Cambria Community Services District held on the 19<sup>th</sup> day of December, 2019.

AYES:  
 NAYS:  
 ABSENT:

\_\_\_\_\_  
 Name:  
 President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
 Monique Madrid, District Clerk

\_\_\_\_\_  
 Timothy J. Carmel, District Counsel

RESOLUTION NO. 45-2019  
December 12, 2019

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
CAMBRIA COMMUNITY SERVICES DISTRICT ESTABLISHING  
A POLICY ON THE DISCONTINUANCE OF RESIDENTIAL WATER SERVICE IN  
COMPLIANCE WITH THE WATER SHUTOFF PROTECTION ACT  
(CALIFORNIA HEALTH AND SAFETY CODE SECTION 116900, ET SEQ.)

WHEREAS, on September 28, 2018 the Governor of the State of California approved Senate Bill 998 (SB 998) pertaining to the discontinuance of residential water service for urban and community water systems; and

WHEREAS, SB 998 was added to Chapter 6 (commencing with Section 116900) of the California Health and Safety Code; and

WHEREAS, SB 998 requires urban water suppliers to have a written policy on discontinuation of residential water service (shutoff) and provide that policy in English, the languages listed in Section 1632 of the Civil Code (Spanish, Chinese, Tagalog, Vietnamese, or Korean), and any other language that is spoken by at least 10% of the people residing within the service area; and,

WHEREAS, SB 998 prohibits discontinuation of water service until a bill has been delinquent for 60 days and provides for a process to work through hardship situations; and

WHEREAS, SB 998 prohibits shutoff for nonpayment if all of the following conditions are met: (1) the customer, or tenant, submits a certification of a primary care provider that discontinuation of residential service will be life threatening or pose a serious threat to the health and safety of a resident, (2) the customer demonstrates that he or she is financially unable to pay within the normal billing cycle, and (3) the customer is willing to enter into an amortization agreement, alternative payment schedule, or plan for deferred or reduced payment for all delinquent charges; and

WHEREAS, SB 998 requires the water supplier to provide information on how to restore residential service and petition for a waiver of reconnection fees; and

WHEREAS, SB 998 requires the water supplier to waive reconnection fees and offer a reduction or waiver of interest on delinquent bills once every 12 months for a residential customer who shows an income below 200% of the federal poverty line; caps reconnection fees at \$50 or less if the reconnection is during normal water system operational hours; caps reconnection fees at \$150 or less if the reconnection is during non-operational hours, with the applicable reconnection fee not to exceed the actual cost of reconnection; and

WHEREAS, SB 998 requires the water supplier to make every good faith effort to inform a tenant by written notice when the owner's account is in arrears and service is going to



be terminated, and requires continued service if the tenant assumes responsibility to the satisfaction of the water supplier; and

WHEREAS, SB 998 authorizes the California State Water Resources Control Board to enforce the requirements and the Attorney General to bring an action for temporary or permanent injunction; and

WHEREAS, SB 998 includes other requirements relating to notices, website information, and reporting requirements; and

WHEREAS, it is in the public interest and the right of all Californians to have safe, accessible and affordable water as declared by Section 106.3 of the California Water Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cambria Community Services District as follows:

1. The recitals set forth herein are true and correct.
2. The Policy on the Discontinuance of Residential Water Service, attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted.
3. The effective date of the attached policy is February 1, 2020.

PASSED AND ADOPTED THIS 12<sup>th</sup> day of December, 2019.

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Name:  
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

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Monique Madrid  
District Clerk

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Timothy J. Carmel  
District Counsel

**CAMBRIA COMMUNITY SERVICES DISTRICT  
POLICY ON DISCONTINUANCE OF RESIDENTIAL WATER SERVICE**

1. Purpose

This policy has been established to comply with Senate Bill 998, known as the “Water Shutoff Protection Act” and approved by the Governor on September 28, 2018 (California Health and Safety Code Sections 116900, et seq.). This Policy shall be made available on the Cambria Community Services District’s website. The District’s Water Department can be contacted by phone at (805) 927-6223 to discuss options for averting termination of water service for nonpayment under the terms of this policy.

2. Effective Date

This policy shall be effective on February 1, 2020.

