

TVCSD BOARD OF DIRECTORS GOVERNING DOCUMENTS

Mission, Vision, Strategy and Strategic Plan

CSDA Special District Board Member Handbook

Board of Directors Handbook – Working Draft

Government Code § 61000

Ralph M. Brown Act

Sewer Regulations

Park Rental Agreement

Glossary

Tomales Village Community Services District

2011 Five Year Strategic Plan

VISION	Strive to be a sustainable model district, environmentally conscious, safe, and reliable with long-term goals of achieving financial stability and fostering cohesive community partnerships.
MISSION	Enhance quality of life, with commitment to the health of the community, by providing dependable wastewater collection, treatment and reuse in an environmentally friendly manner; maintaining safe and reliable recreational park facilities while providing a welcoming forum for active community participation and input.
STRATEGIES	<p>Focus on practicing and communicating fiscal responsibility.</p> <p>Investigate new grant sources and fundraising opportunities.</p> <p>Complete open projects and financially maintain park.</p> <p>Review environmental concerns on a regular basis.</p> <p>Regularly educate and inform all stakeholders.</p> <p>Provide ongoing education for Board of Directors.</p> <p>Promote website and newsletter to disseminate accurate information.</p>
ACTION PLANS - Year 1	<p>Create Finance Committee to provide oversight, analyze budget and current revenues, expenses, and identify relevant “Best Practices”.</p> <p>Increase revenue and decrease expenses.</p> <p>Develop permanent statement in newsletter & website describing procedure to address concerns and questions.</p> <p>Develop financial fact sheet to educate all ratepayers.</p> <p>Complete contract and open bids for system operator.</p> <p>Advertise park availability by next newsletter.</p> <p>Obtain permanent spot on Town Hall newsletter.</p> <p>Conduct survey to determine community wants, needs, and interest in volunteering.</p> <p>Develop financial, legal, technical Advisory Group to tap local expertise and interest.</p> <p>Post rate schedule.</p>
ACTION PLANS - Within 2 Years	<p>Investigate repair of collection system.</p> <p>Outreach via newsletter, community letters & information meetings.</p> <p>Revise and renew Mission Statement.</p> <p>Create TVCSD Policy Manual.</p> <p>Address and resolve legal structure of TVCSD.</p> <p>Educate broader community that Tomales citizens provide park financial support.</p> <p>Locate and enroll Business Sponsors for park.</p>
ACTION PLANS - 3 Years and Beyond	<p>Create Park Committee to assist with ongoing management and maintenance needs.</p> <p>Remove gorse from park.</p> <p>Establish annual tour of plant, contact SUSD.</p>



SPECIAL DISTRICT BOARD MEMBER/TRUSTEE
HANDBOOK





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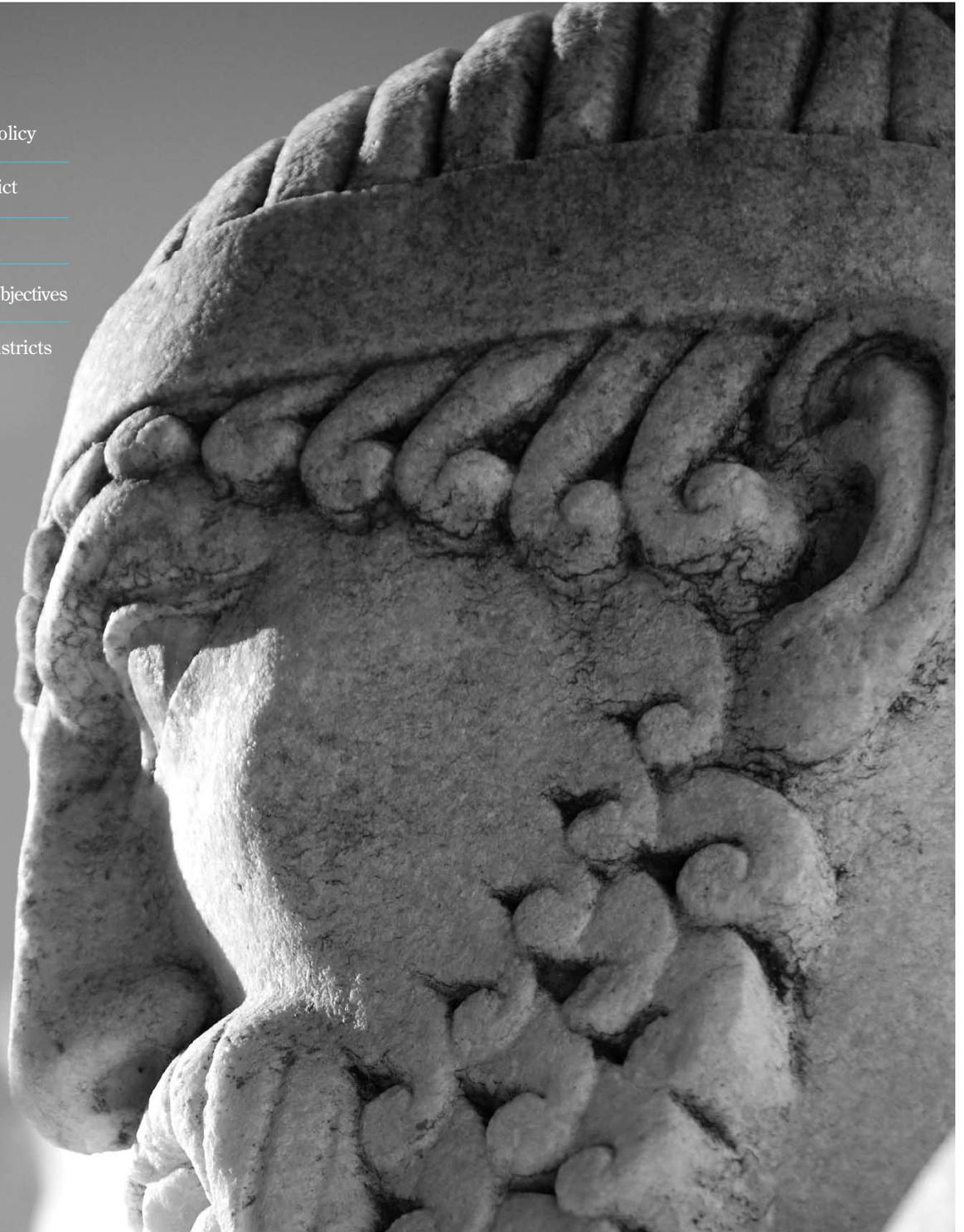
Make and approve district policy

Set the direction of the district

Make decisions

Establish strategic goals and objectives

Be an advocate for special districts



WHAT YOU SHOULD KNOW

as a Special District Board Member

Commitment and Responsibilities

As a board member or trustee for a special district, you have committed to serve the best interests of the community, provide services that are essential to the community and represent the people who placed you into office.

With a strong commitment, there are a number of responsibilities as a director on a special district board. Some of these will be identified and detailed in this handbook so that you will have an even better understanding of special districts and your role as a director.

One of the most significant responsibilities as a director is to understand that the board is a team and you need to work together as such. Understanding the dynamics of the group as well as the individual perspectives and opinions of the other board members that you sit with is crucial to the success of the team and district you represent. This united approach will help to strengthen the district and provide the grounds for maintaining a clear vision of the future, a unity of purpose and a cohesive board of directors.

Additionally, the board of directors typically has specific responsibilities that coincide with their overall role as directors. For example, in the area of human resources, the board's charge is to support and assess the performance of the general manager, approve personnel policies, establish salary structure and benefits packages, approve job descriptions and organizational structure, and establish a strong communications link between the board and general manager.

Another example of specific responsibilities can be seen when taking a look at some of the financial aspects of the district. Typically, the board will ensure that sound fiscal policy exists and that practices and controls are in place so that the district, staff, general manager, and board have direct accountability to their constituents. Furthermore, a board may be involved in such things as the approval of the annual budget, developing reserve guidelines, establishing financial goals, reviewing district finances, developing capital improvement plans, setting rates and fees, and the like.

Clearly, as demonstrated above, being a director on a special district board entails a commitment to being actively involved in setting the direction of the district and, most importantly, serving the best interests of the community and the constituents that the district serves.

Accountability

Special districts, governing officials, and management are accountable to the voters and customers who use their services. Every special district must submit annual financial reports to the California State Controller and also must follow state laws pertaining to public meetings, bonded debt, record keeping, conflict of interest, and elections.

The role of staff and the general manager

The roles of the staff and general manager are very different from that of the directors, and it is important to understand what the responsibilities and reporting avenues are of each respective group.

The general manager and staff of the district are encouraged to make recommendations and play an active role in moving the district forward. Their main role is to maintain and advance the operations of the district and implement those policies, strategies, and directives that are approved by the board of directors. All directives for staff should be given by the general manager or designated supervisor within the district.

The general manager is the executive staff officer of the district and for the board of directors. He/she administers the district and has exclusive management and control of the operations and works of the district, subject to approval by the board of directors, and provides day-to-day leadership for the district. He/she delegates authority at his/her discretion and has authority over and directs all employees, including hiring, disciplinary action and termination. He/she seeks to carry into effect the expressed policies of the board of directors, including planning the short, medium, and long term work program for the district, facilitating constructive and harmonious board relations, preparing and managing the district budget, conducting studies, and delivering written and oral presentations.

OVERALL, YOUR ROLE AS A DIRECTOR IS TO:

- MAKE AND APPROVE DISTRICT POLICY
- SET THE DIRECTION OF THE DISTRICT
- MAKE DECISIONS
- ESTABLISH STRATEGIC GOALS AND OBJECTIVES
- BE AN ADVOCATE FOR SPECIAL DISTRICTS

WHY

Governance is Important

By Davis Campbell, Governance Consultant | Trainer



Local boards are the reason, and really the only reason, why local control is local. Special district boards are the voices of the community. Boards are also a large reason why special districts exist.

The truth is that every elected or appointed public official needs to worry about governance; governance is what boards do. Governance is taking the wishes, needs, and desires of the community and transforming them into policies that govern the district. Survival of special districts as a concept depends in large part on how well we do our jobs as board directors or trustees. The quickest way to destroy special districts is for the public to perceive districts as not responsive to the needs of the community or as not being governed effectively.

If governance is important, how do we do it well?

The good news is that in recent years a lot of work has been done on effective governance. Based upon a model developed by the California School Boards Association (CSBA) and adapted by the California Special Districts Association (CSDA), there are three critical dimensions to effective governance. The CSBA Effective Governance Model provides an in-depth examination of the three critical dimensions that interact to determine how a board operates and its effectiveness as an organization.

- First, the model looks at the board as an organizational entity;
- Second, the individuals who serve as effective board members and make up the board;
- And third, the specific jobs the board must perform.

All three of these dimensions or elements of a board must be viewed as a whole in order to truly develop an effective governance operation.

Components of the Effective Governance Model

The board as an organization

Any board, public or private, nonprofit or corporate, exists as an organizational entity, with its own unique organizational culture, norms, values, and operating style. There are attributes or characteristics that are consistently present in boards that operate in a highly effective way. Effective boards become known as effective because they operate in an organizational environment of trust, honesty and openness. These boards exhibit, as a team, the following characteristics:

- All board members are perceived to be equally legitimate—no matter how different or difficult an individual may be.
- The board strives to maintain a “no secrets, no surprises” operating norm.
- The board recognizes and accepts that conflicts and differences are inevitable, not necessarily “bad,” and must be faced and analyzed.
- The effective board tends to immediately turn to solutions rather than playing the “gotcha” game.
- The effective board treats all staff with dignity and respect.
- The effective board treats all community members with dignity and respect, even in the face of criticism and opposition.
- The effective board exhibits creative thinking, knows how to handle failure as well as success, encourages risk taking and creates a climate of support for excellence.
- The effective board assumes collective responsibility for the conduct, behavior and effectiveness of the board.

While these attributes of effective boards may appear to be obvious, they are difficult to achieve and sustain on a long-term basis.

The board leader

While boards develop unique organizational cultures, they are, after all, composed of individuals. It is individuals and their values, skills, and knowledge that shape how boards operate at any given time. Individuals also determine whether the board will sustain effective behavior as a group role.

Not everyone who serves on a special district board becomes an effective board member or leader. Many never make the transition from individual to a member of the governance team. Those who do become effective board members, however, also become highly valued community leaders. When an entire board is composed of truly effective board members rather than individuals, the board becomes highly effective.

So, what are the characteristics of effective board members and how are they different than those who just serve on boards?

- Effective board members think about governance differently. They have distinctly different attitudes from non-effective board members. Effective board members understand the fundamental role of the citizen leader in the governance of special districts.

For example, effective board members understand fundamental principles of effective governance. They understand that the authority of any board member rests only with the board as a whole; that the board, not the individual board member, governs the special district. They tend to worry when an individual is attempting to impose his own agenda on the district rather than working to build support for an institutional agenda.

- Effective board members know that how a board member governs is as important

as what a board member does. They know that manners make a huge difference.

- Effective board members work hard to make the team successful.
- Effective board members understand they need to establish trust. They treat everyone with respect, and expect others to treat them the same way.
- Effective board members respect the diversity of perspective and styles.
- Effective board members always keep confidential information confidential.

What effective boards do: The special district board's job in the district

The third dimension addresses the specific responsibilities of the governing board. We know that effective boards have strong competency-based cultures and that individual effective board members have strong governance skills, but the third question is: To do what? What are the duties and responsibilities of boards in the systems? The answer is that special district boards have certain responsibilities that no one else in the system can perform.

The specific responsibilities of the board are clustered into four areas: setting the direction for the district; establishing and supporting the structure of the district; holding the district accountable on behalf of the community; and serving as community leaders.

These are the essences of effective district governance: a competency-based, highly effective board organization and culture; individual citizens serving as effective board members, accomplishing the specific duties and responsibilities that only governing boards can do on behalf of their communities.

The real challenge to special districts is how to learn and achieve as board members. There are governance skills required and to be learned in order to be effective. But first, we must establish a culture of participation in our special district community. Every board member must understand that, just as we expect our staff to be involved in their profession, to learn and develop new skills, so too must we as effective board members learn and hone our governance skills. We must encourage our colleagues to branch out and learn the skills of governance. We must establish a culture of participation and continuing education in the special district community.

The future of special districts in California depends upon it.



SPECIAL DISTRICT RESOURCES

California Special Districts Association
www.csda.net

Senate Local Government Committee
www.sen.ca.gov

Assembly Local Government Committee
www.assembly.ca.gov

Official California Legislative Information
www.leginfo.ca.gov

League of California Cities
www.cacities.org

California State Association of Counties
www.counties.org

Local Government Finance Almanac
www.californiacityfinance.com

California Association of LAFcos
www.calafco.org

Governor's Office of Planning & Research
www.opr.ca.gov

California State Controller's Office
www.sco.ca.gov

California Legislative Analyst's Office
www.lao.ca.gov

LEARNING MORE

about Special Districts

What are special districts?

Special districts are a form of local government. They are created by their constituents to meet specific service needs for their communities. Most perform a single function such as water delivery, fire protection, wastewater or cemetery management to name just a few. Some, like community service districts, provide multiple services.

Special districts are not cities and counties, they are not school districts, they are not Mello-Roos districts, and they are not state government. Special districts work hand-in-hand with cities and counties to provide communities with essential public services and to keep pace with the demands of fulfilling all the public service needs of California's rapidly growing population.

What kinds of special districts are out there ... to name a few?

- Airport
- Cemetery
- Community services
- Drainage
- Flood control, water conservation
- Fire protection
- Healthcare/hospital
- Harbor/port
- Resort or municipal improvement
- Irrigation
- Library
- Mosquito abatement and vector control
- Police protection
- Reclamation
- Recreation and park
- Open space
- Resource conservation
- Sanitation/wastewater
- Transit
- Utility
- Water
- Waste management

How does a special district differ from a city or county?

Special districts are limited-purpose local governments. They provide only the services their residents desire within a designated, limited boundary. By contrast, cities and counties are general-purpose local governments. They provide a broad array of services for residents throughout their geographic boundaries.

What is the difference between independent special districts and dependent special districts?

Independent special districts are governed by their own boards of directors who are elected by voters or appointed to fixed terms by elected officials in their districts, but do not have on the board ex officio members who are officers of the county or another local agency, or appointees of those officers. About two-thirds of the state's special districts are independent special districts.

Dependent special districts are governed by other, existing legislative bodies such as a city council or a county board of supervisors.

How are special districts funded?

Special districts are funded either through local property tax revenues, fees charged to customers for their services or a combination of the two. Special districts that rely solely on property tax revenues are considered non-enterprise while districts that charge a fee on customers are considered enterprise.

How are they created?

Special districts require majority-vote approval by citizens in the proposed district to be created. When residents or landowners want new services or a higher level of service not otherwise provided by cities and counties, they can propose to form their own special district to pay for and administer the services by applying to the Local Agency Formation Commission (LAFCo).

What is Proposition 13?

Proposition 13, enacted by voters in 1978, imposed strict limits on property taxes to one percent of property value, causing special districts, cities and counties to lose much of their local control and funding security. Before Prop 13, special districts received \$945 million from property taxes (1977-1978). Shortly after Prop 13 was imposed (1978-1979), special district property tax revenue dropped to \$532 million, a loss of almost 50 percent.

What is ERAF?

ERAF is the Education Revenue Augmentation Fund. During the recession of the early 1990s, the state took property taxes from special districts, cities and counties and shifted them into ERAF to offset its debt and spending obligations to education. That mandated property tax shift of precious local government revenue continues today despite the devastation it has caused local governments. Since ERAF began in 1992, the state has shifted nearly \$5 billion annually in local property tax revenue from local governments, which equates to an accumulated loss of \$3.4 billion for independent special districts served by CSDA.

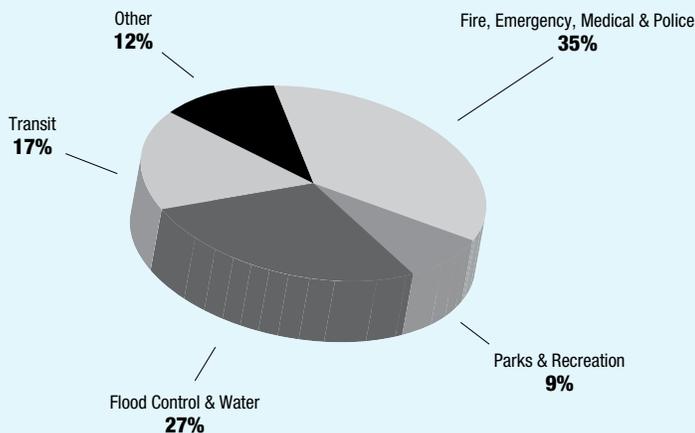
What is Proposition 1A?

Proposition 1A limited the state's future ability to transfer funds away from local governments, except in the case of fiscal emergencies. The amount is limited to eight percent of property tax revenues in a county and must be paid back within three years, with interest. It did allow two more years of ERAF transfers as part of the negotiations to provide greater long-term stability in local government revenue.

What is LAFCo?

Local Agency Formation Commissions (LAFCo) are responsible for coordinating logical and timely changes in local governmental boundaries, conducting special studies that review ways to reorganize, simplify and streamline governmental structure and preparing a Sphere of Influence for each city and special district within each county. The LAFCo's efforts are directed to seeing that services are provided efficiently and economically while agricultural and open-space lands are protected.

Where do special district tax dollars go?



ETHICS LAWS

For Elected or Appointed Officials



Elected and appointed officials have an obligation to conduct business in an ethical manner and make decisions that are in the best interests of their constituents. As a director for a special district, it is imperative that you keep the public's interests in mind and avoid any situations where your self interests are put first. Building the public's confidence and trust by demonstrating your ability to recognize potential ethics problems and then removing yourself from that situation is a key factor to your success as a director.

There are a number of state laws that govern the ethical conduct of public officials. The most significant laws deal with conflict of interest and criminal activity/corruption as it relates to public officials and how they make decisions within their respective agencies.

Under the Political Reform Act, a public official may not participate in any way in a decision in which the public official has a “disqualifying conflict of interest”. The law states that:

“No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.”

California Government Code §87100

As this applies to special districts, a conflict of interest regarding a particular district decision would exist if it were “... reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family ...” or any of one’s other financial interests. *California Government Code §87103*

In essence, the most important things you need to know about the Political Reform Act are:

- The law applies only to financial conflicts of interest—those arising from economic interests.
- Whether you have a conflict of interest depends heavily on the situation related to each district decision.
- The best way to avoid conflict of interest problems is to learn and recognize the various economic interests from which conflicts can arise.

In addition to the conflict of interest laws, public officials must also disclose all personal economic interests. Special district officials are affected through their respective district’s conflict of interest code/policies that a district is required to have by law. Therefore, as a public official, you are required to file a “Statement of Economic

Interests” with the Fair Political Practices Commission when you begin your term, annually and when you end your term.

In the Statement of Economic Interests, public officials are required to disclose all sources of income as well as interests in real property, investments, gifts and the like. Given that it’s the law and also that the public, including media, have full access to statements of economic interests, it is recommended that officials be completely open, honest and always disclose all financial interests as this could help prevent future problems.