3. Published Languages

This policy and written notices required in this policy shall be available and published in English, the languages listed in Section 1632 of the Civil Code, which include Spanish, Chinese, Tagalog, Vietnamese, and Korean, and any other language spoken by at least 10 percent of the people residing in the District’s water service area.

4. Requirements Precedent to Discontinuing Residential Water Service

- A. The District shall not discontinue residential water service for nonpayment until a customer has been delinquent for at least 60 days. No less than seven business days before discontinuation of residential water service for nonpayment, the District shall contact the customer named on the account by telephone or written notice.
- B. When the District contacts the customer named on the account by telephone pursuant to subparagraph (A), staff shall offer to provide this policy in writing to the customer. District staff shall offer to discuss options to avert discontinuation of water service for nonpayment, including, but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and petition for bill review and appeal.
- C. When the District contacts the customer named on the account by written notice pursuant to subparagraph (A), the written notice of payment delinquency and impending discontinuation shall be mailed to the customer at their address of record. If the customer’s address is not the address of the property to which residential water service is provided, the notice shall also be sent to the address of the property to which residential water service is provided, addressed to “Occupant.” The notice shall include, but is not limited to, all of the following information in a clear and legible format:
  - (i) The customer’s name and address.
  - (ii) The amount of the delinquency.
  - (iii) The date by which payment or arrangement for payment is required in order to avoid discontinuation of residential water service, which shall be 60 days from the date that the bill became delinquent unless extended by the discretion of the General Manager.

## Exhibit A to Resolution 45-2019

- (iv) A description of the process to apply for an extension of time to pay the delinquent charges.
- (v) A description of the procedure to petition for bill review and appeal.
- (vi) A description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential water service charges.
- (vii) The District's phone number and a web link the District's written policy.

## 5. Good Faith Noticing Requirements

- A. If the District is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned through the mail as undeliverable, the District shall make a good faith effort to visit the residence and leave, or make other arrangements for placement in a conspicuous place of, a notice of imminent discontinuation of residential water service for nonpayment and the District's policy for discontinuation of residential water service for nonpayment.
- B. If the customer seeks review or appeal of their bill, the customer shall contact the District before the payment due date and the District will investigate. If the investigation does not result in a resolution acceptable to the customer, the customer may seek review of the General Manager and subsequently may appeal to the Board. The District will provide written notice of the time and place of the appeal at least seven (7) days before the Board meeting. The decision of the Board is final. The District shall not discontinue residential water service while the appeal is pending.

## 6. Prohibition Against Discontinuing Residential Water Service

- A. The District shall not discontinue residential water service for nonpayment if all of the following conditions are met:
  - (i) The customer, or a tenant of the customer, submits to the District the certification of a primary care provider, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the Welfare and Institutions Code, that discontinuation of residential water service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential water service is provided.
  - (ii) The customer demonstrates that he or she is financially unable to pay for residential water service within the District's normal billing cycle. The customer shall be deemed financially unable to pay for residential water service within the District's normal billing cycle if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.
  - (iii) The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment with respect to all delinquent charges.
- B. If the conditions listed above are all met, the District shall offer the customer one or more of the following options:
  - (i) Amortization of the unpaid balance.
  - (ii) Participation in an alternative payment schedule.

## Exhibit A to Resolution 45-2019

- (iii) A partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.
- (iv) Temporary deferral of payment.

- C. The General Manager is authorized to determine which of the payment options described in paragraph 6.B the customer undertakes and may set the parameters of that payment option provided that the repayment of any remaining outstanding balance occurs within 12 months, and further provided that the General Manager may only approve a partial or full reduction of the unpaid balance if that reduction can be funded with property tax revenues that the District Board of Directors has approved and transferred into the Water Fund budget explicitly for the purpose of doing so.
- D. Residential water service may be discontinued no sooner than 5 business days after the District posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances:
  - (i) The customer fails to comply with an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges for 60 days or more.
  - (ii) While undertaking an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges, the customer does not pay his or her current residential water service charges for 60 days or more.