There are numerous other legal “dos” and “don’ts” for public officials, many of which deal with personal loans, gifts, free travel, payments, honoraria, contracts and holding dual offices. It is recommended that officials research all of the specifics of the laws related to their position.

Lastly, there are additional laws that affect public officials and violation of them may not only cause you to lose your position, but also may result in criminal penalties. According to the publication *A Local Official’s Guide to Ethics Laws* (2002 Edition) some areas that can result in criminal prosecution and/or forfeiture of office include:

- Bribery
- Payments for appointments to office
- Willful or corrupt misconduct in office
- Embezzlement
- Misuse of public funds
- Violation of the Open Meetings Law/
Brown Act
- Prohibited political activities
- Conviction of a crime

As can be seen above, public officials are held accountable for their actions both by their constituents who elect them and by the law. As an elected or appointed official for a

THE RALPH M. BROWN ACT

California Government Code §54950-54962

special district, it is your responsibility to promote ethical conduct within your district and understand the ethics laws to ensure that you are always keeping the interests of your constituents in the forefront.

AB 1234 and ethics training requirement

In 2005, the State Legislature passed Assembly Bill 1234 by Assembly Member Simon Salinas (D-Salinas), which requires local government officials to take ethics training every two years, with a requirement that they take their first training no later than a year after they start their first day of service with the district. This and similar legislation were proposed after incidences that occurred in several districts over lapses in ethical judgement.

Specifically, if a district provides any type of compensation, salary or stipend to any board member or provides any type of expense reimbursement, then all members of that board must participate in the ethics training, as well as any designated employees (like the general manager). The training must be at least two hours every two years, and a record must be kept by the district. These are public records and are subject to the California Public Records Act.



The basis of the Ralph M. Brown Act is that “All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency ...”

While the Brown Act has gone through a series of additions and amendments, the core of the Act remains the same: to ensure that the meetings of local government bodies, formal or informal, be open and accessible to the public at all times.

The Act begins by stating the following:

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for

the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

As public agencies, special districts must comply with the Brown Act. This means meetings and elections of districts’ governing boards must be open and announced through public channels such as through newspapers, flyers or notices delivered to residents.

The Brown Act is very detailed as to what is permissible and is amended periodically. It is recommended that public officials read the Ralph M. Brown Act in its entirety and receive some type of training and/or read various publications on the Act.

PUBLIC OFFICIAL ETHICS LAW RESOURCES

California Special Districts Association
www.csda.net

Institute for Local Government
www.ca-ilg.org

Fair Political Practices Commission
www.fppc.ca.gov

Official California Legislative Information
www.leginfo.ca.gov

Office of the Attorney General
www.ag.ca.gov

BROWN ACT RESOURCES

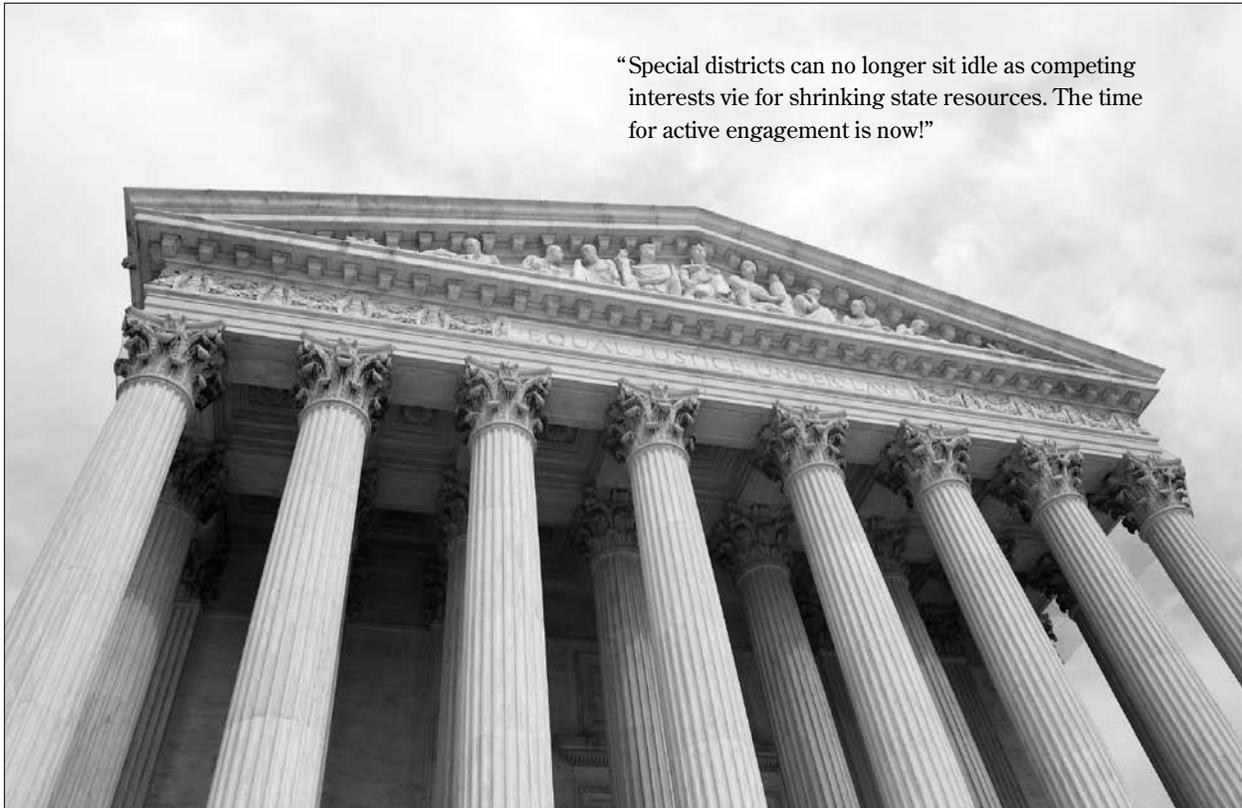
Open & Public IV: A User’s Guide to the Ralph M. Brown Act
www.csda.net

Search CA law/codes
www.leginfo.ca.gov/calaw.html

Education/Trainings
www.csda.net

YOUR ROLE

AS A SPECIAL DISTRICT ADVOCATE



The special district community and their governing officials, more than ever, are coming together to create a presence and united voice. The California Special Districts Association (CSDA) is continuing to work to increase the visibility of special districts with key decision-makers and create a network of activists throughout California. All special district officials should play an active role in educating other local officials and legislators on special districts and the issues that impact their resources and services.

Special districts can no longer sit idle as competing interests vie for shrinking state resources. The time for active engagement is now!

The looming state budgets that we continue to see have necessitated increased legislative advocacy and immediate responses by special district officials to play a more active and visible role. Furthermore, term limits have resulted in more candidates being swept into office with little to no knowledge of the services that are provided by special districts and the issues facing them. It is the job of every elected official to educate state legislators early about special districts and gain support for protecting local revenues and services.

Meet with legislators

One of the key roles you can play as a director and special district advocate is to meet with your legislators. Cultivating relationships with those in positions of power is

essential; it is the most significant advocacy role you can play as a special district official. Meeting with legislators and being front and center in advocating for issues that will protect the interests of special districts is critical to the success of your district. Meetings can be as simple as stopping by their local office to introduce yourself and the special district you represent, or even setting up a formal appointment to discuss issues that are facing your district and special districts in general.

Another possibility is to hold a breakfast or coffee event and invite the legislator and his or her staff to attend, or to take them on a tour of your facility. CSDA's Legislative Department has started a service to help districts set meetings with their legislators in the home district. These are the most effective types of meetings.

Respond to Calls to Action

Throughout the legislative session, you may receive a "Call to Action" from various organizations, including CSDA. These Calls to Action typically pertain to a particular piece of legislation that will affect your district. It is imperative that you take a moment to review the information and take action! A visit, phone call, fax, email or letter to your legislator can make a huge difference on issues that could affect your district, and how it operates.

CSDA has a Grassroots Connections Survey, which asks board members and staff if they know a particular legislator, and how well they know that legislator. At specific points during the legislative session, respondents will be asked to make a phone call or two to that legislator to support a bill that promotes special districts or to oppose legislation that would harm districts. If you know a legislator, be sure to fill out the Grassroots Connections Survey.

Get involved at the local and state levels

CSDA encourages all special district staff and directors to get involved in activities and events throughout the state. This includes participation in local special district chap-

ters and LAFCo meetings, as well as statewide functions like CSDA's annual Special Districts Legislative Days. These are opportunities to learn and discuss the major issues of the year, as well participate in visits with legislators in the Capitol.

Work together with cities, counties and other special districts

Much like the special district you represent, the cities, counties and other special districts near you play an integral role in the communities. As a director, you should work to establish strong relationships and help to create an atmosphere that is conducive to sharing information and ideas with other local agencies.

Get to know other elected officials in your area. This will help you to better understand issues facing other local governments and can also assist in identifying issues that each agency may have in common. Partnering with cities, counties and other special districts on common issues can bring additional influence to a specific cause or legislative matter and result in benefiting each agency's constituents.

RESOURCES FOR BECOMING A SPECIAL DISTRICT ADVOCATE

California Special Districts Association (CSDA)
www.csda.net

League of California Cities
www.cacities.org

California State Association of Counties
www.counties.org

California Association of LAFCos
www.calafco.org

California State Senate
www.senate.ca.gov

California State Assembly
www.assembly.ca.gov



CALIFORNIA SPECIAL DISTRICTS ASSOCIATION
SERVING SPECIAL DISTRICTS



ENSURE YOUR DISTRICT IS A CURRENT MEMBER
by checking with your general manager or call 877-924-CSDA.

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION

The California Special Districts Association (CSDA) is a 501(c)(6), not-for-profit association that was formed in 1969 to ensure the continued existence of local, independent special districts. For over 40 years, CSDA has been offering its members cost-efficient programs and representation at the State Capitol and boasts a strong and diverse membership throughout California.

The association is governed by an 18-member Board of Directors elected by mail ballots. The Board consists of three directors from each of the six regions throughout California. Additionally, there are a number of committees and local chapters that provide input and guidance for the Association. **The CSDA standing committees include:**

AUDIT | EDUCATION | ELECTIONS/BYLAWS | FINANCE | FISCAL | LEGISLATIVE | PLANNING | MEMBERSHIP AND RECRUITMENT

CSDA provides education and training, risk management and insurance coverages, industry-wide litigation, public relations support, legislative advocacy, capital improvement and equipment funding, collateral design services and, most importantly, current information that is crucial to a special districts management and operational effectiveness.

CSDA is the only statewide association representing all types of independent special districts. Membership in CSDA is a special district's investment in its future! Through membership, special districts take an active role in educating the general public, their constituents and legislators as to the important role that special districts play in California.

CSDA BENEFITS & SERVICES

The purpose of the California Special Districts Association (CSDA) is to provide special districts throughout the state with representation, advocacy, education and services that can positively affect their operations. While our governmental affairs program serves the interests of all special districts in the state regardless of their affiliation with CSDA, these efforts are only possible with the support of these same special districts. Get involved through membership!

Legislative and legal representation

Legislative advocacy: CSDA is the only voice in the Capitol that represents and fights for all California special districts, regardless of services provided or affiliation with other organizations. CSDA has partnered with a well-respected legislative and lobbying firm that reviews and monitors every bill introduced for its potential impact on California's special districts. CSDA has expanded its legislative activities by hiring legislative staff and registering the legislative specialist as an in-house lobbyist. Any bills requiring action are quickly brought to the attention of the CSDA Legislative Committee and Board of Directors in order to determine a position on each respective issue and then lobbied accordingly.

Litigation support: CSDA often involves itself in litigation, or pending legal cases, on behalf of its members, including testifying in court, filing amicus briefs and requests for depublication, among others.

Competitive risk management/workers' compensation/health coverage and financing opportunities

Special District Risk Management Authority (SDRMA): Through CSDA membership, districts can access quality coverage through SDRMA which has been created and run by special districts for 20 years. Because SDRMA is not subject to the profit-driven policies of private corporations, they offer tailored, comprehensive coverage at a substantial savings to special districts.

CSDA Finance Corporation: Need help funding capital improvement or equipment projects? The CSDA Finance Corporation was designed specifically to help CSDA members enhance revenues and reduce costs associated with these projects through the use of innovative finance programs.

Critical and current information

CSDA e-News: The CSDA e-News is a new member benefit. This electronic newsletter is sent directly to your email every Monday and includes updates on key legislation, information on new education workshops and trainings, and other important news that affects CSDA members and special districts in general. Additionally, there are job listings as well as sponsorship opportunities for those districts looking to get their name out there.

California Special District magazine: In September 2006, CSDA started a new, bi-monthly magazine called California Special District to be read not only by members or

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION

other special districts, but also by legislators and other decision-makers in the state. The articles highlight not only special district-specific topics, but also broader policy issues that affect the state, like infrastructure and governance.

CSDA website – the CSDA website’s “Members Only” section houses tools and information useful to any and every special district and features, among other resources:

- A search for your Senate and Assembly representatives and contact information;
- A list of bills important to special districts, CSDA’s position on those bills and sample template letters for your district to use;
- Discounted pricing on publications at the online CSDA Bookstore;
- Reduced rates on classes and workshops by registering for an event through the Education Calendar;
- Links to additional resources related to special districts.

CSDA listserv: The email listserv provides a convenient way for CSDA members to discuss issues of importance with other special districts, share relevant information and get answers to questions from those most qualified to answer: people who have been through the same experiences.

Discount on publications: CSDA members receive significant savings on various guides, manuals and brochures offered through CSDA. Some of these include:

- A Local Official’s Guide to Ethics Laws: This comprehensive guide, published by the Institute for Local Self Government

and developed by a broad base of professionals from local agencies, is packed with useful information on the ethical “dos and don’ts” for elected or appointed public officials. Crucial areas covered include: public disclosure of personal economic interests, receipt of loans, gifts, travel payments and honoraria, conflicts of interest, campaign contributions and bias, having an interest in a contract, dual office holding and incompatible offices, and criminal misconduct in office. Each of your elected or appointed officials should have a copy of and read this document!

- California Independent Special Districts information brochure: This brochure, which is free of time-dated information to ensure a long shelf life, defines special districts, highlights the services they provide, outlines who runs them, and explains how they operate. This brochure serves as a great public information piece for your district constituents, local media representatives, and policymakers.
- Open & Public IV - A User’s Guide to the Ralph M. Brown Act: “All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency...” The main goal of this publication is to put the Ralph M. Brown Act in an easy to read format, so it can be readily understood by local officials, the public, and the news media. Topics covered in Open & Public IV include: meetings, legislative bodies/committees, notice and agenda, teleconferencing, rights of the public and when to legally hold closed sessions. It is

imperative that all district representatives have a clear understanding of the current Brown Act to avoid violations of the law.

- Sample Policy Handbook: This handbook is an accumulation of policies written and edited by Harry Ehrlich, as well as the adapted policies of various districts throughout the state. Handbook contents include: general board policies, including adoption and amendment of policies; over 80 personnel policies such as sexual harassment, advancement of wages, benefits, educational assistance and remuneration; operational policies on accounting, budget preparation and more; board of director policies such as the role of officers, attendances and committee makeup; board meeting policies regarding such issues as setting agenda, conduct and minutes; facilities development policies including annexation and environmental review guidelines. For a complete list of the contents in this handbook, contact the CSDA office.

Additional member benefits

Free legal advice: Every CSDA member is entitled to one hour of free legal advice to assist in resolving any legal issue or question. The CSDA legal counsel has been representing special districts for 50 years and is well versed in helping special districts in a variety of areas.



Local chapters: Several counties in California have a local chapter. These chapters provide a local forum for the discussion, consideration and interchange of ideas concerning local issues and CSDA’s purposes and direction. Not only do these local chapters advocate at the local level, they also help to inform the public of the benefits of local control, establishing a local communication network and carrying out programs of mutual benefit to member districts. Get involved locally!

Hardworking, dedicated staff: The staff at CSDA is fully motivated and working hard every day of the week to represent you and ensure your district’s success. We are here for you!

Educational Opportunities

CSDA is dedicated to providing high-quality educational opportunities at a reasonable price. The workshops offered vary from extensive board member and governance training to legal issues and the development of policy and personnel manuals. Workshops are offered throughout the year and at special district office locations throughout California. We now offer a variety of webinars specifically designed for special districts. Webinars provide yet another avenue to stay current and receive continuing education on a variety of topics.

CSDA Leadership Academy

One of the most significant and comprehensive training series a special district board member should participate in is the CSDA Leadership Academy. The Academy focuses on four areas that all board members

should know in order to do their jobs effectively. These include:

- 1) Governance foundations
- 2) Setting direction/community leadership
- 3) The Board’s role in human resources
- 4) The Board’s role in finance

CSDA has developed this program and curriculum in conjunction with experts in governance as well as highly experienced special district officials and managers.

Annual Conference

The CSDA Annual Conference is an opportunity for special district employees, managers and board members to receive the latest information about special districts and the issues facing them, as well as attend workshops on the latest management techniques. The conference is also an outstanding place to visit with exhibitors and meet and network with your peers from other special districts throughout the state.

Special Districts Legislative Days (SDLD)

CSDA’s SDLD is an annual two-day legislative conference in Sacramento. Special district leaders come to the state’s capital to exchange ideas with legislators and Capitol staff who are critical to the growth and survival of special districts and hear from key legislators and policy experts on topics that directly impact special districts. District representatives also get to mingle with legislators, staff and policy experts in a casual setting at the legislative reception.

Special District Leadership Foundation (SDLF)

The SDLF is a collaborative effort of eight special district organizations dedicated to excellence in local government. SDLF has implemented the Special District Administrator Certification Program, which certifies those who succeed as one of the “best of the best” in their profession. The Foundation also has implemented a similar program for special district governing officials and has endorsed the CSDA Leadership Academy as its core governance training. Lastly, a program called Districts of Distinction has been developed to showcase the best of the best in districts.

Open, Ethical Leadership: AB 1234 compliance

CSDA has worked in collaboration with highly respected law firms specializing in local governments to develop the content and curriculum for ethics training courses. Board members are required by law to take a two-hour ethics training course every two years and this workshop that CSDA offers satisfies this requirement. Remember—it’s the law!

Networking Opportunities

CSDA’s Annual Conferences, seminars and Special Districts Legislative Days provide unequalled opportunities to network with others in your chosen profession and discuss common problems, solutions and experiences.

A NEW

Approach for CSDA

CSDA is embarking on a new approach to take a more active and visible leadership role in advancing the cause of special districts.

One of the most significant goals of CSDA is to build support for special district issues by educating key decision-makers and the media about the value of special districts in providing essential services that voters want and need. By expanding our base of power, we are raising the visibility and clout of special districts to make your voices heard.

CSDA is focusing more on the policy arena to strengthen special districts' voice and enhance your visibility in the State Capitol. In addition to a contract legislative advocate we have worked with for decades, CSDA has refocused the Public Affairs Department to the Legislative Department and devoted to it an expanded staff and taken on an in-house lobbyist.

CSDA is positioned, now more than ever, as a powerful advocate, key resource and referral network on issues that impact special districts. This new approach signals an opportunity for us to elevate the profile and influence of special districts and to provide CSDA with the firepower it needs to become a leading advocate and key resource on issues that impact special districts.

To get there, CSDA will continue to:

- Build support for special district issues by educating key decision-makers and the media about the value of special dis-

tricts in providing essential services that voters want and need.

- Focus on common interests and help districts better serve their customers by placing a greater emphasis on top-notch education and training in political advocacy, governance, administration, risk management and finance.
- Strengthen our connection and value to special districts by improving our communications channels, information sources and membership forums.
- Focus on the Special District Leadership Academy—the only curriculum endorsed by the Special District Leadership Foundation.

Grassroots mobilization

CSDA's effectiveness on legislative matters is directly linked to the level of activity of special districts and we need active engagement in our advocacy programs to establish a strong and lasting presence. This means being continually responsive to calls for action and cultivating relationships with your constituencies and key decision-makers on the state and local levels to build a strong coalition of support.

CSDA is committed to an effective grassroots mobilization effort. As a special district director, you may have relationships to state legislators that would be beneficial to the entire special district community in California. CSDA has a survey to find out who exactly you know in the Capitol so we can make that important connection when an important vote is needed to promote and protect special districts.

CSDA CORE BELIEFS

The CSDA Board of Directors believes that special districts are closest to the community and the most responsive form of local government in California.

The Board therefore believes that CSDA can and should:

- Be the leading and passionate voice for all special districts.
- Be aggressive and resolute in representing and advocating for the needs of all special districts.
- Strengthen support for special districts by educating the public, media and public policy makers on all levels on the value and function of special districts.
- Capitalize on the strengths of the diversity of special districts, fully representing all types and forms of districts.
- Be the premiere training provider for all special districts, striving for effective governance, leadership and administration.
- Provide a wide range of high-quality services and resources to member districts.

COMMUNICATING WITH THE MEDIA



In your term as a special district director, you will undoubtedly be involved with some type of media contact. Whether it's a local newspaper, trade journal, television or radio station, independent journalist or being asked to participate in a news conference, it's imperative that you be prepared. These are a few general talking points that you can use to ensure that you have a consistent message and focused answers to tough questions.