## 7. Restoration of Water Service

- A. If the District discontinues residential water service for nonpayment, it shall provide the customer with information on how to restore residential water service. For a residential customer who demonstrates to the District that the household income is below 200 percent of the federal poverty line, the District shall do both of the following:
  - (i) Set a reconnection of service fee for reconnection during normal operating hours in an amount that does not exceed fifty dollars (\$50), or the actual cost of reconnection if it is less. For the reconnection of residential water service during nonoperational hours, the District shall set a reconnection of service fee that does not exceed one hundred fifty dollars (\$150), or the actual cost of reconnection during nonoperational hours if it is less. The maximum amount of \$50 for reconnection during operational hours and \$150 during nonoperational hours shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021. The District shall use the average of the Los Angeles area and San Francisco area for determining the increase in the Consumer Price Index.
  - (ii) Waive interest charges on delinquent bills once every 12 months.
- B. The District shall deem a residential customer to have a household income below 200 percent of the federal poverty line if any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

## 8. Services Involving Landlord-Tenant Relationships

- A. If the District furnishes individually metered residential water service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobile home park, or permanent residential structure in a labor camp as defined in Section 17008 of ---, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the District shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears that service will be terminated at least 10 days prior to the termination. The written notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account.
- B. The District shall not make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of law and the District's ordinances, resolutions, rules and regulations. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the District, including requirements which may include, but not be limited to, payment of a deposit of \$120 and completion of a District application for service so that the General Manager, or designee, can evaluate whether the District is satisfied that the residential applicants can meet the terms and conditions of service, or if there is a physical means legally available for the District to selectively terminate service to those residential occupants who have not met the requirements of the District's, the District shall make service available to those residential occupants who the District is satisfied can meet the terms and conditions of service.

## 9. Reporting Requirements

The District shall annually report the number of discontinuations of residential service for inability to pay on the District's website and to the State Water Resources Control Board.

## 10. Limitations of this Policy

Nothing in this policy restricts, limits or otherwise impairs the District's ability to terminate service to a customer for reasons other than those explicitly stated in this policy, including, but not limited to, unauthorized actions of the customer.

## 11. Other Actions to Secure Collection of Delinquent Charges

- A. Pursuant to Government Code Section 61115(3)(C), the District may penalize a customer for the nonpayment of charges at a rate of ten percent (10%), plus an additional penalty of one percent (1%) per month for the nonpayment of the charges.
- B. Pursuant to Government Code Section 61115(b), the District may collect any delinquent charges and penalties on the tax roll in the same manner as property taxes.
- C. Pursuant to Government Code Section 61115(c), the Board of Directors authorizes the General Manager or designee to execute a certificate declaring on a form approved by District legal counsel the amount of the delinquent charges and penalties due and the name and last known address of the person liable for the delinquent charges and penalties, and to record said certificate in the office of the San Luis Obispo County Recorder in accordance with procedures established by the General Manager. Said procedures shall include a provision that recording

## Exhibit A to Resolution 45-2019

the certificate can only occur after notifying the customer of the District's intent to do so, that the customer has ten business days to inform the District of any intent to appeal the recording of the certificate to the Board of Directors, and if the customer appeals, only after the Board of Directors considers the appeal and directs that the certificate be recorded.

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **4.C.**

FROM: Donn Howell, Director

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Meeting Date: December 12, 2019      Subject: DISCUSSION AND CONSIDERATION  
 TO APPROVE POLICY COMMITTEE  
 RECOMMENDATION TO ADOPT  
 DRAFT POLICIES 1015: OVERVIEW  
 OF THE DISTRICT CLERK’S ROLE,  
 1020: BOARD/STAFF  
 COMMUNICATION, AND 1025:  
 CLAIMS AGAINST THE DISTRICT

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**RECOMMENDATIONS:**

The Policy Committee (“Committee”) recommends the Board of Directors review draft policies 1015, 1020, and 1025, and consider adoption of same.

**FISCAL IMPACT:**

There are no fiscal impacts identified with the associated action.

**DISCUSSION:**

The Committee met on August 29, 2019 to review and discuss approval of draft policies 1015: Overview of the District Clerk, 1020: Board/Staff Communication; and 1025: Claims Against the District. The Committee recommended forwarding the draft policies to the Board for consideration.

There was discussion regarding whether the Committee should work with staff members on items related to operational matters and it was determined that the Board would provide guidance to the Committee on that issue.

The three policies recommended for adoption by the Board of Directors are attached. Modifications proposed by District Counsel are shown in redline.

The Committee will continue to develop policies to recommend to the Board for adoption.