Key Media Messages

Special districts are an integral part of the local government framework.

Special districts work hand-in-hand with cities and counties to fulfill all of California's public service needs.

Special districts are a form of local government. They are not cities; they are not counties; they are not school districts; they are not Mello-Roos districts; and they are not state government. Special districts are limited-purpose local governments providing only the services their constituents want and need.

Special districts fill voids in city and county services, heighten the level of services desired by their constituencies, serve single or multiple functions or extend across county boundaries and into rural communities to tailor their services to citizen demand.

Special districts are funded either through a share of local property tax revenue and/or fees generated from their constituents who vote to form them and hold them accountable for all that they do.

Special districts are special because they provide focused services that residents in their communities want, need and approve at the ballot box.

No special district can operate without the consent of voters deciding what services they want for their communities.

Nearly all of California residents rely on special districts for some form of service that is delivered to their homes, businesses and/or communities.

Everyday, Californians are served by special districts. This includes the water that brews our coffee in the morning, the parks our children enjoy, the street lights and the fire trucks we depend on, an evening BBQ without mosquitoes, the books that enrich our knowledge—all thanks to special districts.

Special districts serve the public by delivering critical, life-saving fire and police protection, and essential healthcare services.

Special districts are beneficial and an effective form of local government.

Special districts are closest to the communities they serve and therefore provide expedient and responsive services to customers.

Independent special districts are governed by their own boards of directors. They are elected by voters in their district or appointed by elected officials in their district who are accountable to their constituents.

Special district board members and trustees all take an ethics training course every two years to ensure what they do on a day-to-day basis is compliant with state law and to best serve their constituents.

Special districts can tailor services to citizen demand. Special districts only provide the services that their constituents want and need.

(continued)

COMMUNICATING WITH THE MEDIA

Special districts can link costs to benefits. That is, only those who benefit from special district services pay for them. Those who do not benefit do not pay.

Special districts are open, visible and accountable to their constituents.

Special districts are very visible because their services are either used or seen almost everyday by their constituents.

As public agencies, special districts must comply with the Brown Act, which means meetings or elections of their governing boards must be open and announced through public channels such as newspapers or flyers or notices delivered to residents.

Special districts cannot be formed nor raise taxes to pay for their services without the consent of a majority of voters in their districts.

Independent special districts' governing boards must be elected by voters or appointed by elected officials who are accountable to their constituencies.

Special districts are accountable to voters and the customers who use their services. They must submit annual financial reports to the State Controller and also must follow state laws pertaining to public meetings, bonded debt, record keeping and elections.

Special districts do their jobs and do their jobs well. Like any public entity, not much is reported about them when customers are pleased and things are going well. It's typically when controversy arises like a rate hike or service reduction that they become more apparent. As the Hoover Commission agrees: "No news is good news. The vast majority of special districts are successful and clearly many are."

Special districts will be devastated if the state continues to balance the books off the backs of local governments.

Independent special districts already have lost \$3.4 billion since the state began shifting local property tax revenue to offset its own debt and spending obligations as far back as 1992. Another \$426 million was lost in 2002-2003.

The property tax losses are particularly difficult for independent special districts because, unlike cities and counties, property tax revenue is often the sole or primary source of funding for the provision of services.

Loss of additional local government revenue to the state presents a serious hardship for many independent special districts that can only be absorbed by program cuts and staff and service reductions.

It's unfair to ask residents of special districts to replace the property tax revenue taken by the state that they originally voted to go to special districts. This could result in double taxation on these residents just to restore the same services to their original level.

Proposition 1A (2004) is a political compromise that limited the state's ability to shift money away from local governments to only certain circumstances. Part of the compromise was to implement this restriction in 2006, allowing the state two more years of shifting this revenue in the third iteration of ERAF, ERAF III. The state can now shift money in fiscal emergencies and with a 2/3 vote of the Legislature. While this has ensured the money will only be shifted in extreme emergencies, ERAF I and II are still in effect and local governments continue to lose much-needed money.

RESPONSES

to tough questions

Why are some special districts supported by property taxes, others by fees or both?

Special districts designated as “non-enterprise districts” are funded through a portion of property taxes. They don’t lend themselves to fees because the services benefit the entire community and not just individual residents. About three-quarters of the state’s special districts are non-enterprise districts. Some of them include libraries, police and fire protection, mosquito and vector control, and cemeteries. Though non-enterprise districts rely overwhelmingly on property taxes for their operational expenses, certain services, such as a park district’s pool, can generate a small amount of fee revenue.

Special districts that are designated as “enterprise districts” run more like a business enterprise and therefore charge customers “user fees” for specific services provided. For example: water rates for the amount of water consumed or room charges for patient hospital stays. Virtually all water, wastewater and hospital districts are enterprise districts.

Both enterprise and non-enterprise districts can pursue bonds to pay for capital improvements—for instance, to pay for a new dam or library building. In such cases they must receive a two-thirds majority vote to issue general obligation bonds backed by property taxes.

While some enterprise districts are supported by both property taxes and user fees, the property tax revenue they receive is typically very minimal and is primarily used to pay for their bond debts and/or offset otherwise necessary rate increases.

How are special districts staffed? Don’t they have board members who are heavily compensated for doing very little?

The staffing of special districts is based on size and budget. Some operate only with volunteers like fire districts or rural water districts and are paid very minimally or not at all. For others, the administration or staffing may require a larger commitment of resources. The budget allocated for the operational needs of the special district approved by voters largely dictates the staffing levels and compensation provided. Board member compensation is set in statute by the Legislature. Some districts have the statutory authority to adjust their board member compensation.

Can special districts tax a resident without his/her consent?

No. Proposition 13 limited property taxes to one percent of property value. Many special districts get a share of these revenues and if they require additional revenue, they must get the approval of voters by a two-thirds majority.

Once a special district is formed, how much is a resident taxed for the services received?

The individual is taxed based on a portion of what is reallocated to that special district from the total amount of property tax revenue collected for local government purposes.

If a special district wants more than what the original allocation provided, it can request “special taxes” but Prop 13 and state law require that special taxes be approved by a two-thirds majority vote. A general obligation bond that raises property taxes also requires two-thirds voter approval.

Special assessments are another way voters can pay for special district services. But unlike special taxes, property owners pay benefit assessments only for the projects or services that directly benefit their property such as sewers, parks and water systems. In such cases, the amount of the assessment

must be directly related to the benefit received. Proposition 218 enacted in 1996 required local governments, including special districts, to get weighted ballot approval from property owners before they can levy benefit assessments.

Why do we have Mello-Roos districts and special districts funding our services? Doesn’t that amount to double taxation?

Mello-Roos is just a funding mechanism. You cannot visit or see a Mello-Roos district. Special districts deliver services; Mello-Roos districts do not. California law allows many special districts along with cities and counties and schools to establish Mello-Roos districts to finance public works and public services. Local governments use Mello-Roos solely as a financing tool to provide the essential services their constituents want and need.

Wouldn’t you say special districts are the worst form of fragmented government?

Special districts actually are the best real-world solution to meet the essential public service needs of citizens that are not already being met by cities and counties because of a lack of funding or infrastructure.

There are approximately 2,200 special districts compared to 480 cities and 58 counties. Why so many and why can’t they be consolidated to save taxpayers money?

Numbers are arbitrary. What really matters is the quality of services and how well a special district responds to the customers it serves. Consolidation may work in some cases. In fact, CSDA and special districts are open to reorganization if it is deemed to be cost-effective, lead to increased efficiency and is supported by the constituents they serve.

RESPONSES

to tough questions

But when special districts merge into a larger district, they must serve a much larger area. And when that happens, they may become further removed from the neighborhood residents who originally created them. Consolidation, often, may end up costing customers more in the long run. First, costly studies must be conducted to determine if merging is even feasible or acceptable to voters. After that is done, the districts may find that they lack the infrastructure to consolidate if, for instance, existing sewer or water pipes cannot be connected or replaced to cover larger areas.

Aren't special districts seen as inefficient because of the abundance of services that seem to overlap or are duplicative?

While special districts may dot many local landscapes, they are the closest public agencies to the communities they serve and therefore are able to provide the most expedient services to respond to customers in the most efficient way.

What is ERAF?

ERAF is the Education Revenue Augmentation Fund. During the recession of the early 1990s, the state took property taxes from special districts and cities and counties and shifted them into ERAF to offset its debt and spending obligations. That mandated property tax shift of precious local government revenue continues today despite the devastation it has caused local governments.

How much has been lost because of ERAF?

Since ERAF began in 1992, the state has shifted nearly \$5 billion annually in local property tax revenue from local governments, including special districts. That equates to an accumulated loss of \$3.4 billion for independent special districts served by CSDA. Independent special districts lost another \$426 million in 2002-2003.

Why are multi-county districts exempted from ERAF?

Multi-county districts successfully fought to be exempted from ERAF as they and all local governments rightfully should. The state should not be raiding local governments for money designated and approved by voters for local government purposes. CSDA has joined with the League of California Cities and the California State Association of Counties (CSAC) in the Leave Our Community Assets Local (LOCAL) Coalition to stop further ERAF shifts.

What is ERAF III and Proposition 1A (2004)?

The Coalition supported Proposition 1A in 2004, a political compromise that limited the state's ability to shift money away from local governments to only certain circumstances. Part of the compromise was to implement this restriction in 2006, allowing the state two more years of shifting this revenue in the third iteration of ERAF, ERAF III. Only during a fiscal emergency, the state may suspend Proposition 1A and shift up to eight percent of property tax revenue per county to the state. The shifted property tax must be repaid within three years with interest. The state may suspend Proposition 1A twice in a 10 year period, only if the first shift has been repaid.

If special districts are hurting for so much funding because of ERAF and Prop 13, why do some have such huge reserves?

Special districts, like cities and counties, need reserves to ensure they can respond to their constituents in the event of emergencies or disasters like flooding, earthquakes or the possibility of another terrorist strike. Large reserves often are needed to accumulate the capital to pay for large public works projects. In addition, reserves provide a safety cushion in lean years, stabilizing consumers' rates.

CSDA has developed the Special District Reserve Guidelines, a comprehensive guide

for prudent accumulation and management of special district reserves. The report sets strict policy procedures and high standards for all CSDA independent special district members to follow in handling their fiduciary responsibilities.

Note: The Guidelines are available through CSDA at no cost to members.

What's to stop some special district administrators from using these reserves for high-priced junkets or for "official meetings" that turn out to be nothing more than free vacations?

Local accountability is key here. As the public agencies that are closest to the people they serve, special districts are directly accountable to their constituents. As such, their leaders will be held to answer to the voters who elected them or elected officials who appointed them for any actions that come into question.

How are special districts scrutinized? Who are they accountable to and how often must they undergo checks and balances?

Special districts are accountable to the voters who elect their boards of directors and the customers who use their services—just like city council members, boards of supervisors, and state and federal legislators. Special districts must submit annual financial reports to the California State Controller and also must follow state laws pertaining to public meetings, bonded debt, record keeping and elections.

As public agencies, special districts must comply with the Brown Act. Meetings must be announced through public channels such as through newspapers or flyers or notices delivered to residents. Special districts cannot form, their rates cannot increase nor can their governing boards be elected without the consent of a majority of voters in their district.



IN SUMMARY

In summary, being a special district board member/trustee is an important job and one that should be taken seriously. Clearly, the position requires that elected or appointed officials wear numerous hats and be knowledgeable in a wide range of areas. The California Special Districts Association (CSDA) has developed this handbook to provide board members/trustees with some of the core information that is needed to be an effective and productive official within a special district. CSDA encourages officials to do further research, use the resources referenced throughout the handbook, participate in continuing education opportunities and seek the expertise of legal counsel where appropriate.

Most importantly, use CSDA as the first resource on special district issues. We welcome any feedback on this handbook or how CSDA can better serve special districts in California. 877-924-CSDA

“ The most remarkable thing about our country is that; ordinary citizens control almost every major institution, public and private ... Does this make sense? What it makes is a democracy. We, the people, govern ourselves.”

Henry N. Brickell, Regina H. Paul in Time for Curriculum



SPECIAL DISTRICT BOARD MEMBER/TRUSTEE HANDBOOK



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TOMALES VILLAGE COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS HANDBOOK

WORKING DRAFT



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(This should be signed by all Directors and kept on file at the District Office)

1 Tomales Village Community Services District Board of Directors Policy Manual

1.01 Mission Statement for the Board of Directors

The mission of the Board of the Tomales Village Community Services District (TVCS D) is to maintain the highest ethical standards for its Board members and staff while providing quality wastewater and recreation facilities in a fiscally responsible manner for the community of Tomales.

The proper operation of the District requires decisions and policy to be made within the proper channels of governmental structure, that public office not to be used for personal gain, and that Board members remain objective and responsive to the needs of the public they serve. Accordingly, it is the policy of the District that Board members and District staff will maintain the highest ethical standards.

The Board further finds that the common good is best served when all policies are based upon the most complete information that can be assembled, the counsel of reliable, independent experts is sought, and the District is administered fairly, objectively and without deference to special or self-interests.

1.02 Purpose of Board Policies

It is the intent of the Tomales Village Community Services District's Board of Directors to maintain a Manual of Policies. Contained therein shall be a comprehensive listing of the Board's current policies; which are the rules and regulations enacted by the Board. This policy manual will serve as a resource for directors, staff and members of the public in determining the manner in which matters of District business are to be conducted.

If any policy or portion of a policy contained within this manual is in conflict with rules, regulations or legislation of an entity that has authority over TVCS D, said rules, regulations or legislation shall prevail. This Policy Manual replaces and supersedes all previous board policies.

1.03 Adoption/Amendment of Policies

This manual cannot anticipate every situation, nor can it provide information that answers every possible question. Additionally, circumstances will undoubtedly require that guidelines, practices, and benefits described in this manual change. Accordingly, the Board of Directors reserves the right to modify, supplement, or rescind any provision of the manual, as it deems necessary.

Adoption of a new policy or an amendment to an existing policy may be initiated by any Director, or by the Administrator. The proposed adoption or amendment is initiated by submitting a written draft of the proposed adoption or amendment to the Administrator, and requesting that the item be included on the agenda of the appropriate meeting of the Board of Directors. Policies and procedures cannot be

amended, altered or modified in any way by oral statements. Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board of Directors and shall require a 4/5 affirmative vote of the entire Board of Directors.

2 Board of Directors

2.01 Basis of Authority

The Board of Directors is the governing body of the District. The Board shall act only at its regular meetings, regular adjourned meetings, special meetings or emergency meetings. All meetings are to be properly noticed in accordance with The Ralph M. Brown Act (Government Code Sections 54950 and following).

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

2.02 Elections for Board of Directors and Oath of Office

TVCS D's Board of Directors is elected by registered voters within the District's boundaries. The District holds odd year elections for selected seats on the Board. Directors are usually elected to four (4) year terms unless otherwise stated. The District's elections are organized and published through the Marin County Elections Department.

Individuals who are elected to the Board of Directors shall take office at Noon on the 1st Friday in December following the election. Individuals who are appointed take office when they are sworn into office. The Oath of Office shall be administered by the Administrator. Oaths may be taken as schedules allow or at a Board meeting. If the oath is taken outside of a meeting, the Board Secretary shall report as such at the next regular Board meeting. The Oath of Office form, provided by the Marin County Elections Department, shall be signed by the Director and the Board Secretary. The original is retained by the Director being sworn in, a copy is kept on file at the District office, and a copy is sent to the Marin County Elections Department.

The members of the Board of Directors, and persons elected or appointed but who have not yet assumed office as members of the Board, will fully comply with the provisions of The Brown Act at all times.

2.03 Officers of the Board

At the first regular Board of Directors meeting following the election, the Directors shall elect one of their members as Board Chair and another member as Vice Chair. Term of office for each shall be two years. The elected Board Chair and Vice Chair may succeed him or herself in office for a maximum of

four terms, upon being duly re-elected by the Board each term. Should the Board Chair or Vice Chair vacate his/her term, a replacement shall be appointed at the next regular or special meeting by a majority vote of the Board to complete the term of the replaced officer.

2.04 Filling of Vacancy(s) on the Board

From time to time, a vacancy may occur on the Board for a variety of reasons. This policy is established to provide general guidelines and procedures for filling a vacancy on the Board. Under Government Code §1780, the District has a total of sixty (60) days in which to take action.

Upon being informed of the resignation or death of a member of the Board, the Board of Directors shall consider how to act to fill the vacancy, either by appointment or by calling a special election. The District shall notify the Marin County Elections Official of the vacancy no later than fifteen (15) days after the District Board is notified of the vacancy.

In cases where the Board decides to appoint a replacement to the Board, the District may publish a public notice of a vacancy and the process for considering candidates. The Board may establish an application and interview process including requiring a resume or application form detailing qualifications and experience of the candidates. The District shall post the notice of vacancy in at least three conspicuous places in the District at least fifteen (15) days before the Board makes an appointment. If the Board makes an appointment, the District shall notify the Marin County Elections Official within fifteen (15) days.

The Board may review and invite those candidates that a majority of the Board determines are the most qualified of all of the candidates for an interview before the Board at a public noticed meeting. The Board may then consider the interviewed candidates and vote to determine if a majority of the Board can agree on a selected replacement candidate. A Director appointed to fill a vacancy that occurs the first half of a term of office and at least 130 days prior to the next general district election shall serve until the next scheduled election that takes place at least 130 days after the vacancy, and thereafter until the duly elected Director has been qualified. A Director appointed to fill a vacancy that occurs during the first half of a term of office but less than 130 days prior to the next general district election, or that occurs during the second half of a term of office, shall serve until the expiration of the term of office.

If the Board of Directors chooses to call a special election, the Board must do so within sixty (60) days of notification of the vacancy or the effective date of the vacancy, whichever is later. All costs for any election shall be identified for consideration by the Board in making the decision of appointment or election.

If the Board fails to take action within sixty (60) days or if there is a lack of a quorum to take action, Government Code §1780 provides that the Marin County Board of Supervisors may appoint a successor to fill the vacancy.

3 Duties of the Board of Directors

3.01 Duties of the Board Chair

The Chair of the Board of Directors shall serve as chairperson at all Board meetings. He/she shall have the same rights as the other Directors in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions. The Board Chair cannot move or second any motion. If the Board Chair wishes to move or second a motion he/she must pass the gavel to the Vice-Chair and step down as the presiding officer for that particular agenda item.

Responsibilities of the Board Chair regarding administrative tasks of the District include:

- a) Sign all instruments, act and carry out stated requirements and the will of the Board;
- b) Sign the minutes of the Board meetings following their approval;
- c) Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law;
- d) Coordinate the preparation of meeting agendas with the Administrator and Board Secretary;
- e) Confer with the Administrator or designee on crucial matters which may occur between Board of Directors meetings;
- f) Be the Spokesperson for the Board; and
- g) Perform other duties as authorized by the Board.

The Board Chair shall have the following duties regarding meetings of the Board:

- a) Call the meeting to order at the appointed time;
- b) Be responsible for the orderly conduct of all Board meetings;
- c) Announce the business to come before the Board in its proper order according to the agenda;
- d) Enforce the Board's policies in relation to the District's business and the conduct of meetings;
- e) Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
- f) Explain what the effect of a motion would be if it is not clear to every member of the Board;
- g) Restrict discussion to the question when a motion is before the Board;
- h) Rule on parliamentary procedure; and
- i) Put motions to a vote, and state clearly the results of the vote.

3.02 Duties of the Vice Chair

The Vice Chair shall act if the Board Chair is absent or unable to act and shall exercise all of the powers of the Board Chair on such occasions.

3.03 Duties of All Board Members

If the Board Chair and Vice Chair of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings. Requests by individual Directors for substantive information and/or research from District staff will be channeled through the Administrator.

Information that is exchanged before meetings shall be distributed through the Administrator, and all Directors will receive all information being distributed. Copies of information exchanged before meetings shall be available at the meeting for members of the public in attendance. If the information is requested after the meeting is adjourned, the public may request the information in writing from the Administrator, either by mail or e-mail.

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

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

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

Directors shall abstain from participating in consideration of any item involving a personal or financial conflict of interest. However, unless such a conflict of interest exists, Directors should not abstain from the Board's decision-making responsibilities. For more information regarding Conflicts of Interest, see Section 12.01 of this policy manual.

3.04 Authority of Individual Board members

All powers of the District shall be exercised and performed by the Board as a body. Individual Board members, except as provided in this manual or otherwise authorized by the Board, shall have no

independent power to act for the District, or the Board, or to direct staff of the District. As individuals, Board members may not commit the District to any policy, act, or expenditure.

The District will have liability insurance for Board members. However, the insurance shall not cover liability for Board members acting outside the scope of their responsibility and nothing in this policy manual exonerates an official from liability for injury caused by that individual's own wrongful conduct (Government Code Section 820.9).

4 Employees and Consultants

4.01 Principal Employees of the Board of Directors

The Board shall, as necessary, appoint an Administrator, a Treasurer, a Board Secretary, Legal Counsel(s) and an Auditor. The Administrator may act as Board Secretary and/or Treasurer but no sitting Director shall be appointed as Administrator or Board Treasurer. The Administrator, Board Secretary, or a third party who is not a Director may be appointed as the District Treasurer. (Govt. Code § 61040(e).)