Attachments:      Policy 1015: Overview of the District Clerk  
                          Policy 1020: Board/Staff Communication  
                          Policy 1025: Claims Against the District

## **POLICY 1015 Overview of the District Clerk**

**Notes:** As the Board of Directors has no established position of Secretary, the District Clerk or his or her deputy performs many of the duties and responsibilities pursuant to this role. These are listed below as extracted from CSDA Policy 1015 and the CCSD position description for “Administrative Services Officer/District Clerk” (July 1, 2018).

**Recommendations:** The Committee recommends that the Board consider adopting Policy 1015 with any revisions that might be advised following review by the General Manager and District Clerk.

### **Policy 1015 Overview of the District Clerk’s Role**

#### 1015.1 Duties of the **District Clerk**

**District Clerk** or his or her deputy shall have the following duties:

- a) Certify or attest to actions taken by the Board when required;
- b) Sign the minutes of the Board meeting following their approval;
- c) Sign the documents as directed by the Board;
- d) **Prepare or supervise the preparation and filing of a variety of legal notices and reports as required by law or as requested by the Board.** [Note. Extracted from the position description for “Administrative Services Officer/District Clerk” (July 1, 2018).]
- e) Perform any other duties assigned by the Board and the General Manager; and
- f) Perform any other duties required under law.

#### 1015.2 Responsibilities of the **District Clerk**

The duties of the **District Clerk** or his or her deputy, with assistance of the General Manager, are:

- a) Respond to routine correspondence;
- b) Prepare for Board meetings, including preparing the agenda with the advice of the General Manager and providing public notice of Board meetings in accordance with state law;
- c) Attend all Board meetings and ensure minutes of the Board of Directors meetings are recorded;
- d) Ensure accurate minutes of each Board meeting are prepared and maintained;
- e) Maintain Board records and other documents and reports as required by law;
- f) Disseminate correspondence to Board officers addressed to them; **and**
- g) **Prepare and present reports to the Board, including confidential and sensitive issues.** [Note. Extracted from the position description for “Administrative Services Officer/District Clerk” (July 1, 2018).]



## **POLICY 1020 Board/Staff Communication**

**Notes:** CCSD Board Bylaw 7. only minimally covers the more detailed Policy 1020 in the CSDA manual.

**Recommendations:** The Committee recommends that the Board consider adopting CSDA Policy 1020. Policy 1020 amplifies, but in no way contradicts, CCSD Board Bylaw 7.

### **CSDA Policy 1020: Board/Staff Communication**

**Objectives:** Effective governance of the District relies on the cooperative efforts of the agency's elected Board, who set policy and priorities, and the District's staff members, who analyze problems and issues, to make appropriate recommendations, and implement and administer Board policies. It is the responsibility of District staff to ensure Board members have access to information and to ensure such information is communicated completely and with candor to those making the request. However, Board members should avoid intrusion into those areas that are the responsibility of District staff. Individual Board members must avoid intervening in staff decision making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the General Manager and Board as a whole. This is necessary to protect District staff from undue influence and pressure from individual Board members and to allow staff to execute priorities given by management and the Board without fear of reprisal.

**Role of the Board:** As the legislative body for the agency, the Board is responsible for approving the District's budget, setting policy goals and objectives and adopting strategic plans. The primary functions of the District staff members are to execute Board policy and other Board actions and to keep the Board well informed. Individual members of the Board should not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities, without the prior knowledge and approval of the Board as a whole. If a Board member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Board to do so as a matter of Board policy. Board members also have a responsibility of information flow. It is critical that they make extensive use of staff and agency reports and Board meeting minutes. Board members should come to meetings prepared; having read the agenda packet materials and supporting documents, as well as any additional information or memoranda provided on agency projects or evolving issues. Additional information may be requested from staff, if necessary. Individual Board members, as well as the Board as a whole, are permitted complete freedom of access to any information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information. The General Manager or Legal Counsel will pass critical information to all Board members. There are limited restrictions when information cannot be provided. Draft documents (e.g. staff reports in progress, etc.) are under review and not available for release until complete and after review by District staff. In addition, there are legal restrictions on the agency's ability to release certain personnel information even to members of the Board. Any concerns Board members may have regarding the release of information or the refusal of staff to release information, should be discussed with Legal Counsel for clarification.

**Policies:** There shall be mutual respect from both staff and Board members of their respective roles and responsibilities at all times. There is a need for access to staff by Directors and at the same time, unlimited access could result in work priority conflicts for staff.

**Purpose:** The purpose of the policies listed below is to facilitate Board/staff communications consistent with these principles.

1020.1 All requests for information or questions by the Board to staff outside of a Board or Committee meeting, shall be directed to the General Manager, Legal Counsel, or the Clerk of the Board as appropriate and shall include the desired time and date for receiving the information. Staff will confirm the date they can provide the information. So that all Board members are equally informed, all written informational material requested by any Director shall be submitted by staff to all Board members with

the notation indicating which Board member requested the information. If a Board member requests information from any other member of the staff, staff may either direct the matter to the General Manager or may ask the Board member to contact the General Manager directly.

1020.2 Individual Directors cannot directly assign work to staff members. Board initiated projects will follow organizational channels, through the General Manager, unless there is an emergency. As no formal procedure will answer all cases, the following should be considered as a guide and used with restraint and judgment:

- a) Directors should clear all short-term requests of Staff with the General Manager prior to contacting individual members of the staff and, in most cases, the General Manager should direct and handle the request for the Director.
- b) For long-term, involved studies or where the matter includes confidential material, the General Manager should be contacted and the subject matter discussed with the full Board at a Board meeting prior to staff working on the assignments.
- c) In the event that staff is a participant or representative of a Committee or Work Group of the Board, the Board may contact the staff member directly to request or provide information or confer regarding matters of the Committee or Work Group.

1020.3 At Board meetings and other public meetings, respectful communication is expected. Staff is encouraged to give their professional recommendations, and the Board should recognize that staff may make recommendations that could be viewed as unpopular with the public and with individual Board members. Board members may request clarification and ask questions of staff at public meetings, and Directors are encouraged to participate in healthy discussions amongst each other regarding items under discussion on the Agenda. However, Directors should refrain from debate with staff at Board meetings about staff recommendations or other items being discussed. Staff must recognize that the Board, as the decision maker, is free to reject or modify a staff recommendation and that the Board's wishes will be implemented by staff even if it was contrary to a staff recommendation.

1020.4 Directors shall not attempt to coerce or influence staff, included in the making of recommendations, the awarding of contracts, the selection of consultants, the processing of any projects or applications, or the granting of permits. Directors shall not attempt to change or interfere with the operating policies and practices of any district department through interaction with staff. Individual Directors may discuss these items with the General Manager to get clarification or raise concerns.

1020.5 Board members should not make public comments critical of the performance of a District staff member. Any concerns by a Director over the behavior or work of a district employee during a Board meeting should be directed to the General Manager privately to ensure the concern is resolved. All complaints about employees from Directors should be submitted privately to the General Manager or, if a complaint concerns the General Manager, to Legal Counsel.

1020.6 Staff will respect the right of Directors to refuse to provide information or answers to staff and recognize that Directors may be bound by other rules of law or procedure that do not permit the Director to speak about the subject matter presented. If a Director violates any of the policies regarding communications as stated in this policy, any member of staff has the right to request that the Director speak directly with the General Manager about the subject matter presented without any fear of reprisal.

CCSD Board Bylaw 7: Director Guidelines

*7.1 Board Members, by making a request of the General Manager, shall have access to information relative to the operation of the CCSD. If the General Manager cannot provide the requested information in a timely manner the General Manager shall inform the individual Board Member why the information is not or cannot be made available.*

72. *Individual Board Members should not involve themselves in the day-to-day operations of the District. Their principle role is to participate in the process of establishing the District's policies and goals. Individual Board Members should also not involve themselves or interfere in personnel matters. This is especially true if there is any potential that a personnel matter could subsequently be heard by the Board as an appeal of discipline. Therefore, personnel matters and other operational issues that may be of concern to individual Board Members should be addressed through the General Manager. Individual Board Members should also refrain from giving orders or instructions to the General Manager or any subordinates of the General Manager. The General Manager shall take directions and instructions from the Board of Directors, as a body, when it is sitting in a duly convened meeting. When presented with questions of complaints from citizens or staff related to operational or personnel matters, Board Members should listen to the concerns expressed and either: (1) confer with the General Manager or District Counsel, as appropriate; or (2) refer the individual to the General Manager for resolution of their concerns.*

## **POLICY 1025 Claims Against the District**

**Notes:** CCSD does not have a policy regarding claims against the District, but staff members follow state statutes with regard to the review and response to claims.