4.01.1 Administrator

The District's Administrator shall be responsible for:

- a) The implementation of policies established by the Board of Directors for the operation of the District;
- b) The appointment, supervision, discipline, and dismissal of the District's employees, staff or contractors authorized by the Board;
- c) The supervision of the District's facilities and services; and
- d) The supervision of the District's finances.

The District's Administrator serves at the pleasure of the Board, under contract approved by the Board. The Board will provide policy direction and instruction to the Administrator on matters within the authority of the Board during duly-convened board meetings. Members of the Board will deal with matters within the authority of the Administrator through the Administrator, and not through other District staff. Members of the Board will refrain from making requests directly to District employees (other than the Administrator) to undertake analyses, perform other work assignments or change the priority of work assignments. As members of the public, Directors may request non-confidential, factual information regarding District operations from District employees. If requesting public records, Directors must follow TVCSD's Request for Public Records Policy.

4.01.2 District Treasurer

The Board will, after considering the recommendation of the Administrator, appoint the District's Treasurer. The position of District Treasurer is required by state law (Government Code Section 61050(b)) if the Board has designated an alternative depository for its funds pursuant to Government Code Section 61053, such that the Marin County Treasurer is not serving the District. The Board may appoint the Administrator or another party who is not a Director to act as District Treasurer. The Board shall require the District Treasurer, if any, to be bonded. The District shall pay the cost of the bonds (Government Code Section 61050(f)).

Duties and responsibilities of the District Treasurer:

- a) Adopt a system of accounting and auditing that shall completely and at all times show the District's financial condition and that shall adhere to generally accepted accounting principles;
- b) Be a full member of the standing Finance Committee;
- c) Follow the procedure for drawing and signing checks for payroll and claims against the District ;
- d) Determine if claims and demands against the District conform to the District's approved budget;

4.01.3 Board Secretary

The Board shall appoint the Board Secretary at a regular meeting of the Board. The Secretary performs the duties outlined below and any other duties assigned by the Board.

Duties and Responsibilities of the Board Secretary:

- a) In regard to Board of Directors:
 - i. Certify or attest to actions taken by the Board when required;
 - ii. Give the Oath of Office to all incoming Board members; and
 - iii. Be responsible for receiving, forwarding and retaining statements of economic interest (700 Form) or campaign statements in accordance with California Code Regulations, Title 2, Section 18227.

- b) In regard to Board Meetings:
 - i. Post and publish all notices and agendas as required by law;
 - ii. Prepare and distribute agenda packets for all Board meetings according to TVCSD policy, which includes agendas, minutes, resolutions, ordinances, notices and other related matters;
 - iii. Attend all regular, special, emergency, and adjourned board meetings as well as standing committee meetings as required, record the meetings and take non-verbatim notes of business transacted in order to prepare the minutes; and
 - iv. Sign the minutes of the Board meetings following their approval.

- c) In regard to the Office of the Board and Document Management:
- i. Provide input in formulating the budget of the office of the Board and have the authority to expend funds in accordance with the annual budget of the Board;
 - ii. Manage the office of the Board and maintain confidential information and files;
 - iii. Prepare reports, memoranda and other documents;
 - iv. Serve as filing officer or filing official for the Board and District;
 - v. Maintain resolutions, ordinances, Board approved policies and District agreements;
 - vi. Attest to ordinances and resolutions;
 - vii. Accept correspondence on behalf of the Board; and
 - viii. Sign documents as directed by the Board on their behalf when given the authority, and sign all other items which require the signature of the Secretary.

4.01.4 Legal Counsel

The Board of Directors shall appoint a Legal Counsel to assist the Board and District in all applicable issues and activities. Legal counsel shall be the legal advisor of the District and shall perform such duties as may be prescribed by the Board of Directors. Legal Counsel is required to review and approve as to form District legal documents, i.e. contracts, agreements, etc. The Legal Counsel shall serve at the pleasure of the Board, and shall be compensated for services as determined by the Board.

Legal Counsel reports to the Board as a whole. In order to streamline legal services, one point of contact for the Board shall be appointed by the Board Chair. Legal Counsel shall also be available to the District's management for consultation on applicable issues and activities. Individual Board members may contact the District's legal counsel if they feel something illegal or inappropriate has occurred. However, Board members and TVCSD Management should use their best judgment before incurring legal fees.

4.01.5 Auditor

The District Auditor shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Auditor. The Auditor shall serve at the pleasure of the Board. Selection of the Auditor shall be done in a noticed public meeting and at least every five (5) years. The auditor will be responsible for conducting an annual audit of the District's books, records, and financial affairs in accordance with state law. The Board may ask the auditor to present the findings of the annual audit at a regularly scheduled meeting of the Board. The auditor shall also prepare and submit the State Controller's Annual Report of Finances and supply electronic copies of the Annual audit of the Finances.

4.02 Other Officers, Employees, and Professional Consultants

The Board may also appoint and employ, fix the compensation of, and prescribe the duties and authorities of other officers, employees, attorneys, engineers, and other professional consultants as necessary or convenient for the business of the District.

5 Meetings: Time, Place and Manner

5.01 Regular meetings - Time & Place

Regular meetings of the TVCSD Board of Directors shall be the second Wednesday of each month. The meeting shall start at 6:00 PM. However, if a meeting date shall fall upon a legal holiday, the regular meeting shall be held on the next full business day or moved to a specified date set by the Board. Motion and approval by Board majority can reset the regular meeting to accommodate Directors' schedules.

5.02 Other Types of Meetings

5.02.1 Special Meetings

Special meetings may be called by the Board Chair or a majority of the Board. All Directors, the Administrator, and District Counsel shall be notified of the special board meeting and the purpose or purposes for which it is called. Said notification shall be in writing (agenda), delivered to them at least 24 hours prior to the meeting. Posting requirements for the public as outlined in The Brown Act shall be followed, including notifying those who have a written request on file with the District.

5.02.2 Emergency Meetings

In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the 24-hour notice required above. An emergency situation means a crippling disaster or threat of crippling disaster which severely impairs public health, safety, or both, as determined by the Administrator, Board Chair or Vice Chair in the Chair's absence.

Organizations and property owners who have requested notice of special meetings in accordance with The Brown Act shall be notified by at least one hour prior to the emergency meeting. In the event that telephone services are not functioning, the notice requirement of one hour is waived, but the Administrator, or his/her designee, shall notify such organizations and property owners of the holding of the emergency special meeting, and of any action taken by the Board, as soon after the meeting as possible. No closed session may be held during an emergency meeting, and all other rules governing special meetings shall be observed with the exception of the 24-hour notice. The minutes of the

emergency special meeting shall include a list of persons the Administrator or designee notified or attempted to notify, a copy of the roll call vote(s), and any actions.

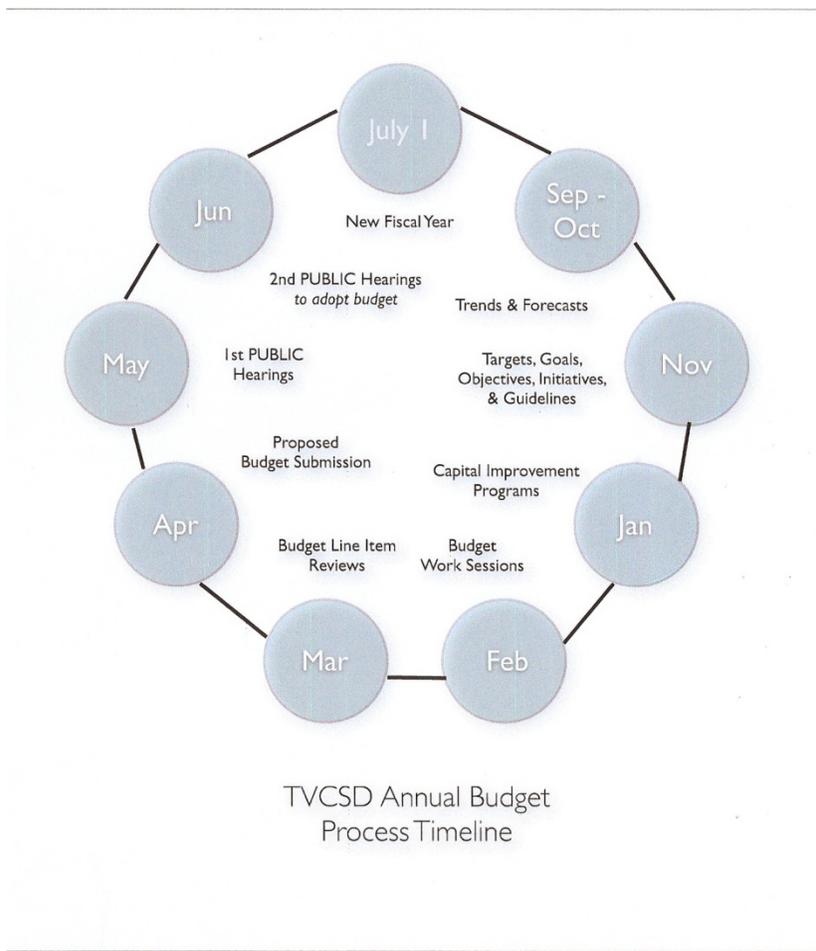
5.02.3 Adjourned Meetings

A majority vote by the Board of Directors may terminate any meeting at any place in the agenda to any time and place specified in the order of adjournment. If no Directors are present at any regular or adjourned meeting, the Administrator may declare the meeting adjourned to a stated time and place.

5.02.4 Budget Workshops

An annual budget proposal shall be prepared by the Administrator. The proposed budget for the following fiscal year will be based on previous spending and estimates from District staff of future expenses. Prior years' spending, personnel costs and CIP expenses shall be included for review.

Prior to review by the Board of Directors, the Board's Finance Committee shall meet with the Administrator and review the proposed annual budget in March of each year. The budget process is a fluid process and shall adhere to an established timeline as follows:



The proposed annual budget as reviewed and amended by the Finance Committee shall be reviewed by the Board of Directors at a special budget session or regular meeting in April. In accordance with California Government Code (CGC) Section 61110, a notice shall be published in a newspaper of general circulation in the District at least two (2) weeks prior to the first public hearing in May stating the following:

- a) The Board has adopted a preliminary budget or the Administrator has prepared a proposed final budget, which is available for inspection by the public by calling the District office during working hours and requesting a copy.
- b) The date, time, and place when the Board of Directors will meet to adopt the final budget.
- c) Any person may appear at the meeting and be heard regarding any item in the budget or regarding the addition of other items.

The proposed annual budget as amended by the Board of Directors during its review shall be presented at a second public hearing and adopted by the Board's at its regular meeting in June.

This policy is meant to give a basic timeline to follow for budget preparation. CGC states a District may adopt a preliminary budget by July 1st. A final budget must be adopted by the Board of Directors on or before September 1st. When a budget is passed, it shall be sent to the Marin County Auditor Controller's Office in accordance with CGC § 61110(f).

5.02.5 Annual Organizational Meeting

The Board of Directors shall hold an annual organizational meeting at its regular meeting in January. At this meeting the Board will elect a Board Chair and Vice Chair from among its members if the two year term is up, appoint members to the standing committees; adopt the schedule for regular board meetings which will include identifying and resolving any conflicts with holidays or other District activities, and identify any months where meetings will be canceled at the Board's discretion.

5.02.6 Workshops and Public Hearings

Board workshops and public hearings are held on an as needed basis or when required by law on specific subjects that are posted on the agenda. These meetings will be noticed according The Brown Act.

5.03 Board Member Attendance at Meetings

Directors make a commitment to attend monthly meetings and actively participate as a Board member. Directors shall attend all regular and special meetings of the Board unless there is good cause, as determined by the Board of Directors, for absence. Directors who will be absent for a meeting shall notify the Administrator and/or Board Secretary as soon as possible.

Vacancies can occur due to a variety of reasons. An office becomes vacant on the occurrence to the incumbent, before the expiration of a term, of any of the following events or any others listed in California Government Code Section 1770:

- a) Death;
- b) Physical or mental incapacitation due to disease, illness, or accident when there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of the term;
- c) Resignation;
- d) Removal from office;
- e) Termination of residency within TVCSD District boundaries;
- f) Absence from the state without the permission required by law beyond the period allowed by law;
- g) Failure to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent with prior arrangements made with the Board;
- h) Conviction of a felony or of any offense involving a violation of his or her official duties; or
- i) Refusal or neglect to file the required oath within the time prescribed.

5.04 Compliance with The Ralph M. Brown Act

All meetings of the TVCSD Board of Directors and committees shall be open and public and all persons shall be permitted to attend any public meeting of the Board of Directors except as provided by law; provided, however, that closed sessions may be held when permitted by law.

5.05 Board Meeting Conduct

Meetings of the Board of Directors shall be conducted by the Chairperson in a manner consistent with the policies of the District. Section 8 "Rules of Order for Board and Committee Meetings", contained within this policy manual shall be used as a general guideline for meeting protocol.

The conduct of meetings shall, to the fullest possible extent, enable Directors to:

- a) Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems; and
- b) Receive, consider and take any needed action with respect to reports of accomplishment of District operations.

Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as follows;

- a) Three minutes may be allotted to each speaker and a maximum of 15 minutes to each subject matter, though time limits may be changed by the Board Chair.
- b) No boisterous conduct shall be permitted at any Board meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.
- c) No oral presentation shall include charges or complaints against any TVCSD Board or staff member whether or not they are identified in the presentation by name or by another reference which tends to identify. All charges or complaints against any staff member, contractor or volunteer shall be submitted to the Administrator in writing. Charges or complaints against the Administrator or any Board member shall be submitted in writing to the Board of Directors.

Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the Chairperson finds that there is in fact willful disruption of any meeting of the Board such that removal of the disruptive persons is not sufficient to restore order, he/she may order the room cleared and subsequently conduct the Board's business without the audience present.

- a) In such an event, only matters appearing on the agenda may be considered in such a session.
- b) After clearing the room, the Chairperson may permit those persons who, in his/her opinion, were not responsible for the willful disruption to re-enter the meeting room.
- c) Duly accredited representatives of the news media, whom the Chairperson finds not to have participated in the disruption, shall be admitted to the remainder of the meeting.

6 Agendas

6.01 Setting of Agenda

The Administrator and Board Secretary, in cooperation with the Board Chair, shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may request any item to be placed on the agenda. Requests must be in writing (fax or email) and submitted to the Administrator or Board Secretary at least five (5) business days prior to the date of the meeting. Directors should submit the wording they want on the agenda and designate it as a discussion only item or action item.

Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:

- a) The request must be in writing and be submitted to the Administrator or Board Secretary with supporting documents and information, if any, at least five (5) business days prior to the date of the meeting.
- b) The Board Chair shall be the sole judge of whether the public request is or is not a “matter directly related to District business” and shall decide, in consultation with the Administrator, whether or not to include the item on the agenda.
- c) No item that is legally a proper subject for consideration by the Board in closed session will be accepted under this policy.

This policy does not prevent the Board from hearing public comments at regular and special meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board.

6.02 Notice Requirements and Distribution for Agendas and Agenda Packets

The Board Secretary shall prepare and post agendas for each meeting as required by The Brown Act and shall develop an agenda packet which will contain all documents related to the items listed on the agenda. Agendas shall be posted conspicuously for public review at the Deli, the Tomales Village Post Office, and the TVCSD website. Agendas and packets will be posted and made available as follows:

6.02.1 Regular Meetings

At least 72 hours prior to the time of all regular meetings, an agenda, which includes all matters on which there may be discussion and/or action by the Board, will be posted. Agenda packets will be made available for Board members’ review 3 days before each regular meeting (starting at Noon on the Saturday preceding a Wednesday meeting). Agenda packets will be made available to the public at the same time by delivery to two designated community members.

6.02.2 Special Meetings

The agenda for a special meeting shall be posted at least twenty four (24) hours before the meeting in the same locations as for regular meetings. Agenda packets for special meetings will be available to the Board and the public as soon as they are created, usually no less than ten (10) hours before the special meeting.

6.02.3 Emergency Meetings

The agendas for Emergency meetings shall be posted no less than one (1) hour before the meeting in the same locations as for regular meetings. Emergency meetings are called only if there is an issue that severely impairs public health, safety or both, as determined by the Administrator or a majority of the Board.

6.03 Additional Distribution

Agendas shall be mailed or sent by electronic media to any person who has on file with the District a written request to receive agendas, after the District has received payment of the appropriate fees to cover either faxing or mailing of said agendas. There will be no fee if the agenda is sent electronically.

6.04 Agenda Change

The Board may take action on an item that is not on the agenda by first identifying the item and upon a determination by a two-thirds vote of the members of the Board of Directors present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted, as specified in California Government Code Section 54954.2(b).

6.05 Public Comment on Agenda Items

Any member of the public may address the Board on any item on the agenda at the time that item is being considered by the Board. The Board Chair will ask for public comment before a vote is taken on any item. Speakers will be limited to three (3) minutes per agenda item as monitored by the Board Secretary. Additional time may be extended by the Board Chair. Speakers shall not be allowed to “split” their time, nor shall they be permitted to “reserve” all or any portion of their allotted time. If any person fails or refuses to abide by these rules, causing disruption of the meeting, the Board Chair, after warning the speaker, may declare that the speaker is disrupting, disturbing or impeding the orderly conduct of the meeting and order the speaker to leave the meeting room.

6.06 Public Comment on Items not on the Agenda

Any member of the public may address the Board on any item of interest to the public within the jurisdiction of the District that is not on the agenda, subject to the time limits and restrictions for public comments on agenda items. No action shall be taken on any item not appearing on the agenda except as set forth in Section 6.04 above. The Board shall not engage in debate, dialogue, or take action on any matter brought to its attention under public comment, except to refer the matter to staff or to determine that the matter should be included on a future agenda for consideration and action.

6.07 Manner of Addressing the Board by an Individual

A member of the public addressing the Board may give his/her name, in an audible tone of voice for the record. All remarks shall be addressed to the Board as a body, not to any individual Director. Individuals addressing the Board shall follow the guidelines outlined in Section 5.05 (Board Meeting Conduct) of this policy manual.

6.08 Manner of Addressing the Board by a Group of Persons

Whenever a group of members of the public wish to address the Board on a single subject matter, the Board Chair may request that a spokesperson be chosen by the group to address the Board and, in case additional matters are to be presented at the same time by any member of that group, to limit the number of persons addressing the Board, so as to avoid repetition. The Board Chair may set a time limit for each side of an issue. Groups of persons addressing the Board shall follow the guidelines outlined in Section 5.05 (Board Meeting Conduct) of this policy manual.

6.09 Correspondence to the Board

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.

7 Minutes of Meetings

7.01 Minutes

The Secretary of the Board of Directors shall keep minutes of all meetings of the Board and any other meetings as required by The Brown Act.

Copies of a meeting's minutes shall be distributed to Directors as a part of the information packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be kept at the TVCSD Office for reference. A backup electronic copy will also be kept by the Board Secretary.

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

- a) Date, place and type of each meeting;
- b) Directors present and absent by name;
- c) Administrative staff present by name;
- d) Call to Order time;
- e) Time and name of late arriving Directors or early departing Directors;
- f) Names of Directors absent during any agenda item upon which action was taken;

- g) Summarial record of staff reports;
- h) Summarial record of public comments regarding matters not on the agenda, including names of commentators;
- i) Approval of minutes or modified minutes of preceding meetings;
- j) Summarial record as to each subject of the Board's deliberation;
- k) Resolutions and ordinances described as to their substantive content and sequential numbering;
- l) Record of all contracts and agreements, and their amendment, approved by the Board;
- m) Approval of the annual budget and mid-year budget adjustments;
- n) Approval of all policies, rules and/or regulations;
- o) Approval of all dispositions of District assets or purchases of District assets; and
- p) Time of meeting adjournment.

Approved minutes of the Board meetings shall be public records open to inspection by the public. The Board Secretary shall make the approved minutes available to any person who submits a written request as outlined in the TVCSD Public Records Request Policy and after receiving the appropriate fee for copies.

7.02 Recordings

Unless directed otherwise, an audio recording of all meetings of the Board of Directors will be made. The recordings shall be kept for a minimum of 30 days from the meeting date and approved by the Board. Recordings of Board meetings are kept for the Board Secretary's convenience. These recordings are not the official minutes of TVCSD Board meetings.

Members of the public may request to inspect the recordings of Board meetings without charge on a playback machine that will be made available by the District. A charge will be incurred if the customer requests a copy of the recording on CD or other media. Members of the public who wish to request/inspect audio recordings or copies of the minutes must follow the steps outlined in the TVCSD Public Records Request Policy.

8 Rules of Order for Board and Committee Meetings

8.01 General Rules of Order

Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly.

8.02 Obtaining the Floor

Any Director desiring to speak should address the Board Chair and, upon recognition, may address the subject under discussion.