**Recommendations:** The Committee recommends that the Board consider adopting CSDA Policy 1025 with any revisions that might be advised following review by legal counsel. We suggest that having a clearly stated set of procedures for the review and response to claims would be a useful policy to include in the Director Handbook, even if these strictly parallel existing state statutes.

### **CSDA Policy 1025: Claims against the District**

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

#### 1025.1 Property (Land and Improvements) Damage Claims

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

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

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

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

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

If the investigating staff person determines, based on credible evidence, that the damage was caused by

District personnel, equipment, or infrastructure, he/she shall prepare a work order to have the damage repaired, subject to the following conditions:

- a) General Manager approves the work order;
  - b) Property owner agrees that the proposed repairs are appropriate and adequate;
  - c) Property owner agrees to allow District personnel access to their property to perform the repair work;
  - d) District personnel have the necessary tools, equipment, and expertise to perform the necessary work;
  - e) Repair work can be accomplished within a reasonable amount of time; and
- Cost of material for the repairs will not exceed five hundred dollars (\$500).

If the cost of material for repairs is stated by claimant or estimated by staff to exceed five hundred dollars (\$500), the owner will be asked to submit their claim in writing on a District claim form.

The General Manager shall review the damage claim and the proposed repair work within a reasonable amount of time. If he/she determines that the damage is the District's responsibility and that the proposed repair work is appropriate, he/she may authorize the work if the cost of material for the repairs will not exceed three thousand dollars (\$3,000).

If the cost of material for repairs is stated by claimant or estimated to exceed three thousand dollars (\$3,000), the claim will be submitted to the Board of Directors for its consideration. The Board will consider the claim during a closed session ["anticipated litigation"] of a regular or special meeting. Action to accept or reject the claim may be taken in open or closed session. The claimant shall be notified of the Board's action regarding their claim. Notification that a claim has been rejected shall be made in accordance with the Government Claims Act (Government Code §810, et seq.) and shall be accompanied by proof of service.

The Board will not consider a claim of an amount in excess of the \$500 deductible for personal injury and property damage liability coverage-general, and \$1000 deductible for personal and property damage liability coverage-auto, \$1000 per occurrence for property damage losses only, including the cost of investigation, without prior written approval of the District's insurer.

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

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

#### 1025.2 Property (Vehicles and Unsecured Property) Damage Claims

All claims of damage to vehicles, or other unsecured property, shall be submitted to the General Manager. He/she shall review the damage claim and the requested restitution. If he/she determines that the damage is the District's responsibility, he/she may authorize repairs or reimbursement of expenses to an amount not to exceed three thousand dollars (\$3,000).

The claim will be processed as described above if the cost of material for repairs is estimated to exceed the applicable thresholds.

#### 1025.3 Property Damage Claims on District Form

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

If an individual does not wish to file a claim on the District form, he/she may present the claim by letter

if it conforms to Section 910 and Section 910.2, of the California Government Code. Section 910 specifies that a claim needs to show all of the following:

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

Section 910.2 of the California Government Code specifies the following:

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

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

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

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **4.D.**

FROM: Donn Howell, Director

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Meeting Date: December 12, 2019      Subject: DISCUSSION AND CONSIDERATION  
 TO APPROVE POLICY COMMITTEE  
 RECOMMENDATION TO ADOPT  
 DRAFT POLICIES 1030: CODE OF  
 ETHICS, 1035: CONFLICT OF  
 INTEREST, AND 1040:  
 CORRESPONDENCE TO THE BOARD

**RECOMMENDATIONS:**

The Policy Committee (“Committee”) recommends the Board of Directors review draft policies 1030, 1035, and 1040, and consider adoption of same.

**FISCAL IMPACT:**

There are no fiscal impacts identified with the associated action.

**DISCUSSION:**

The Committee met on November 22, 2019 to review and discuss approval of draft policies 1030: Code of Ethics, 1035: Conflict of Interest; and 1040: Correspondence to the Board. The Committee approved forwarding the draft policies to the Board for consideration.

The three policies recommended for adoption by the Board of Directors are attached. Modifications proposed by District Counsel are shown in redline.

The Committee will continue to develop policies to recommend to the Board for adoption.