8.03 Motions

Any Director may make or second a motion. If the Board Chair wishes to move or second a motion he/she must pass the gavel to the Vice-Chair and step down as the presiding officer for that particular agenda item. A motion shall be brought and considered as follows:

- a) A Director makes a motion;
- b) Another Director seconds the motion;
- c) The chairperson states the motion and opens the issue for discussion and debate by the Board;
- d) After the matter has been debated by the Board, the public is offered an opportunity to comment;
- e) The Board Chair calls for a vote on the motion.

8.04 Secondary Motions

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

8.05 Motion to Amend

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

8.06 Motion to Postpone

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

8.07 Motion to Table

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

8.08 Motion to Refer to Committee

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

8.09 Motion to Close Debate and Vote Immediately

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

8.10 Motion to Adjourn

A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion or at any point in the agenda.

8.11 Point of Order

If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order, not requiring a second, to the chairperson. A point of order is a matter raised during consideration of a motion concerning the rules of parliamentary procedure. A point of order may be raised if the rules appear to have been broken. This may interrupt a speaker during debate, or anything else if the breach of the rules warrants it. The point is resolved before business continues. The point of order calls upon the Board Chair to make a ruling on the point of order. If the ruling of the Board Chair is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

8.12 Decorum

The Board Chair shall take whatever actions are necessary and appropriate to preserve order and decorum during all meetings of the Board. The Board Chair may eject any person making personal, impertinent or slanderous remarks, refusing to abide by a request from the Board Chair, or otherwise disrupting the meeting or hearing. The Board Chair may also declare a short recess during any meeting.

8.13 Amendment of Rules of Order

By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting:

- a) Temporarily suspend these rules in whole or in part;
- b) Amend these rules in whole or in part; or,
- c) Both.

9 Board Actions and Decisions

9.01 Method of Action

The Board shall act only by ordinance, resolution, or motion, in accordance with TVCSD Policy. Actions by the Board of Directors include but are not limited to the following:

- a) Adoption or rejection of regulations or policies;
- b) Adoption or rejection of resolutions and ordinances.
- c) Approval or rejection of any contract or expenditure.
- d) Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel.
- e) Approval or disapproval of matters that require or may require the District or its staff to take action and/or provide services.

In addition, the Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the Administrator. The Board Chair shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the Board Chair, a voice vote may be requested.

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

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

9.02 Majority Vote Required

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

- a) Example: if three of five Directors are present at a meeting, a quorum exists and business can be conducted. However, if one Director abstains on a particular action and the other two cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.
- b) Example: if an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.

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

9.03 Recordation of Vote Exceptions

For action taken by motion without the unanimous vote of all Directors present, the names of the ayes and noes shall be entered in the minutes. For passage of all ordinances and resolutions, the names of the ayes, and noes, abstain and absent shall be entered into the minutes of the Board. The Board Secretary may record the names without a roll call vote, unless such a vote is required by law or requested by a Director.

9.04 Items Previously Voted On

Unless an emergency situation exists, an item previously voted on by the Board of Directors shall not be brought back for consideration by the Board for a minimum of one (1) year without approval of a majority of the Board.

9.05 Execution of Ordinances, Resolutions and Policies

All approved ordinances and resolutions shall be signed by the Board Chair and attested by the Board Secretary. Adopted or revised policies shall have the date of adoption or revision listed on the bottom right-hand corner for verification purposes.

9.06 Deviations

No deviation from or failure to follow the procedures set forth in this code shall invalidate any action or decision of the Board of Directors unless such deviation or failure has substantially prejudiced the rights of an interested person.

10 District Records

10.01 Records

Public records of the Tomales Village Community Services District shall be open to inspection as provided in the California Public Records Act and TVCSD Public Records Request Policy.

10.02 Requests for Public Records and Costs

Individuals requesting copies of public documents shall be charged fifteen cents (\$.15) per page copied to defray expenses associated with the copying process. Copies of agendas and other writing (except for privileged documents) distributed to a majority of the Board of Directors at open Board meetings shall be made available to the public. Two copies of such documents shall be made in advance of each meeting and made available to the public by delivery to two designated community members at no

charge. Additional public copies may be made available by written request 5 days prior to the Board meeting.

10.03 Board Member Requests for Records

In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making. However, requests by individual Directors for substantive information and/or research from District staff will be channeled through the Administrator.

10.04 Board of Directors' Use of Confidential Information and Records

The Brown Act sets forth provisions that require public officials to maintain the confidentiality of certain information (California Government Code Section 54963). The following paraphrases provisions of The Brown Act that are applicable to TVCSD:

- a) A Director is not authorized, without approval of the Board of Directors, to disclose information that qualifies as confidential information under applicable provisions of law to a person not authorized to receive it, that (1) has been received for, or during, a closed session of the Board, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not required to be disclosed under the California Public Records Act.
- b) This section does not prohibit any of the following: (1) making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law by the District, an elected official or staff member, (2) expressing an opinion concerning the propriety or legality of actions taken by the District in closed session, or (3) disclosing information acquired by being present in a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (1) or (2), above, however, a Board member will first bring the matter to the attention of either the Board Chair or the full Board, to provide the Board an opportunity to cure an alleged violation.
- c) A Director who willfully and knowingly discloses confidential information received by him/her in the course of his/her official duties for monetary gain may be guilty of a misdemeanor under Government Code Section 1098.

11 Committees

11.01 General Rules Governing Committees

The Board Chair shall appoint members of the Board to serve on Standing Committees at the District's Annual Organizational Meeting. Other Board members may attend committee meetings as observers in accordance with The Brown Act, but have no authority to participate in any way in committee discussions. Ad Hoc committees shall be formed as necessary by the Board Chair.

Committees should focus on matters which typically require extensive research and review, but not operate in such a way that they make management decisions better left to paid staff or the Board.

At the time the Board Chair forms a committee, he/she shall give instructions of the duties of that committee. Additional duties and functions may be delegated by the Board Chair, as needs arise.

The Board Chair may appoint members of the public and District consultants to serve on committees, as well as Board members. Committees shall give a report at the regular meeting of the Board of Directors and if a need to take action should arise, the committee shall bring a recommendation to the Board of Directors at any duly noticed meeting. The committee chairman shall notify the Administrator of items to be placed on the agenda where action is needed, if possible, five (5) business days prior to the meeting.

11.02 Standing Committees

Standing advisory committees, irrespective of their composition, have either a continuing subject matter jurisdiction, or a meeting schedule fixed by ordinance, resolution, or formal action of the Board of Directors. A standing committee, even if comprised of less than a quorum of the Board, is subject to The Brown Act. The District can appoint any number of standing advisory committees as deemed necessary.

11.02.1 Finance & Budget Committee

The Board's standing Finance/Budget Committee shall be concerned with the financial management of the District, including preparation of an annual budget and Capital Improvement expenditures.

11.02.2 Park Committee

The Board's standing Park Committee shall be concerned with the functions, activities, operations, and capital improvements of the Tomales Community Park.

11.03 Ad Hoc Committees

Ad hoc committees are temporary advisory committees composed solely of less than a quorum of the Board. The committee serves a limited purpose, which is not perpetual, and will be dissolved once its specific task is completed. An Ad hoc committee is not subject to the Brown Act (California Government Code section 54952(b)). The Board of Directors shall appoint such ad hoc committees as deemed necessary or advisable by the Board. The duties of the ad hoc committees shall be outlined at

the time of appointment, and the committee shall be considered dissolved when its final report has been made. The appointment of an Ad Hoc committee shall include the term “Ad Hoc” in its title.

12 Board Conduct

12.01 Conflict of Interest

Public Officials are required to conduct the public’s business free of prohibited conflicts of interest. Conflict of Interest laws are complicated and are periodically updated. TVCSD is committed to keeping its elected officials informed of the requirements of conflict of interest laws. TVCSD’s policies and procedures are consistent with the laws set forth in California Government Code Section 87100, and following, and provisions of the Fair Political Practices Act and Fair Political Practices Commission (FPPC) regulations.

- a) A Board member may not have a financial interest in a contract with TVCSD or be a purchaser at a sale by TVCSD or a vendor at a purchase made by the TVCSD, unless the Board member’s participation was authorized under Government Code Section 1091 or 1091.5, or other provision of law.
- b) A Board member may not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use his/her official position to influence a decision of the Board, if he/she has a prohibited interest with respect to the matter, as defined in the Political Reform Act, Government Code Sections 81000, and following, relating to conflicts of interest.
- c) A Board member may not accept honoraria or gifts that exceed the limitations specified in the FPPC regulations. Board members will report all gifts, campaign contributions, income and financial information as required under the provisions of the Fair Political Practices Act and FPPC regulations.
- d) If a member of the Board believes that he/she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:
 - i. If the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the TVCSD’s Administrator and the TVCSD’s legal counsel of the potential conflict, so a determination can be made whether it is a disqualifying conflict of interest.
 - ii. If it is not possible for the Director to discuss the potential conflict with the Administrator and legal counsel before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately

- disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest; and
- iii. Upon a determination that there is a disqualifying conflict of interest, the Director (1) will not participate in the discussion, deliberation or vote on the matter, which will be noted in the meeting's minutes, and (2) leave the room until after the discussion, vote and any other disposition of the matter is concluded.
 - e) A Board member will not recommend the employment of a relative by TVCSD. A Board member will not recommend the employment of a relative to any person known by the Board member to be bidding for or negotiating a contract with TVCSD.
 - f) A Board member who knowingly asks for, accepts, or agrees to receive any gift, reward, or promise thereof for doing an official act, except as may be authorized by law, may be guilty of a misdemeanor under Penal Code Section 70.
 - g) Board members are prohibited from soliciting political funds or contributions at TVCSD facilities, or from District employees. A Board member will not accept, solicit, or direct a political contribution from District employees, officers, consultants, contractors, or vendors. A Director will not use the District's seal, trademark, stationary or other indicia of the District's identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law (Government Code Section 3205).
 - h) Any Board member appointed or elected to a public office of another public entity, the duties of which may require action contradictory or inconsistent with the interest of TVCSD, will resign from the office of their choosing.
 - i) A Board member will not directly or indirectly use or attempt to use the authority or influence of his/her position for the purpose of intimidating, threatening, coercing, commanding, or influencing any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the Administrator or the Board any information that, if true, would constitute: a work-related violation by a Board member or District employee of any law or regulation, gross waste of District funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of a District official or employee, use of a District office or position or of District resources for personal gain, or a conflict of interest of a District Board member or District employee.
 - j) A Board member will not use or threaten to use any official authority or influence to effect any action as a reprisal against a TVCSD Board member or employee who reports or otherwise brings to the attention of the Administrator or Board of Directors any information that, if true, would constitute a work-related violation of any law or regulation, as listed above (Government Code Sections 53298 and 53298.5).

12.02 Code of Ethics / Ethics Policy

The Board of Directors of the Tomales Village Community Services District is committed to providing excellence in legislative leadership that result in the provision of the highest quality of services to its constituents and to comply with state laws. All Board members are required to comply with AB 1234 Ethics Training by successfully completing the required two hour training within the first six months of assuming office, and at least once every two years thereafter. The course will be an approved course provided by the SDRMA or one of its approved vendors and submit a copy of the certificate of completion to the Administrator. In order to assist in the governance of the behavior between and among members of the Board of Directors, the following rules shall be observed:

- a) The dignity, style, values and opinions of each Director shall be respected.
- b) Responsiveness and attentive listening in communication is encouraged.
- c) The needs of the District's constituents should be the priority of the Board of Directors. When a Director believes he/she may have a conflict of interest, the District's legal counsel may be requested to make a determination if one exists or not.
- d) The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.
- e) Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.
- f) Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocs based on personalities rather than issues should be avoided.
- g) Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not create barriers to the implementation of said action.

Directors should practice the following procedures:

- a) In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making. However, requests by individual Directors for substantive information and/or research from District staff will be channeled through the Administrator.
- b) In handling complaints from residents and property owners of the District, said complaints should be referred directly to the Administrator.
- c) In presenting items at Board meetings, follow proper procedure found in Section 6 of this manual.

- d) In handling items related to safety, concerns for safety or hazards should be reported to the Administrator or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.
- e) In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the Administrator.
- f) When approached by District personnel concerning specific District policy, Directors should direct inquiries to the Administrator. The chain of command should be followed.

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

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

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

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

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

A Board member will not include false or misleading information in a candidate's statement for a general District election filed pursuant to Section 13307 of the Elections Code.

12.03 Violations of Ethics Policy

This section specifies the Board's options for enforcing its ethics policy, while being mindful that Board members are entitled to due process regarding allegations of wrongdoing. A perceived violation of this policy by a Director should be referred to the Board Chair or the full Board of Directors for investigation and consideration of any appropriate action. A violation of this policy may be addressed by the use of such remedies as are available by law to the District, including but not limited to: (a) adoption of a resolution expressing disapproval of the conduct of the Board member who has violated this policy, (b) injunctive relief, and (c) referral of the violation to the District's Legal Counsel and/or the Grand Jury.

12.04 Fair and Equal Treatment

Board members, in the performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability. A Board member will not grant any special consideration, treatment or advantage to any person or group beyond that which is available to every other person or group in similar circumstances.

12.05 Proper Use and Safeguarding of District Property and Resources

Except as specifically authorized, a Board member will not use or permit the use of District owned vehicles, equipment, telephones, materials or property for personal benefit or profit. A Board member will not ask or require a District staff member to perform services for the personal benefit or profit of a Board member or other staff member. Each Board member must protect and properly use any District asset within his/her control, including information recorded on paper or in electronic form. Board members will safeguard District property, equipment, information, moneys and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust.

12.06 Membership in Associations

The Board of Directors shall ordinarily hold membership in and attend meetings of such national, state, and local associations as may exist which have applicability to the functions of the District, and shall look upon such membership as an opportunity for in-service training.

The Board of Directors shall maintain membership in the following associations and shall insure that annual dues are paid when due:

- a) California Special Districts Association
- b) California Rural Water Association
- c) California Water Environment Association
- d) Underground Service Alert – North
- e) Other associations whose membership dues are approved by a majority of the Board at a regular meeting or the annual budget session.

12.07 Training, Education and Conferences

Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District. When three or more members of the Board attend a particular conference or seminar, they are prohibited from discussing TVCSD business amongst each other so as not to violate The Brown Act.

Trips or tours for pleasure at the public's expense (also known as junkets) will not be permitted at any time or for any reason.

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

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

Expenses to the District should be kept to a minimum. All reimbursement requests must be submitted as outlined in the next section. A Director shall not attend a conference or training event for which there is an expense to the District if it occurs after the Director has announced his/her pending resignation, or if it occurs after an election in which it has been determined that the Director will not retain his/her seat on the Board. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.

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

12.08 Required Trainings for the Board of Directors

12.08.1 Ethics Training

All Directors, the Administrator, District Treasurer, and any future staff, shall receive two hours of training in general ethics principles and ethics laws relevant to public service within six (6) months of election or appointment to the Board of Directors, and at least once every two years thereafter, pursuant to Government Code sections 53234 through 53235.2.

This policy applies to all staff members that are designated by the Board of Directors and to members of all commissions, committees and other bodies that are subject to The Brown Act.

All ethics training shall be provided by entities whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission and approved for CIP acknowledgement from SDRMA.

Directors shall obtain proof of participation after completing the ethics training. Any director that serves on the Board of another agency is only required to take the training once every two years. The Administrator shall maintain copies of the Certificates of Completion indicating both the dates the Directors completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five (5) years after Directors receive the training and are public records subject to disclosure under the California Public Records Act.

12.08.2 Harassment Prevention Training

California Assembly Bill 1825 requires harassment prevention training, which is mandatory for supervisory employees of special districts in California. The legislation requires employers to ensure that all managers and/or supervisory staff members receive at least two hours of training every two years. Board members employ and supervise the Administrator and are therefore required to complete the harassment prevention training.

Ethics and Harassment trainings are made available to TVCSD at no cost as a membership benefit of the California Special Districts Association (CSDA) and the California Rural Water Association. TVCSD staff shall contact these agencies and coordinate with Board members to schedule the trainings when necessary.

13 Board Compensation & Travel Expense Reimbursement Procedures

13.01 Purpose of Reimbursement Policy

It shall be the policy of the District to reimburse Directors for travel expenses that are necessary, reasonable, ordinary, legitimate, permissible, and actually incurred when traveling on authorized District business, provided the expenses are authorized pursuant to above, are fully documented by receipts or other records, and are itemized on an approved Request for Payment (RFP) form. It shall be the responsibility of each Director, within two (2) weeks after travel is completed, to submit a properly completed RFP together with supporting documentation in accordance with this Article. All documents related to reimbursable expenditures are public records subject to disclosure under the California Public Records Act.

13.02 Registration Fees

Registration fees for approved conferences, seminars, workshops and meetings shall be a District expense and shall be paid in advance directly by the District.

13.03 Transportation Costs

Transportation costs for approved travel shall be a District expense. If travel is to be completed by use of a personal vehicle, the vehicle owner shall submit to the District proof of adequate insurance prior to travel. When a personal vehicle is used, the owner will be compensated for mileage at the rates provided in Internal Revenue Service Publication 463 or any successor publication. When available, Directors shall use government and group rates offered by transportation providers. In the case of air travel, under no circumstances will the reimbursement for airfare exceed the cost of the lowest available round trip airfare from Oakland, CA to the meeting site.

13.04 Lodging Costs

Lodging costs for approved travel shall be an expense of the District. Where an overnight stay is required, Directors may arrange to have the District billed in advance for lodging expenses. If advance payment by the District is not possible, the Director may advance the payment for lodging costs. If lodging is in connection with a conference or organized educational activity, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available at the time of booking. If the group rate is not available, Directors shall use government rates, if available, or shall use comparable lodging that is consistent with the requirements of this policy. Under no circumstances will the reimbursement for lodging exceed the cost of the lowest available single occupancy rate, plus tax. In addition, no reimbursement will be made for extra services or entertainment purchased by a Director.

13.05 Meal Costs

Meal costs while on approved travel shall be an expense of the District. The maximum amount authorized for meal expenses for each day a Director is traveling to or from and/or is in attendance at a meeting, conference, or other activity authorized by the District shall be the current per diem amount for meals as provided in Internal revenue Service Publication 463 or any successor publication. Under no circumstances will the District pay for or reimburse any expenses for consumption of alcoholic beverages.

The following guidelines should be used for reimbursement of meals while traveling on TVCSD business. Special circumstances will be required to justify reimbursement for amounts above the following:

	Partial Day Travel	Full Day Travel
Breakfast	\$10.00	\$45.00/day
Lunch	\$15.00	
Dinner	\$20.00	

In order to be eligible for meal reimbursement, the following criteria must be met:

- a) For Breakfast: you must have started traveling prior to 7 a.m. or have stayed overnight.
- b) For Lunch: you must have started traveling prior to 11 a.m. or have stayed overnight. If the travel ends prior to noon, lunch expenses will not be eligible for reimbursement.
- c) For Dinner: you must have started traveling prior to 4 p.m. or have stayed overnight. If the travel ends prior to 6 p.m., dinner expenses will not be eligible for reimbursement.

13.06 Method of Payment for Travel Expenses

Payment for travel and other expenses incurred in connection with authorized District related business is to be made in accordance with the following procedure:

- a) **Advance Payments** - Where travel has been authorized by the Board, the District may pay per diem meal expenses to a Director in advance and may prepay the costs of transportation, lodging and registration directly to the vendor. Requests for prepayment should be made to the District's Administrator.
- b) **Use of District Credit Cards** - The District's credit cards shall not be used, directly or indirectly, by Directors.
- c) **Cash Reimbursement** - The District shall reimburse Directors for expenses incurred in connection with travel previously authorized by the Board, provided the expenses are fully documented by receipts or other records, and are itemized on an approved Request for Payment (RFP) form. The RFP and related documentation shall show detailed information regarding the date, nature and amount of the expense for all travel items except for per diem expenses. Lodging statements and other receipts pertinent to travel expenses shall be attached to the RFP so that any personal expenses can be identified and charged to the Director. A properly completed RFP with supporting documentation shall be submitted to the Administrator within two (2) weeks following the completion of the authorized travel.

13.07 Reports from Directors on Training

Directors shall provide brief reports on meetings attended at the expense of the District at the next regular board meeting.

13.08 Limitations

All expenses that do not fall within the travel reimbursement policies of this Article or within the reimbursable rates provided in Internal revenue Service Publication 463, if applicable, must be approved by the Board, in a public meeting, before the expense is incurred. Expenses associated with spouses, relatives, guests, friends, and/or any person other than the Director, shall not be paid by the District, nor shall such expenses be passed through the District's accounting system.

13.09 Reimbursement of Miscellaneous items

On occasion, Board members may purchase items for the District in order to save personnel time and travel expenses for the District. Board members may only purchase items that the Board has approved at a regular Board meeting or items requested by the Administrator that cost less than \$500. Board members shall submit a "Request for Payment" form along with the original receipt for the item to the Administrator for processing. The Administrator shall follow proper procedure in verifying the purchase and issuing a check for reimbursement.

14 Public Complaints & Claims Against the District

14.01 Public Complaints

The Board of Directors desires that public complaints be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic. A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state, or federal statute by which the individual has been adversely affected.

The method of resolving complaints shall be as follows:

- a) The individual with a complaint shall first discuss the matter with the TVCSD office staff, contractors or volunteers with the objective of resolving the matter informally.
- b) If the individual registering the complaint is not satisfied with the disposition of the complaint by the office staff, the complaint may be filed with the Administrator. Within a reasonable time, the Administrator shall meet with the person filing the complaint to resolve the matter. At the option of the Administrator, he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. The individual filing the complaint may request a written decision from the Administrator.
- c) If the individual filing the complaint is not satisfied with the disposition of the matter by the Administrator, a written complaint may be filed with the Board of Directors within ten (10) days of receiving the Administrator's decision. The Board may consider the matter at the next regular meeting, or call a special meeting. The Board will expeditiously resolve the matter. In making the final decision, the Board may conduct conferences, hear testimony, as well as utilize the transcripts of written documentation. The individual filing the complaint may request a written decision from the Board.

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

14.02 Claims Against the District

The purpose of this policy is to provide direction to District staff and Board members 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.

14.02.1 Property Damage Claims- Land and Improvements

In the course of District's operations, damage to land and improvements thereon occasionally occur due to the proximity of the District's facilities to the private property. When District staff members, contractors or volunteers 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 if possible.

When a property owner informs a District staff member, contractor or volunteer of damage to their property (by telephone or in person), the person receiving the claim will document (in writing) the time, date, and description of the stated circumstances and allegations. Staff 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 Administrator. The Administrator or his/her designee shall investigate the property owner's allegations.

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

Claims in excess of the District's insurance deductible shall be forwarded to the insurance company (Special District Risk Management Authority, SDRMA), and the claimant shall be advised of this action.

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

14.02.2 Property Damage Claims- Vehicles and Unsecured Property

All claims of damage to vehicles or other unsecured property shall be submitted to the Administrator. 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 \$500. Claims in excess of \$500 shall be forwarded to the insurance company.

14.02.3 Property Damage Claims on District Form

All damage claims must be submitted in writing on a District claim form. This will ensure that a claim is valid and protect important rights of the District. If an individual does not wish to file a claim on the District form, he/she may present the claim by letter if it conforms to Section 910 and Section 910.2, California Government Code. Section 910 specifies that a claim needs to show all of the following:

- a) The name and post office address of the claimant.
- b) The post office address to which the person presenting the claim desires notices to be sent.
- c) The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted.
- d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known as the time of presentation of the claim.
- e) The name(s) of the public employee(s) causing the injury, damage, or loss, if known.
- f) The amount claimed 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 presentation of the claim, together with the basis of computation of the amount claimed.

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

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

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

End of Board of Directors Policy Manual

Acknowledgement of Receipt of Board of Directors Handbook

I hereby acknowledge that I have received a copy of the TVCS D BOARD OF DIRECTORS HANDBOOK dated June 11, 2012. I understand that I am to promptly read its contents, then sign, date and return this page to the TVCS D Office Manager within two (2) weeks of receipt. I understand that if I have any questions about the Handbook or its contents, I am to discuss them with the Administrator. I acknowledge that I am expected to read, understand, and adhere to TVCS D's policies and procedures documented in this Handbook.

I recognize that this Handbook supersedes and replaces any previous handbooks or policies, and to the extent that provisions of this Handbook conflict with previously issued policies or practices, whether or not such policies and practices were contained in an employee handbook, this Handbook shall prevail.

Finally, I agree that none of these policies and procedures can be amended, modified or altered in any way by oral statements. All modifications to policies and/or procedures set out in this Handbook are not valid unless made and approved at a regular meeting of the TVCS D Board of Directors.

Board Member's Name: _____

(Print or type)

TVCS D Board

Member's Signature: _____ Date: _____

TVCS D General

Manager Signature: _____ Date: _____

COMMUNITY SERVICES DISTRICT LAW

Government Code Section 61000-61009

61000. This division shall be known and may be cited as the Community Services District Law.

61001. (a) The Legislature finds and declares all of the following:

(1) The differences among California's communities reflect the broad diversity of the state's population, geography, natural resources, history, and economy.

(2) The residents and property owners in California's diverse communities desire public facilities and services that promote the public peace, health, safety, and welfare.

(3) Responding to these communities' desires, the Legislature enacted the Community Services District Law in 1951, and reenacted the Community Services District Law in 1955.

(4) Between 1955 and 2005, the voters in more than 300 communities have formed community services districts to achieve local governance, provide needed public facilities, and supply public services.

(5) Since then, the Legislature has amended the Community Services District Law in many ways, resulting in a statute that can be difficult for residents, property owners, and public officials to understand and administer.

(6) There is a need to revise the Community Services District Law to achieve statutory clarity and provide a framework for local governance that California's diverse communities can adapt to their local conditions, circumstances, and resources.

(7) The enactment of this division is necessary for the public peace, health, safety, and welfare.

(b) The Legislature finds and declares that for many communities, community services districts may be any of the following:

(1) A permanent form of governance that can provide locally adequate levels of public facilities and services.

(2) An effective form of governance for combining two or more special districts that serve overlapping or adjacent territory into a multifunction special district.

(3) A form of governance that can serve as an alternative to the incorporation of a new city.

(4) A transitional form of governance as the community approaches cityhood.

(c) In enacting this division, it is the intent of the Legislature:

(1) To continue a broad statutory authority for a class of limited-purpose special districts to provide a wide variety of public facilities and services.

(2) To encourage local agency formation commissions to use their municipal service reviews, spheres of influence, and boundary powers, where feasible and appropriate, to combine special districts that serve overlapping or adjacent territory into multifunction community services districts.

(3) That residents, property owners, and public officials use the powers and procedures provided by the Community Services District Law to meet the diversity of the local conditions, circumstances, and resources.

61002. Unless the context requires otherwise, as used in this division, the following terms shall have the following meanings:

(a) "At large" means the election of members of the board of directors all of whom are elected by the voters of the entire district.

(b) "Board of directors" means the board of directors of a district that establishes policies for the operation of the district.

(c) "By divisions" means the election of members of the board of directors who are residents of the division from which they are elected only by voters of the division.

(d) "District" means a community services district created pursuant to this division or any of its statutory predecessors.

(e) "From divisions" means the election of members of the board of directors who are residents of the division from which they are elected by the voters of the entire district.

(f) "General Manager" means the highest level management appointee who is directly responsible to the board of directors for the implementation of the policies established by the board of directors.

(g) "Graffiti abatement" means the power to prevent graffiti on public or private property, receive reports of graffiti on public or private property, provide rewards not to exceed one thousand dollars(\$1,000) for information leading to the arrest and conviction of persons who apply graffiti on public or private property, abate graffiti as a public nuisance pursuant to Section 731 of the Code of Civil Procedure, remove graffiti from public or private property, and use the services of persons ordered by a court to remove graffiti.

(h) "Latent power" means those services and facilities authorized by Part 3 (commencing with Section 61100) that the local agency formation commission has determined, pursuant to subdivision (i) of Section 56425, that a district did not provide prior to January 1, 2006.

(i) "President" or "chair" means the presiding officer of the board of directors.

(j) "Principal county" means the county having all or the greatest portion of the entire assessed valuation, as shown on the last equalized assessment roll of the county or counties, of all taxable property in the district.

(k) "Secretary" means the secretary of the board of directors.

(l) "Voter" means a voter as defined by Section 359 of the Elections Code.

(m) "Zone" means a zone formed pursuant to Chapter 5 (commencing with Section 61140) of Part 3.

61003. (a) This division provides the authority for the organization and powers of community services districts. This division succeeds the former Division 3 (commencing with Section 61000) as added by Chapter 1746 of the Statutes of 1955, as subsequently amended, and any of its statutory predecessors.

(b) Any community services district organized or reorganized pursuant to the former Division 3 or any of its statutory predecessors which was in existence on January 1, 2006, shall remain in existence as if it had been organized pursuant to this division.

(c) Any improvement district of a community services district formed pursuant to the former Chapter 5 (commencing with Section 61710) of the former Part 5 or any of its statutory predecessors which was in existence on January 1, 2006, shall be deemed to be a zone as if it had been formed pursuant to Chapter 5 (commencing with Section 61140) of Part 3.

(d) Any zone of a community services district formed pursuant to the former Chapter 2 (commencing with Section 61770) of the former Part 6 or any of its statutory predecessors which was in existence on January 1, 2006,

shall remain in existence as if it had been organized pursuant to this division.

(e) Any indebtedness, bond, note, certificate of participation, contract, special tax, benefit assessment, fee, election, ordinance, resolution, regulation, rule, or any other action of a district taken pursuant to the former Division 3 or any of its statutory predecessors which was taken before January 1, 2006, shall not be voided solely because of any error, omission, informality, misnomer, or failure to comply strictly with this division.

(f) Any approval or determination, including, but not limited to, terms and conditions made with respect to a district by a local agency formation commission prior to January 1, 2006, shall remain in existence.

61004. This division shall be liberally construed to effectuate its purposes.

61005. If any provision of this division or the application of any provision of this division in any circumstance or to any person, county, city, special district, school district, the state, or any agency or subdivision of the state is held invalid, that invalidity shall not affect other provisions or applications of this division that can be given effect without the invalid provision or application of the invalid provision, and to this end the provisions of this division are severable.

61006. (a) Any action to determine the validity of the organization of a district shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(b) Any action to determine the validity of any bonds, warrants, contracts, obligations, or evidences of indebtedness of a district shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(c) Any judicial action to compel performance of an action by a district, its officers, or its directors shall be brought pursuant to Section 1084 of the Code of Civil Procedure.

(d) Any judicial review of any administrative act taken after a hearing by a district shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure.

61007. (a) Territory, whether incorporated or unincorporated, whether contiguous or noncontiguous, whether in one or more counties, may be included in a district.

(b) Except as provided in this part, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5, shall govern any change of organization or reorganization of a district. In the case of any conflict between that division and this division, the provisions of this division shall prevail.

(c) A district shall be deemed an "independent special district," as defined by Section 56044, except when a county board of supervisors or a city council is the board of directors.

61008. (a) Except as otherwise provided in this division, districts are subject to the Uniform District Election Law, Part 4 (commencing with Section 10500) of Division 10 of the Elections Code.

(b) A board of directors may require that the election of members to the board of directors shall be held on the same day as the statewide general election pursuant to Section 10404 of the Elections Code.

(c) A district may conduct any election by all-mailed ballots pursuant to Division 4 (commencing with Section 4000) of the Elections Code.

(d) A district may hold advisory elections pursuant to Section 9603 of the Elections Code.

61009. Whenever the boundaries of a district or a zone change, the district shall comply with Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5.

Government Code

Section 61010-61014.5

61010. A new district may be formed pursuant to this chapter.

61011. (a) A proposal to form a new district may be made by petition. The petition shall do all of the things required by Section 56700. In addition, the petition shall do all of the following:

(1) State which of the services listed in Section 61100 it is proposed that the district be authorized to provide upon formation.

(2) Set forth the proposed methods, including, but not limited to, special taxes, benefit assessments, and fees, by which the district will finance those services.

(3) Propose a name for the district.

(4) Specify the method of selecting the initial board of directors, as provided in Chapter 1 (commencing with Section 61020) of Part 2.

(b) The petitions, the proponents, and the procedures for certifying the sufficiency of the petitions shall comply with Chapter 2 (commencing with Section 56700) of Part 3 of Division 5. In the case of any conflict between that chapter and this chapter, the provisions of this chapter shall prevail.

(c) The petition shall be signed by not less than 25 percent of the registered voters residing in the area to be included in the district, as determined by the local agency formation commission.

61012. (a) Before circulating any petition, the proponents shall publish a notice of intention which shall include a written statement not to exceed 500 words in length, setting forth the reasons for forming the district, the proposed services that the district will provide, and the proposed methods by which the district will be financed. The notice shall be published pursuant to Section 6061 in one or more newspapers of general circulation within the territory proposed to be included in the district. If the territory proposed to be included in the district is located in more than one county, publication of the notice shall be made in at least one newspaper of general circulation in each of the counties.

(b) The notice shall be signed by one or more of the proponents, and shall be in substantially the following form:

"Notice of Intent to Circulate Petition"

"Notice is hereby given of the intention to circulate a petition proposing to form the _____ [name of the district]. The reasons for forming the proposed district are: _____.

The proposed service(s) that the district will provide are: _____. The proposed method(s) by which the district will finance those services are: _____."

(c) Within five days after the date of publication, the proponents shall file with the executive officer of the local agency formation commission of the principal county a copy of the notice together with an affidavit made by a representative of the newspaper or newspapers in which the notice was published certifying to the fact of the publication.

(d) After the filing required by subdivision (c), the petition may be circulated for signatures.

61013. (a) A proposal to form a new district may also be made by the adoption of a resolution of application by the legislative body of any county, city, or special district that contains any of the territory proposed to be included in the district. Except for the provisions regarding the signers, the signatures, and the proponents, a resolution of application shall contain all of the matters specified for a petition in Section 61011.

(b) Before adopting a resolution of application, the legislative body shall hold a public hearing on the resolution. Notice of the hearing shall be published pursuant to Section 6061 in one or more newspapers of general circulation within the county, city, or special district. At least 20 days before the hearing, the legislative body shall give mailed notice of its hearing to the executive officer of the local agency formation commission of the principal county. The notice shall generally describe the proposed formation of the district and the territory proposed to be included in the district.

(c) The clerk of the legislative body shall file a certified copy of the resolution of application with the executive officer of the local agency formation commission of the principal county.

61014. (a) Once the proponents have filed a sufficient petition or a legislative body has filed a resolution of application, the local agency formation commission shall proceed pursuant to Part 3 (commencing with Section 56650) of Division 3 of Title 5.

(b) Notwithstanding any other provision of law, a local agency formation commission shall not approve a proposal that includes the formation of a district unless the commission determines that the proposed district will have sufficient revenues to carry out its purposes.

(c) Notwithstanding subdivision (b), a local agency formation commission may approve a proposal that includes the formation of a district where the commission has determined that the proposed district will not have sufficient revenue provided that the commission conditions its approval on the concurrent approval of special taxes or benefit assessments that will generate those sufficient revenues. In approving the proposal, the commission shall provide that, if the voters or property owners do not approve the special taxes or benefit assessments, the proposed district shall not be formed.

(d) If the local agency formation commission approves the proposal for the formation of a district, then the commission shall proceed pursuant to Part 4 (commencing with Section 57000) of Division 3 of Title 5.

(e) Notwithstanding Section 57075, the local agency formation commission shall take one of the following actions:

(1) If a majority protest exists in accordance with Section 57078, the commission shall terminate proceedings.

(2) If no majority protest exists, the commission shall do either of the following:

(A) Order the formation subject to the approval by the voters.

(B) Order the formation subject to the approval by the voters of a special tax or the approval by the property owners of a special benefit assessment, pursuant to subdivision (c).

(f) If the local agency formation commission orders the formation of a district pursuant to paragraph (2) of subdivision (e), the commission shall direct the board of supervisors to direct county officials to conduct the necessary elections on behalf of the proposed district.

61014.5. Notwithstanding Section 61014, in the case of the proposed formation of the East Garrison Community Services District, if the Local Agency Formation Commission of Monterey County finds that the affected territory contains no registered voters and no landowners that are not public agencies, the Local Agency Formation Commission of Monterey County may, as a term and condition of approving the formation, dispense with an election, complete the proceedings for the formation of the East Garrison Community Services District, and order the Board of Supervisors of the County of Monterey to designate the members of the initial board of directors pursuant to Section 61029.5.

Government Code

Section 61020-61022

61020. The initial board of directors of a district formed on or after January 1, 2006, shall be determined pursuant to this chapter.

61021. (a) Except as provided in this chapter, the initial board of directors shall be elected.

(b) The directors may be elected by one of the following methods:

- (1) At large.
- (2) By divisions.
- (3) From divisions.

(c) The elections and terms of office shall be determined pursuant to the Uniform District Election Law, Part 4 (commencing with Section 10500) of the Elections Code.

61022. (a) In the case of a proposed district which contains only unincorporated territory in a single county and less than 100 voters, the local agency formation commission may provide, as a term and condition of approving the formation of the district, that the county board of supervisors shall be the initial board of directors until conversion to an elected board of directors.

(b) The board of supervisors shall adopt a resolution pursuant to subdivision (b) of Section 61027, placing the question of having an elected board of directors on the ballot when any of the following occurs:

(1) When the registrar of voters certifies in writing that the number of voters in the district has reached or exceeded 500.

(2) When the registrar of voters certifies in writing that the number of voters in the district has reached or exceeded a lower number specified by the local agency formation commission as a term and condition of approving the formation of the district.

(3) Ten years after the effective date of the district's formation.

(4) The local agency formation commission has required, as a term and condition of approving the formation of the district, placing the question of having an elected board of directors on the ballot in less than 10 years after the effective date of the district's formation.

(c) At the election, the voters shall also elect members to the district's board of directors. Those persons shall take office only if a majority of the voters voting upon the question of having an elected board are in favor of the question.

(d) If the question is submitted to the voters at a general district election, the notice required by Section 12112 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

Government Code

Section 61025-61030

61025. (a) If a majority of the voters voting upon the question are in favor of the question at a general district or special election, a board of directors may be elected by one of the following methods:

- (1) At large.
- (2) By divisions.
- (3) From divisions.

(b) The board of directors may adopt a resolution placing the question on the ballot. Alternatively, upon receipt of a petition signed by at least 25 percent of the registered voters of the district, the board of directors shall adopt a resolution placing the question on the ballot.

(c) If the question is submitted to the voters at a general district election, the notice required by Section 12112 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

(d) If the majority of voters voting upon the question approves of the election of directors either by divisions or from divisions, the board of directors shall promptly adopt a resolution dividing the district into five divisions. The resolution shall assign a number to each division. Using the last decennial census as a basis, the divisions shall be as nearly equal in population as possible. In establishing the boundaries of the divisions, the board of directors may give consideration to the following factors:

- (1) Topography.
- (2) Geography.
- (3) Cohesiveness, contiguity, integrity, and compactness of territory.
- (4) Community of interests of the divisions.

(e) If the majority of voters voting upon the question approves of the election of directors either by divisions or from divisions, then at the next election, the members of the board of directors shall be so elected. Each member elected by division or from division shall be a resident of the election division by which or from which he or she is elected. At the district general election, following the approval by the voters of the election of directors either by divisions or from divisions, the board of directors shall assign vacancies on the board of directors created by the expiration of terms to the respective divisions and the vacancies shall be filled either by or from those divisions.

(f) If the majority of voters voting on the question approves of the election of directors at large, the board of directors shall promptly adopt a resolution dissolving the divisions which had existed.

61026. In the case of a board of directors elected by divisions or from divisions, the board of directors shall adjust the boundaries of the divisions before November 1 of the year following the year in which each decennial census is taken. If at any time between each decennial census, a change of organization or reorganization alters the population of the district, the board of directors shall reexamine the boundaries of its divisions. If the board of directors finds that the population of any division has varied so that the divisions no longer meet the criteria specified in subdivision (d) of Section 61025, the board of directors shall adjust the boundaries of the divisions so that the divisions shall be as nearly equal in population as possible. The board of directors shall make

this change within 60 days of the effective date of the change of organization or reorganization.

61027. (a) This section applies only to a district where the board of supervisors is the district's board of directors and more than five years have passed since the effective date of the district's formation.

(b) Upon receipt of a petition signed by at least 10 percent of the voters of the district, the board of directors shall adopt a resolution placing the question on the ballot. Alternatively, the board of directors may adopt a resolution placing the question on the ballot. The petition or resolution shall specify whether the board of directors will be elected at large, by divisions, or from divisions.

(c) If a majority of the voters voting upon the question at a general election or special election are in favor, the district shall have an elected board of directors.

(d) At the election, the voters shall also elect members to the district's board of directors. Those persons shall take office only if a majority of the voters voting upon the question of having an elected board of directors are in favor of the question.

(e) If the question is submitted to the voters at a general district election, the notice required by Section 12112 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

61028. (a) Before circulating any petition pursuant to Section 61025 or Section 61027, the proponents shall publish a notice of intention, which shall include a written statement not to exceed 500 words in length, setting forth the reasons for the proposal. The notice shall be published pursuant to Section 6061 in one or more newspapers of general circulation within the district. If the district is located in more than one county, publication of the notice shall be made in at least one newspaper of general circulation in each county.

(b) The notice shall be signed by at least one, but not more than three, proponents and shall be in substantially the following form:

"Notice of Intent to Circulate Petition"

"Notice is hereby given of the intention to circulate a petition affecting the Board of Directors of the _____ (name of the district). The petition proposes that _____ (description of the proposal)."

(c) Within five days after the date of publication, the proponents shall file with the secretary of the board of directors a copy of the notice together with an affidavit made by a representative of the newspaper in which the notice was published certifying to the fact of publication.

(d) After the filing required by subdivision (c), the petition may be circulated for signatures.

(e) Sections 100 and 104 of the Elections Code shall govern the signing of the petition and the format of the petition.

(f) A petition may consist of a single instrument or separate counterparts. The proponents shall file the petition, together with all counterparts, with the secretary of the board of directors. The secretary shall not accept a petition for filing unless the signatures have been secured within six months of the date on which the first signature was obtained and the proponents submitted the petition to the secretary for filing within 60 days after the last signature was obtained.