- Attachments:
- Policy 1030: Code of Ethics
  - Policy 1035: Conflict of Interest
  - Policy 1040: Correspondence to the Board

**Note: The Committee has found no CCSD policies pertaining to “code of ethics.”**

**Recommendation: The Committee recommends that the Board consider adopting a somewhat reduced form of CSDA Policy 1030 as shown below.**

**Policy 1030 Code of Ethics**

1030.1 Background information:

Cambria Community Services District designed its Code of Ethics and Values (hereinafter “Code”) to provide clear, positive statements of ethical behavior reflecting the core values of the District and the communities it serves. The Code includes practical strategies for addressing ethical questions and a useful framework for decision making and handling the day-to-day operations of the District. The Code is developed to reflect the issues and concerns of today's complex and diverse society.

1030.2 Goals of the Code of Ethics:

- a) To make the Cambria Community Services District a better District built on mutual respect and trust.
- b) To promote and maintain the highest standards of personal and professional conduct among all involved in District government, District staff, volunteers and members of the District's Board. All elected and appointed officials, officers, employees, members of advisory committees, and volunteers of the District, herein called “Officials” for the purposes of this policy.
- c) The Code is a touchstone for members of District Board and staff in fulfilling their roles and responsibilities.

1030.3 Preamble:

- a) The proper operation of democratic government requires that decision makers be independent, impartial and accountable to the people they serve. The Cambria Community Services District has adopted this Code to promote and maintain the highest standards of personal and professional conduct in the District's government.
- b) All Officials, and others, who participate in the District's government are required to subscribe to this Code, understand how it applies to their specific responsibilities and practice its eight core values in their work. Because we seek public confidence in the District's services and public trust of its decision makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

1030.4 Applicability:

This Code shall apply to all District Officials as defined in 1030.2 b.

1030.5 Core Values:

As representatives of the Cambria Community Services District, we subscribe to the following Core Values:

- a) We will be professional. We will apply our knowledge and skills to our assigned activities in a consistent, competent, and productive manner. We will keep our knowledge and skills current and growing.
- b) We will be service-oriented. In our interactions with constituents, we will be interested, engaged and responsive with respect to their needs and concerns. We will provide friendly, receptive, and courteous service.
- c) We will be fiscally responsible. We will make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the District. We will demonstrate concern for the proper use of District assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- d) We will be organized. We will act in an efficient manner, making recommendations and decisions based upon available information and familiarity with short-term and long-term goals. We will be diligent in being prepared for and following through on all of our duties and responsibilities in a timely way.

- e) We will be communicative. In the way that we respond to others and keep them well informed, we will convey the District's care for and commitment to its citizens. We will engage in effective two-way communication by listening carefully, asking questions, and responding in a manner that adds value to conversations.
- f) We will be collaborative. We will act in a cooperative manner with other individuals and groups, working together in a spirit of tolerance and understanding. We will work towards consensus building and strive to gain value from diverse opinions.
- g) We will be honorable. In all our public roles, we will be viewed by others as dependable and trustworthy, acting with full integrity. We will make impartial decisions, free of bribes, unlawful gifts, narrow political interests, financial, and other personal interests that might impair our independence of judgment or action.
- h) We will be conservators. We will work toward the responsible use and appropriate protection of Cambria's natural environment through sustainable practices. We will be viewed by others as good stewards of the valuable resources—air, water, land, flora, and fauna—that might be enhanced or degraded by our choices.



**Note: The text for Policy 1035 shown below is exactly and fully contained in CCSD Resolution 03-2019 (February 28, 2019) except for the one insertion (in bold and underlined).**

**Recommendations: The Committee recommends that the Board maintain its current Conflict of Interest Code. For the purpose of assembling a policy manual consistent with the format of the CSDA Sample Policy Handbook, the Committee recommends including *Policy 1035 Conflict of Interest* as shown below, followed immediately with the text of Resolution 03-2019 (approved and adopted February 28, 2019), as well as Appendix A Designated Positions and Appendix B Disclosure Categories that this resolution references.**

**Policy 1035 Conflict of Interest**

1035.1 The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation, Section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard conflict of interest code which can be incorporated by reference in any agency's code. After public notice and hearing, Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of Section 18730 of Title 2 of the California Code of Regulations and any amendments to it adopted by the Fair Political Practices Commission are hereby incorporated by reference and will be applied in accordance with the provisions existing on the date that any issue arising under this code must be addressed. The referenced and incorporated regulation, and the attached appendixes designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Cambria Community Services District.