(g) Within 30 days after the date of filing a petition, the secretary of the board of directors shall cause the petition to be examined by the county elections official, in accordance with Sections 9113 to 9115, inclusive, of

the Elections Code, and shall prepare a certificate of sufficiency indicating whether the petition is signed by the requisite number of signers.

(h) If the certificate of the secretary shows the petition to be insufficient, the secretary shall immediately give notice, by certified mail, of the insufficiency to the proponents. That mailed notice shall state in what amount the petition is insufficient. Within 15 days after the date of the notice of insufficiency, the proponents may file with the secretary a supplemental petition bearing additional signatures.

(i) Within 10 days after the date of filing a supplemental petition, the secretary shall cause the supplemental petition to be examined by the county elections official.

(j) The secretary shall sign and date a certificate of sufficiency. That certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the secretary's examination. The secretary shall mail a copy of the certificate of sufficiency to the proponents.

(k) Once the proponents have filed a sufficient petition, the board of directors shall take the actions required pursuant to Section 61025 or Section 61027.

61029. (a) Notwithstanding any other provision of this chapter, the Board of Supervisors of San Joaquin County shall be the Board of Directors of the Mountain House Community Services District, until conversion to a directly elected board of directors.

(b) When the registrar of voters certifies in writing that the number of voters in the district has reached or exceeded 1,000, the Board of Supervisors of San Joaquin County shall adopt a resolution placing the question of having an elected board of directors on the ballot. The resolution shall specify whether the board of directors will be elected at large, by divisions, or from divisions.

(c) If the question is submitted to the voters at a general district election, the notice required by Section 12112 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

(d) If a majority of voters voting upon the question approves of electing the board of directors, the members of the board of directors shall be elected at the next general district election.

61029.5. (a) Notwithstanding any other provision of this division, the Board of Directors of the East Garrison Community Services District shall be the Board of Supervisors of the County of Monterey, until conversion to a directly elected board of directors.

(b) The Board of Supervisors of the County of Monterey shall adopt a resolution, placing the question of having an elected board of directors on the ballot when any of the following occurs:

(1) When the registrar of voters certifies in writing that the number of voters in the East Garrison Community Services District has reached or exceeded 500.

(2) When the registrar of voters certifies in writing that the number of voters in the East Garrison Community Services District has reached or exceeded a lower number specified by the Local Agency Formation Commission of Monterey County as a term and condition of approving the formation of the East Garrison Community Services District.

(3) Ten years after the effective date of the East Garrison Community Services District's formation.

(4) The Local Agency Formation Commission of Monterey County has required, as a term and condition of approving the formation of the East Garrison

Community Services District, placing the question of having an elected board of directors on the ballot in less than 10 years after the effective date of the East Garrison Community Services District's formation.

(c) At the election, the voters shall also elect members to the East Garrison Community Services District's Board of Directors. Those persons shall take office only if a majority of the voters voting upon the question of having an elected board are in favor of the question.

(d) If the question is submitted to the voters at a general district election, the notice required by Section 12112 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of the election and ballot shall contain a statement of the question.

61030. (a) Notwithstanding any other provision of this part, the local agency formation commission, in approving either a consolidation or reorganization of two or more special districts into a single community services district, may, pursuant to subdivisions(k) and (n) of Section 56886, temporarily increase the number of members to serve on the board of directors of the consolidated or reorganized district to 7, 9, or 11, who shall be members of the boards of directors of the districts to be consolidated or reorganized as of the effective date of the consolidation or reorganization.

(b) Upon the expiration of the terms of the members of the board of directors of the consolidated or reorganized district whose terms first expire following the effective date of the consolidation or reorganization, the total number of members on the board of directors shall be reduced until the number of members equals five.

(c) In addition to the powers granted under Section 1780, in the event of a vacancy on the board of directors of the consolidated or reorganized district at which time the total number of members of the board of directors is greater than five, the board of directors may, by majority vote of the remaining members of the board, choose not to fill the vacancy. In that event, the total membership of the board of directors shall be reduced by one member. Upon making the determination not to fill a vacancy, the board of directors shall notify the board of supervisors of its decision.

(d) This section applies only to a consolidation or reorganization in which each subject agency was an independent special district prior to the initiation of the consolidation or reorganization.

(e) As used in this section, "consolidation" means a consolidation as defined by Section 56030, "special district" means a special district as defined by Section 56036, "independent special district" means an independent special district as defined by Section 56044, and "reorganization" means a reorganization as defined by Section 56073.

Government Code

Section 61040-61048

61040. (a) A legislative body of five members known as the board of directors shall govern each district. The board of directors shall establish policies for the operation of the district. The board of directors shall provide for the implementation of those policies which is the responsibility of the district's general manager.

(b) No person shall be a candidate for the board of directors unless he or she is a voter of the district or the proposed district. No person shall be a candidate for the board of directors that is elected by divisions or from divisions unless he or she is a voter of that division or proposed division.

(c) All members of the board of directors shall exercise their independent judgment on behalf of the interests of the entire district, including the residents, property owners, and the public as a whole in furthering the purposes and intent of this division. Where the members of the board of directors have been elected by divisions or from divisions, they shall represent the interests of the entire district and not solely the interests of the residents and property owners in their divisions.

(d) Service on a municipal advisory council established pursuant to Section 31010 or service on an area planning commission established pursuant to Section 65101 shall not be considered an incompatible office with service as a member of a board of directors.

(e) A member of the board of directors shall not be the general manager, the district treasurer, or any other compensated employee of the district, except for volunteer firefighters as provided by Section 53227.

61041. Notwithstanding subdivision (a) of Section 65040, this section applies only to those districts that on December 31, 2005, had boards of directors that consisted of three members. Those districts shall continue to have boards of directors that consist of three members until the next general district election after January 1, 2006, after which date those districts shall have boards of directors that consist of five members. At that election, the voters shall fill the two vacancies on the board of directors. Those two members of the board of directors shall serve for the terms of office determined pursuant to Section 10506 of the Elections Code.

61042. (a) The term of office of each member of a board of directors is four years or until his or her successor qualifies and takes office. Directors shall take office at noon on the first Friday in December following their election.

(b) For districts formed before January 1, 2006, where the members of the board of directors are not serving staggered terms, at the first meeting after January 1, 2006, the members shall classify themselves by lot into two classes. One class shall have three members and the other class shall have two members. For the class that has three members, the terms of the offices that begin after the next general district election shall be four years. For the class that has two members, the initial terms of the offices that begin after the next general district election shall be two years. Thereafter, the terms of all members shall be four years.

(c) Any vacancy in the office of a member elected to a board of directors shall be filled pursuant to Section 1780.

61043. (a) Within 45 days after the effective date of the formation of a district, the board of directors shall meet and elect its officers. Thereafter, within 45 days after each general district or unopposed election, the board of directors shall meet and elect the officers of the board of directors. A board of directors may elect the officers of the board of directors annually.

(b) The officers of a board of directors are a president and a vice president. The president shall preside over meetings of the board of directors and the vice president shall serve in the president's absence or inability to serve.

(c) A board of directors may create additional offices and elect members to those offices, provided that no member of a board of directors shall hold more than one office.

61044. A board of directors shall hold a regular meeting at least once every three months. Meetings of the board of directors are subject to the Ralph M.

Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5.

61045. (a) A majority of the total membership of the board of directors shall constitute a quorum for the transaction of business.

(b) The board of directors shall act only by ordinance, resolution, or motion.

(c) Except as otherwise specifically provided by law, a majority vote of the total membership of the board of directors is required for the board of directors to take action.

(d) The minutes of the board of directors shall record the aye and no votes taken by the members of the board of directors for the passage of all ordinances, resolutions, or motions.

(e) The board of directors shall keep a record of all its actions, including financial transactions.

(f) The board of directors shall adopt rules or bylaws for its proceedings.

(g) The board of directors shall adopt policies for the operation of the district, including, but not limited to, administrative policies, fiscal policies, personnel policies, and the purchasing policies required by this division.

61046. (a) Ordinances may be passed by the voters by initiative pursuant to Article 1 (commencing with Section 9300) of Chapter 4 of Division 9 of the Elections Code.

(b) Legislative acts may be disapproved by the voters by referendum pursuant to Article 2 (commencing with Section 9340) of Chapter 4 of Division 9 of the Elections Code.

(c) Members of the board of directors may be recalled by the voters pursuant to Chapter 1 (commencing with Section 11000) of Division 11 of the Elections Code.

61047. (a) The board of directors may provide, by ordinance or resolution, that each of its members may receive compensation in an amount not to exceed one hundred dollars (\$100) for each day of service. A member of the board of directors shall not receive compensation for more than six days of service in a month.

(b) The board of directors, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the amount of compensation that may be received by members of the board of directors.

(c) The board of directors may provide, by ordinance or resolution, that its members may receive their actual and necessary traveling and incidental expenses incurred while on official business. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

(d) A member of the board of directors may waive any or all of the payments permitted by this section.

(e) For the purposes of this section, a "day of service" means any of the following:

(1) A meeting conducted pursuant to the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5.

(2) Representation of the district at a public event, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and that the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the public event.

(3) Representation of the district at a public meeting or a public hearing conducted by another public agency, provided that the board of directors has

previously approved the member's representation at a board of directors' meeting and that the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the public meeting or public hearing.

(4) Representation of the district at a meeting of a public benefit nonprofit corporation on whose board the district has membership, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the corporation's meeting.

(5) Participation in a training program on a topic that is directly related to the district, provided that the board of directors has previously approved the member's participation at a board of directors' meeting, and that the member delivers a written report to the board of directors regarding the member's participation at the next board of directors' meeting following the training program.

61048. A board of directors may appoint one or more advisory committees to advise the board of directors about the district's finances, policies, programs, or operations.

Government Code

Section 61050-61053

61050. (a) The board of directors shall appoint a general manager.

(b) The county treasurer of the principal county shall serve as the treasurer of the district. If the board of directors designates an alternative depository pursuant to Section 61053, the board of directors shall appoint a district treasurer who shall serve in place of the county treasurer.

(c) The board of directors may appoint the same person to be the general manager and the district treasurer.

(d) The general manager and the district treasurer, if any, shall serve at the pleasure of the board of directors.

(e) The board of directors shall set the compensation, if any, for the general manager and the district treasurer, if any.

(f) The board of directors may require the general manager to be bonded. The board of directors shall require the district treasurer, if any, to be bonded. The district shall pay the cost of the bonds.

61051. The general manager shall be responsible for all of the following:

(a) The implementation of the policies established by the board of directors for the operation of the district.

(b) The appointment, supervision, discipline, and dismissal of the district's employees, consistent with the employee relations system established by the board of directors.

(c) The supervision of the district's facilities and services.

(d) The supervision of the district's finances.

61052. (a) Except as provided by Section 61053, the county treasurer of the principal county shall be treasurer of the district and shall be the depository and have the custody of all of the district's money.

(b) All claims against a district shall be audited, allowed, and paid by the board of directors by warrants drawn on the county treasurer.

(c) As an alternative to subdivision (b), the board of directors may instruct the county treasurer to audit, allow, and draw his or her warrant on the county treasury for all legal claims presented to him or her and authorized by the board of directors.

(d) The county treasurer shall pay the warrants in the order in which they are presented.

(e) If a warrant is presented for payment and the county treasurer cannot pay it for want of funds in the account on which it is drawn, the treasurer shall endorse the warrant, "NOT PAID BECAUSE OF INSUFFICIENT FUNDS" and sign his or her name and the date and time the warrant was presented. From that time until it is paid, the warrant bears interest at the maximum rate permitted pursuant to Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2.

61053. (a) Notwithstanding Section 61052, a district may establish an alternative depository pursuant to this section.

(b) The board of directors shall appoint a district treasurer who shall serve in the place of the county treasurer.

(c) The board of directors shall adopt a resolution that does each of the following:

(1) State its intention to withdraw its money from the county treasury.

(2) Fix the amount of the bond for the district treasurer and other district employees who will be responsible for handling the district's finances. The district shall pay the cost of the bonds.

(3) Adopt a system of accounting and auditing that shall completely and at all times show the district's financial condition. The system of accounting and auditing shall adhere to generally accepted accounting principles.

(4) Adopt a procedure for drawing and signing checks, provided that the procedure adheres to generally accepted accounting principles. The procedure shall provide that bond principal and salaries shall be paid when due. The procedure may provide that checks to pay claims and demands need not be approved by the board of directors before payment if the district treasurer determines that the claims and demands conform to the district's approved budget.

(5) Designate a bank, a savings and loan association, or a credit union as the depository of the district's money. A bank, savings and loan association, or credit union may act as a depository, paying agent, or fiscal agency for the holding or handling of the district's money, notwithstanding the fact that a member of the board of directors, whose funds are on deposit in that bank or savings and loan association is an officer, employee, or stockholder of that bank or savings and loan association, or of a holding company that owns any of the stock of that bank or savings and loan association.

(d) The board of directors and the board of supervisors of the principal county shall determine a mutually acceptable date for the withdrawal of the district's money from the county treasury, not to exceed 15 months from the date on which the board of directors adopts its resolution.

(e) In implementing this section, the district shall comply with Article 1 (commencing with Section 53600) and Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5. Nothing in this section shall preclude the district treasurer from depositing the district's money in the county treasury of the principal county or the State Treasury pursuant to Article 11 (commencing with Section 16429.1) of Chapter 2 of Part 2 of Division 4 of Title 2.

(f) The district treasurer shall make quarterly or more frequent written reports to the board of directors, as the board of directors shall determine, regarding the receipts and disbursements and balances in the accounts controlled by the district treasurer. The district treasurer shall sign the reports and file them with the general manager.

Government Code

Section 61060-61070

61060. A district shall have and may exercise all rights and powers, expressed and implied, necessary to carry out the purposes and intent of this division, including, but not limited to, the following powers:

(a) To adopt ordinances following the procedures of Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3.

(b) To adopt, by ordinance, and enforce rules and regulations for the administration, operation, and use and maintenance of the facilities and services listed in Part 3 (commencing with Section 61100).

(c) To sue and be sued in its own name.

(d) To acquire any real or personal property within or outside the district, by contract or otherwise, to hold, manage, occupy, dispose of, convey, and encumber the property, and to create a leasehold interest in the property for the benefit of the district.

(e) To acquire by eminent domain any real or personal property within or outside the district. If a district acquires real or personal property of a public utility by eminent domain, the district shall also pay for the cost of the removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables, or poles that must be moved to a new location.

(f) To appoint employees, to define their qualifications and duties, and to provide a schedule of compensation for performance of their duties.

(g) To engage counsel and other professional services.

(h) To enter into and perform all contracts, including, but not limited to, contracts pursuant to Article 43 (commencing with Section 20680) of Chapter 1 of Part 3 of the Public Contract Code.

(i) To adopt a seal and alter it.

(j) To enter joint powers agreements pursuant to the Joint Exercise of Powers Act, Chapter 5 (commencing with Section 6500) of Division 7 of Title 1.

(k) To provide insurance pursuant to Part 6 (commencing with Section 989) of Division 3.6 of Title 1.

(l) To provide training that will assist the members of the board of directors in the governance of the district.

(m) To construct any works along, under, or across any street, road, or highway, subject to the consent of the governing body in charge, and along, under, or across any other property devoted to a public use.

(n) To take any and all actions necessary for, or incidental to, the powers expressed or implied by this division.

61061. (a) A district shall have perpetual succession.

(b) A board of directors may, by resolution, change the name of the district. The resolution shall comply with the requirements of Chapter 23 (commencing with Section 7530) of Division 7 of Title 1. Notwithstanding Section 7530, any district formed on and after January 1, 2006, and any district that changes its name on or after January 1, 2006, shall have the words "community services district" within its name. Within 10 days of its adoption, the board of directors shall file a copy of its resolution with the Secretary of State, the State Board of Equalization, the county clerk, the county auditor, the board of supervisors, and the local agency formation commission of each county in which the district is located.

(c) A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1.

61062. (a) When acquiring, improving, or using any real property, a district shall comply with Article 5 (commencing with Section 53090) of Chapter 1 of Part 1 of Division 2 of Title 5, and Article 7 (commencing with Section 65400) of Chapter 1 of Division 1 of Title 7.

(b) When disposing of surplus land, a district shall comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

61063. (a) Each district shall adopt policies and procedures, including bidding regulations, governing the purchasing of supplies and equipment not governed by Article 43 (commencing with Section 20680) of Chapter 1 of Part 3 of the Public Contract Code. Each district shall adopt these policies and procedures by rule or regulation pursuant to Article 7 (commencing with Section 54201) of Chapter 5 of Division 2 of Title 5.

(b) A district may request the State Department of General Services to make purchases of materials, equipment, or supplies on its behalf pursuant to Section 10298 of the Public Contract Code.

(c) A district may request the purchasing agent of the principal county to make purchases of materials, equipment, or supplies on its behalf pursuant to Article 7 (commencing with Section 25500) of Chapter 5 of Division 2 of Title 3.

(d) A district may request the purchasing agent of the principal county to contract with persons to provide projects, services, and programs authorized by this division pursuant to Article 7 (commencing with Section 25500) of Chapter 5 of Division 2 of Title 3.

61064. (a) Violation of any rule, regulation, or ordinance adopted by a board of directors is a misdemeanor punishable pursuant to Section 19 of the Penal Code.

(b) Any citation issued by a district for violation of a rule, regulation, or ordinance adopted by a board of directors may be processed as an infraction pursuant to subdivision (d) of Section 17 of the Penal Code.

(c) To protect property and to preserve the peace at facilities owned or managed by a district, a board of directors may confer on designated uniformed district employees the power to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or district rules, regulations, or ordinances when the violation is committed within a facility and in the presence of the employee issuing the citation. District employees shall issue citations pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.

61065. (a) The Meyers-Milius-Brown Act, Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 applies to all districts.

(b) A board of directors may establish an employee relations system that may include, but is not limited to, a civil service system or a merit system.

61066. A board of directors may require any employee or officer to be bonded. The district shall pay the cost of the bonds.

61067. A board of directors may provide for any program for the benefit of its employees and members of the board of directors pursuant to Chapter 2 (commencing with Section 53200) of Part 1 of Division 2 of Title 5.

61068. A board of directors may authorize its members and the employees of the district to attend professional or vocational meetings and conferences. A board of directors may reimburse its members and the employees of the district for their documented, actual, and necessary traveling and incidental

expenses while on official business. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

61069. (a) A district may request an inspection warrant pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. The warrant shall state the location which it covers and shall state its purposes. A warrant may authorize district employees to enter property only to do one or more of the following:

- (1) Inspect to determine the presence of public nuisances that the district has the authority to abate.
- (2) Abate public nuisances, either directly or by giving notice to the property owner to abate the public nuisance.
- (3) Determine if a notice to abate a public nuisance has been complied with.

(b) Where there is no reasonable expectation of privacy and subject to the limitations of the United States Constitution and the California Constitution, employees of a district may enter any property within the district for any of the following purposes:

- (1) Inspect the property to determine the presence of public nuisances that the district has the authority to abate.
- (2) Abate public nuisances, either directly or by giving notice to the property owner to abate the public nuisance.
- (3) Determine if a notice to abate a public nuisance has been complied with.

61070. A district may contract with any local agency, state department or agency, federal department or agency, or any tribal government for the provision by or to the district of any facilities, services, or programs authorized by this division, within or without the district, subject to compliance with Section 56133.

Government Code

Section 61100-61107

61100. Within its boundaries, a district may do any of the following:

(a) Supply water for any beneficial uses, in the same manner as a municipal water district, formed pursuant to the Municipal Water District Law of 1911, Division 20 (commencing with Section 71000) of the Water Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail.

(b) Collect, treat, or dispose of sewage, wastewater, recycled water, and storm water, in the same manner as a sanitary district, formed pursuant to the Sanitary District Act of 1923, Division 6 (commencing with Section 6400) of the Health and Safety Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail.

(c) Collect, transfer, and dispose of solid waste, and provide solid waste handling services, including, but not limited to, source reduction, recycling, and composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code.

(d) Provide fire protection services, rescue services, hazardous material emergency response services, and ambulance services in the same manner as a fire protection district, formed pursuant to the Fire Protection District Law, Part 2.7 (commencing with Section 13800) of Division 12 of the Health and Safety Code.

(e) Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.

(f) Organize, promote, conduct, and advertise programs of community recreation, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.

(g) Acquire, construct, improve, maintain, and operate street lighting and landscaping on public property, public rights-of-way, and public easements.

(h) Provide for the surveillance, prevention, abatement, and control of vectors and vectorborne diseases in the same manner as a mosquito abatement and vector control district formed pursuant to the Mosquito Abatement and Vector Control District Law, Chapter 1 (commencing with Section 2000) of Division 3 of the Health and Safety Code.

(i) Provide police protection and law enforcement services by establishing and operating a police department that employs peace officers pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

(j) Provide security services, including, but not limited to, burglar and fire alarm services, to protect lives and property.

(k) Provide library services, in the same manner as a library district formed pursuant to either Chapter 8 (commencing with Section 19400) or Chapter 9 (commencing with Section 19600) of Part 11 of the Education Code.