1035.2 Individuals holding designated positions shall file their statements of economic interests with the Cambria Community Services District, which will make the statements available for public inspection and reproduction in accordance with Government Code Section 81008. Statements for all designated officers and employees will be retained by the District Clerk.

***Note: The Committee has found no CCSD policies pertaining to “correspondence to the Board.”***

***Recommendation: The Committee recommends that the Board consider adopting CSDA Policy 1040 with any revisions that might be advised following review by the General Manager and District Clerk.***

**Policy 1040 Correspondence to the Board**

1040.1 All written or electronic correspondence addressed to the Board of Directors is to be sent to the District office. Copies of the written or electronic correspondence and written responses in reply thereto, if any, shall be distributed to each member of the Board, together with the next regular agenda or at the next regular meeting of the Board, depending on date of receipt or response. Individual Board members may receive correspondence addressed to him or her in his or her official capacity. However, Board members are not permitted to use agency resources for sending or receiving personal correspondence.

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **4.E.**

FROM: Donn Howell, Director

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Meeting Date: December 12, 2019      Subject: DISCUSSION AND CONSIDERATION  
TO APPROVE POLICY COMMITTEE  
RECOMMENDATION TO ADOPT A  
POLICY REGARDING USE OF  
ELECTRONIC DEVICES DURING  
BOARD MEETINGS

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**RECOMMENDATIONS:**

Staff recommends that the Board discuss and consider adopting a policy regarding the use of electronic devices during Board meetings.

**FISCAL IMPACT:**

There is no fiscal impact identified with the associated action.

**DISCUSSION:**

The Committee met on October 9, 2019 to review and discuss approval of a draft policy regarding the use of electronic devices during Board meetings. The Committee approved forwarding the draft policy to the Board for consideration.

The policy recommended for adoption by the Board of Directors is attached. Modifications proposed by District Counsel are shown in redline.

The Committee will continue to develop policies to recommend to the Board for adoption.

Attachment: Draft Policy Regarding Use of Electronic Devices During Board Meetings

**CCSD Policy Committee****Draft Proposal: Use of Electronic Devices During Board Meetings**  
10/17/19

E-Communications During CCSD Board Meetings —receiving communications concerning any matter before the Board, during Board meetings —either by text, e -mail or through social media forums — should be avoided.

During public board meetings, electronic devices such as tablets and laptops may be used by Board and staff members to access paperless agenda materials.

In order to avoid violations of the Ralph M. Brown Act, a Board Member shall not, during a Board meeting, use electronic devices, directly or through intermediaries, to communicate secretly with one another.

In addition, reading, forwarding or responding to e- communications during Board meetings may result in the perception that Board Members are distracted or dividing their attention between a multitude of matters. Board Members should strive to give their full attention to the proceedings before them at Board meetings to ensure sound decision - making.

The foregoing limitation shall not apply to communications of a personal nature during CCSD Board meetings. A Board Member wishing to respond to such a communication during a meeting shall do so during a recess or shall excuse himself or herself from the meeting in a manner that does not disrupt the meeting.

## CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **4.F.**

FROM: Monique Madrid, Administration Department Manager

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Meeting Date: December 12, 2019      Subject: DISCUSSION AND CONSIDERATION  
TO FILL VACANT SEAT ON THE  
POLICY COMMITTEE

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**RECOMMENDATIONS:**

Staff recommends that the Board discuss and consider filling a vacant seat on the Policy Committee due to the recent resignation of John Rohrbaugh. The Policy Committee recently filled another vacancy on October 10, 2019 and the applications of the individuals who applied but were not selected are still on file. The Board should consider appointing a replacement from the previously submitted applications or provide direction to staff to begin a new application process.

**FISCAL IMPACT:**

There is no fiscal impact identified with this item.

**DISCUSSION:**

On November 22, 2019, John Rohrbaugh submitted his resignation from the Policy Committee effective immediately. The District recently filled another vacancy on the Committee on October 10, 2019. There are three remaining applicants and their applications are on file (Jim Bahringer, Leslie Richards and Jerry McKinnon.) Staff recommends that the Board consider how they would like to fill the vacancy and either select one of the previous applicants to serve on the Policy Committee or provide direction to staff to begin a new application process.