(l) Acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works. A district shall not acquire, construct, improve, or maintain any work owned by another public agency unless that other public agency gives its written consent.

(m) Convert existing overhead electric and communications facilities, with the consent of the public agency or public utility that owns the facilities, to underground locations pursuant to Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code.

(n) Provide emergency medical services pursuant to the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(o) Provide and maintain public airports and landing places for aerial traffic, in the same manner as an airport district formed pursuant to the California Airport District Act, Part 2 (commencing with Section 22001) of Division 9 of the Public Utilities Code.

(p) Provide transportation services.

(q) Abate graffiti.

(r) Plan, design, construct, improve, maintain, and operate flood protection facilities. A district shall not plan, design, construct, improve, maintain, or operate flood protection facilities within the boundaries of another special district that provides those facilities unless the other special district gives its written consent. A district shall not plan, design, construct, improve, maintain, or operate flood protection facilities in unincorporated territory unless the board of supervisors gives its written consent. A district shall not plan, design, construct, improve, maintain, or operate flood protection facilities within a city unless the city council gives its written consent.

(s) Acquire, construct, improve, maintain, and operate community facilities, including, but not limited to, community centers, libraries, theaters, museums, cultural facilities, and child care facilities.

(t) Abate weeds and rubbish pursuant to Part 5 (commencing Section 14875) of the Health and Safety Code. For that purpose, the board of directors shall

be deemed to be a "board of supervisors" and district employees shall be deemed to be the "persons" designated by Section 14890 of the Health and Safety Code.

(u) Acquire, construct, improve, maintain, and operate hydroelectric power generating facilities and transmission lines, consistent with the district's water supply and wastewater operations. The power generated shall be used for district purposes, or sold to a public utility or another public agency that generates, uses, or sells electrical power. A district shall not acquire hydroelectric power generating facilities unless the facilities' owner agrees.

(v) Acquire, construct, improve, maintain, and operate television translator facilities.

(w) Remove snow from public streets, roads, easements, and rights-of-way. A district may remove snow from public streets, roads, easements, and rights-of-way owned by another public agency, only with the written consent of that other public agency.

(x) Provide animal control services pursuant to Section 30501 of the Food and Agricultural Code. Whenever the term "board of supervisors," "county," "county clerk," or "animal control officer" is used in Division 14 (commencing with Section 30501) of the Food and Agricultural Code, those terms shall also be deemed to include the board of directors of a district, a district, the general manager of the district, or the animal control officer of a district, respectively. A district shall not provide animal control services in unincorporated territory unless the county board of supervisors gives its written consent. A district shall not provide animal control services within a city unless the city council gives its written consent.

(y) Control, abate, and eradicate pests, in the same manner as a pest abatement district, formed pursuant to Chapter 8 (commencing with Section 2800) of Division 3 of the Health and Safety Code. A district's program to control, abate, or eradicate local pine bark beetle infestations shall be consistent with any required plan or program approved by the Department of Forestry and Fire Protection.

(z) Construct, maintain, and operate mailboxes on a district's property or rights-of-way.

(aa) Provide mail delivery service under contract to the United States Postal Service.

(ab) Own, operate, improve, and maintain cemeteries and provide interment services, in the same manner as a public cemetery district, formed pursuant to the Public Cemetery District Law, Part 4 (commencing with Section 9000) of Division 8 of the Health and Safety Code.

(ac) Finance the operations of area planning commissions formed pursuant to Section 65101.

(ad) Finance the operations of municipal advisory councils formed pursuant to Section 31010.

(ae) Acquire, own, improve, maintain, and operate land within or without the district for habitat mitigation or other environmental protection purposes to mitigate the effects of projects undertaken by the district.

(af) If a private person or entity is unable or unwilling to deploy broadband service, construct, own, improve, maintain, and operate broadband facilities and to provide broadband services. For purposes of this section, broadband has the same meaning as in subdivision (a) of Section 5830 of the Public Utilities Code. The district shall first make a reasonable effort to identify a private person or entity willing to deploy service. The authority granted by this subdivision shall expire when a private person or entity is ready, willing, and able to acquire, construct, improve, maintain, and operate broadband facilities and to provide broadband services, and to sell those services at a comparable cost and quality of service as provided by the district. At that time, the district shall do one of the following:

(1) Diligently transfer its title, ownership, maintenance, control, and operation of those broadband facilities and services at a fair market value to that private person or entity.

(2) Lease the operation of those broadband facilities at a fair market value to that private person or entity.

61101. A district may provide the facilities and services authorized by Section 61100 outside its boundaries, subject to Section 56133.

61102. A district may provide electricity within its boundaries if the local agency formation commission designated the district as the successor to another special district that was extinguished as the result of any change of organization or reorganization, and that other special district had provided electricity pursuant to the principal act under which that other special district had operated.

61103. (a) A district that acquires, constructs, improves, and maintains streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works pursuant to subdivision (1) of Section 61100 shall have the powers, duties, and authority of a county for those works, including, but not limited to, the following:

(1) Chapter 2 (commencing with Section 940), Chapter 5.5 (commencing with Section 1450), and Chapter 6 (commencing with Section 1480) of Division 2 of the Streets and Highways Code.

(2) Part 3 (commencing with Section 8300) of the Streets and Highways Code.

(3) Division 11 (commencing with Section 21000) of the Vehicle Code.

(4) Article 4 (commencing with Section 35700) of Chapter 5 of Division 15 of the Vehicle Code.

(b) A district shall not exercise those powers, duties, and authority for any of those works if it is owned by another public agency unless that other public agency gives its written consent.

61104. (a) A district that acquires, constructs, improves, and maintains streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental work pursuant to subdivision (1) of Section 61100 may grant franchises pursuant to any of the following:

(1) Section 53066.

(2) Chapter 6 (commencing with Section 49500) of Part 8 of Division 30 of the Public Resources Code.

(3) Division 3 (commencing with Section 6001) of the Public Utilities Code.

(b) A district shall not grant a franchise over any work owned by another public agency unless that other public agency gives its consent.

61105. (a) The Legislature finds and declares that the unique circumstances that exist in certain communities justify the enactment of special statutes for specific districts. In enacting this section, the Legislature intends to provide specific districts with special statutory powers to provide special services and facilities that are not available to other districts.

(b) (1) The Los Osos Community Services District may borrow money from public or private lenders and loan those funds to property owners within the district to pay for the costs of decommissioning septic systems and constructing lateral connections on private property to facilitate the connection of those properties to the district's wastewater treatment system. The district shall lend money for this purpose at rates not to exceed its cost of borrowing and the district's cost of making the loans. The district may require that the borrower pay the district's reasonable attorney's fees

and administrative costs in the event that the district is required to take legal action to enforce the provisions of the contract or note securing the loan. The district may elect to have the debt payments or any delinquency collected on the tax roll pursuant to Section 61116. To secure the loan as a lien on real property, the district shall follow the procedures for the creation of special tax liens in Section 53328.3 of this code and Section 3114.5 of the Streets and Highways Code.

(2) (A) Except as otherwise provided in this paragraph, on and after January 1, 2007, the Los Osos Community Services District shall not undertake any efforts to design, construct, and operate a community wastewater collection and treatment system within, or for the benefit of, the district. The district shall resume those powers on the date specified in any resolution adopted pursuant to subdivision (j) of Section 25825.5.

(B) Nothing in this paragraph shall affect the district's power to do any of the following:

(i) Operate wastewater collection and treatment facilities within the district that the district was operating on January 1, 2006.

(ii) Provide facilities and services in the territory that is within the district, but outside the prohibition zone.

(iii) Provide facilities and services, other than wastewater collection and treatment, within the prohibition zone.

(C) Promptly upon the adoption of a resolution by the Board of Supervisors of the County of San Luis Obispo requesting this action pursuant to subdivision (h) of Section 25825.5, the district shall convey to the County of San Luis Obispo all retained rights-of-way, licenses, other interests in real property, funds, and other personal property previously acquired by the district in connection with construction projects for which the district awarded contracts in 2005.

(c) The Heritage Ranch Community Services District may acquire, construct, improve, maintain, and operate petroleum storage tanks and related facilities for its own use, and sell those petroleum products to the district's property owners, residents, and visitors. The authority granted by this subdivision shall expire when a private person or entity is ready, willing, and able to acquire, construct, improve, maintain, and operate petroleum storage tanks and related facilities, and sell those petroleum products to the district and its property owners, residents, and visitors. At that time, the district shall either (1) diligently transfer its title, ownership, maintenance, control, and operation of those petroleum tanks and related facilities at a fair market value to that private person or entity, or (2) lease the operation of those petroleum tanks and related facilities at a fair market value to that private person or entity.

(d) The Wallace Community Services District may acquire, own, maintain, control, or operate the underground gas distribution pipeline system located and to be located within Wallace Lake Estates for the purpose of allowing a privately owned provider of liquefied petroleum gas to use the underground gas distribution system pursuant to a mutual agreement between the private provider and the district or the district's predecessor in interest. The district shall require and receive payment from the private provider for the use of that system. The authority granted by this subdivision shall expire when the Pacific Gas and Electric Company is ready, willing, and able to provide natural gas service to the residents of Wallace Lake Estates. At that time, the district shall diligently transfer its title, ownership, maintenance, control, and operation of the system to the Pacific Gas and Electric Company.

(e) The Cameron Park Community Services District, the El Dorado Hills Community Services District, the Golden Hills Community Services District, the Mountain House Community Services District, the Rancho Murieta Community Services District, the Salton Community Services District, the Stallion

Springs Community Services District, and the Tenaja Meadows Community Services District, which enforced covenants, conditions, and restrictions prior to January 1, 2006, pursuant to the former Section 61601.7 and former Section 61601.10, may continue to exercise the powers set forth in the former Section 61601.7 and the former Section 61601.10.

(f) The Bear Valley Community Services District, the Bell Canyon Community Services District, the Cameron Estates Community Services District, the Lake Sherwood Community Services District, the Saddle Creek Community Services District, the Wallace Community Services District, and the Santa Rita Hills Community Services District may, for roads owned by the district and that are not formally dedicated to or kept open for use by the public for the purpose of vehicular travel, by ordinance, limit access to and the use of those roads to the landowners and residents of that district.

(g) Notwithstanding any other provision of law, the transfer of the assets of the Stonehouse Mutual Water Company, including its lands, easements, rights, and obligations to act as sole agent of the stockholders in exercising the riparian rights of the stockholders, and rights relating to the ownership, operation, and maintenance of those facilities serving the customers of the company, to the Hidden Valley Community Services District is not a transfer subject to taxes imposed by Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code.

(h) The El Dorado Hills Community Services District and the Rancho Murieta Community Services District may each acquire, construct, improve, maintain, and operate television receiving, translating, or distribution facilities, provide television and television-related services to the district and its residents, or authorize the construction and operation of a cable television system to serve the district and its residents by franchise or license. In authorizing the construction and operation of a cable television system by franchise or license, the district shall have the same powers as a city or a county under Section 53066.

(i) The Mountain House Community Services District may provide facilities for television and telecommunications systems, including the installation of wires, cables, conduits, fiber optic lines, terminal panels, service space, and appurtenances required to provide television, telecommunication, and data transfer services to the district and its residents, and provide facilities for a cable television system, including the installation of wires, cables, conduits, and appurtenances to service the district and its residents by franchise or license, except that the district may not provide or install any facilities pursuant to this subdivision unless one or more cable franchises or licenses have been awarded under Section 53066 and the franchised or licensed cable television and telecommunications services providers are permitted equal access to the utility trenches, conduits, service spaces, easements, utility poles, and rights-of-way in the district necessary to construct their facilities concurrently with the construction of the district's facilities. The district shall not have the authority to operate television, cable, or telecommunications systems, except as provided in Section 61100. The district shall have the same powers as a city or county under Section 53066 in granting a franchise or license for the operation of a cable television system.

61106. (a) If a board of directors desires to exercise a latent power, the district shall first receive the approval of the local agency formation commission, pursuant to Article 1.5 (commencing with Section 56824.10) of Chapter 5 of Part 3 of Division 3.

(b) After receiving the approval of the local agency formation commission, the board of directors may, by ordinance, order the exercise of that power.

61107. (a) If a board of directors desires to divest itself of a power that is authorized pursuant to this chapter and if the termination of that power would require another public agency to provide a new or higher level of services or facilities, the district shall first receive the approval of the local agency formation commission. To the extent feasible, the local agency formation commission shall proceed pursuant to Article 1.5 (commencing with Section 56824.10) of Chapter 5 of Part 3 of Division 3. After receiving the approval of the local agency formation commission, the board of directors may, by ordinance, divest itself of that power.

(b) Notwithstanding subdivision (a) of Section 56824.14, the local agency formation commission shall not, after a public hearing called and held for that purpose pursuant to subdivisions (b) and (c) of Section 56824.14, approve a district's proposal to exercise a latent power if the local agency formation commission determines that another local agency already provides substantially similar services or facilities to the territory where the district proposes to exercise that latent power.

(c) If a board of directors desires to divest itself of a power that is authorized pursuant to this chapter and if the termination of that power would not require another public agency to provide a new or higher level of services or facilities, the board of directors may, by ordinance, divest itself of that power.

Government Code

Section 61110-61119

61110. (a) On or before July 1 of each year or, for districts using two one-year budgets or a biennial budget, every other year, the board of directors may adopt a preliminary budget that conforms to generally accepted accounting and budgeting procedures for special districts.

(b) The board of directors may divide the preliminary budget into categories, including, but not limited to, the following:

- (1) Maintenance and operation.
- (2) Services and supplies.
- (3) Employee compensation.
- (4) Capital outlay.
- (5) Interest and redemption for indebtedness.
- (6) Designated reserve for capital outlay.
- (7) Designated reserve for contingencies.

(c) On or before July 1 of each year or, for districts using two one-year budgets or a biennial budget, every other year, the board of directors shall publish a notice stating all of the following:

(1) Either that it has adopted a preliminary budget or that the general manager has prepared a proposed final budget which is available for inspection at a time and place within the district specified in the notice.

(2) The date, time, and place when the board of directors will meet to adopt the final budget and that any person may appear and be heard regarding any item in the budget or regarding the addition of other items.

(d) The board of directors shall publish the notice at least two weeks before the hearing in at least one newspaper of general circulation in the district pursuant to Section 6061.

(e) At the time and place specified for the hearing, any person may appear and be heard regarding any item in the budget or regarding the addition of other items. The hearing on the budget may be continued from time to time.

(f) On or before September 1 of each year or, for districts using two one-year budgets or a biennial budget, every other year, the board of directors

shall adopt a final budget that conforms to generally accepted accounting and budgeting procedures for special districts. The general manager shall forward a copy of the final budget to the auditor of each county in which the district is located.

61111. (a) At any regular meeting or properly noticed special meeting after the adoption of its final budget, the board of directors may adopt a resolution amending the budget and ordering the transfer of funds between categories, other than transfers from the designated reserve for capital outlay and the designated reserve for contingencies.

(b) The board of directors may authorize the general manager to transfer funds between budget categories, other than transfers from the designated reserve for capital outlay and the designated reserve for contingencies.

61112. (a) In its budget, the board of directors may establish a designated reserve for capital outlay and a designated reserve for contingencies. When the board of directors establishes a designated reserve, it shall declare the exclusive purposes for which the funds in the reserve may be spent. The funds in the designated reserve shall be spent only for the exclusive purposes for which the board of directors established the designated reserve. The reserves shall be maintained according to generally accepted accounting principles.

(b) Any time after the establishment of a designated reserve, the board of directors may transfer any funds to that designated reserve.

(c) If the board of directors finds that the funds in a designated reserve are no longer required for the purpose for which it established the designated reserve, the board of directors may, by a four-fifths vote of the total membership of the board of directors, discontinue the designated reserve or transfer any funds that are no longer required from the designated reserve to the district's general fund.

(d) Notwithstanding any other provision of this section, in a state of emergency or in a local emergency, as defined in Section 8558, a board of directors may temporarily transfer funds from the designated reserve for capital outlay or the designated reserve for contingencies to the district's general fund. The board of directors shall restore these funds to the designated reserves when feasible.

(e) The board of directors of each district that has designated an alternative depository pursuant to Section 61053 and appointed a district treasurer shall adopt and annually review a policy for the management of reserves.

61113. (a) On or before July 1 of each year, the board of directors shall adopt a resolution establishing its appropriations limit, if any, and make other necessary determinations for the following fiscal year pursuant to Article XIII B of the California Constitution and Division 9 (commencing with Section 7900).

(b) Pursuant to subdivision (c) of Section 9 of Article XIII B of the California Constitution, this section shall not apply to a district which existed on January 1, 1978, and which did not as of the 1977-78 fiscal year levy an ad valorem tax on property in excess of 12 1/2 cents per one hundred dollars (\$100) of assessed value.

(c) This section shall not apply to any district that has previously transferred services and all of the property tax revenue allocation associated with those services to another local agency.

61114. The auditor of each county in which a district is located shall allocate to the district its share of property tax revenue pursuant to Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code.

61115. (a) The board of directors may, by resolution or ordinance, do the following:

(1) Establish rates or other charges for services and facilities that the district provides.

(2) Provide for the collection and enforcement of those rates or other charges.

(3) Among the permissible methods for collection and enforcement are:

(A) To provide that the charges for any of these services and facilities may be collected with the rates or charges for any other services and facilities provided by the district, and that all charges may be billed on the same bill and collected as one item.

(B) To provide that if all or part of a bill is not paid, the district may discontinue any or all services.

(C) To provide for a basic penalty for the nonpayment of charges of not more than 10 percent, plus an additional penalty of not more than 1 percent per month for the nonpayment of the charges and the basic penalty. The board of directors may provide for the collection of these penalties.

(b) The board of directors may provide that any charges and penalties may be collected on the tax roll in the same manner as property taxes. The general manager shall prepare and file with the board of directors a report that describes each affected parcel of real property and the amount of charges and delinquencies for each affected parcel for the year. The general manager shall give notice of the filing of the report and of the time and place for a public hearing by publishing the notice pursuant to Section 6066 in a newspaper of general circulation, and by mailing the notice to the owner of each affected parcel. At the public hearing, the board of directors shall hear and consider any objections or protests to the report. At the conclusion of the public hearing, the board of directors may adopt or revise the charges and penalties. The board of directors shall make its determination on each affected parcel and its determinations shall be final. On or before August 10 of each year following these determinations, the general manager shall file with the county auditor a copy of the final report adopted by the board of directors. The county auditor shall enter the amount of the charges and penalties against each of the affected parcels of real property as they appear on the current assessment roll. The county tax collector shall include the amount of the charges and penalties on the tax bills for each affected parcel of real property and collect the charges and penalties in the same manner as property taxes.

(c) The board of directors may recover any charges and penalties by recording in the office of the county recorder of the county in which the affected parcel is located, a certificate declaring the amount of the charges and penalties due, the name and last known address of the person liable for those charges and penalties. From the time of recordation of the certificate, the amount of the charges and penalties constitutes a lien against all real property of the delinquent property owner in that county. This lien shall have the force, effect, and priority of a judgment lien. Within 30 days of receipt of payment for all amounts due, including the recordation fees paid by the district, the district shall record a release of the lien. In filing any instrument for recordation, the district shall pay the fees required by Article 5 (commencing with Section 27360) of Chapter 6 of Part 3 of Title 3.

(d) A district shall reimburse the county for the reasonable expenses incurred by the county pursuant to this section.

(e) Any remedies for the collection and enforcement of rates or other charges are cumulative and the district may pursue remedies alternatively or consecutively.

61116. (a) A district may accept any revenue, money, grants, goods, or services from any federal, state, regional, or local agency or from any person for any lawful purpose of the district.

(b) In addition to any other existing authority, a district may borrow money and incur indebtedness pursuant to Article 7 (commencing with Section 53820), Article 7.5 (commencing with Section 53840), Article 7.6 (commencing with Section 53850), and Article 7.7 (commencing with Section 53859) of Chapter 4 of Part 1 of Division 2 of Title 5.

61117. The board of directors may establish a revolving fund pursuant to Article 15 (commencing with Section 53950) of Chapter 4 of Part 1 of Division 2 of Title 5.

61118. (a) The board of directors shall provide for regular audits of the district's accounts and records pursuant to Section 26909.

(b) The board of directors shall provide for the annual financial reports to the Controller pursuant to Article 9 (commencing with Section 53890) of Chapter 4 of Part 1 of Division 2 of Title 5.

61119. All claims for money or damages against a district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1.

Government Code

Section 61120-61124

61120. Whenever the board of directors determines that the amount of revenue available to the district or any of its zones is inadequate to meet the costs of operating and maintaining the facilities, programs, and services authorized by this division, the board of directors may raise revenues pursuant to this chapter or any other provision of law.

61121. A district may levy special taxes pursuant to:

(a) Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5. The special taxes shall be applied uniformly to all taxpayers or all real property within the district, except that unimproved property may be taxed at a lower rate than improved property.

(b) The Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5.

61122. A district may levy benefit assessments for operations and maintenance consistent with the requirements of Article XIII D of the California Constitution, including, but not limited to, benefit assessments levied pursuant to any of the following:

(a) The Improvement Act of 1911, Division 7 (commencing with Section 5000) of the Streets and Highways Code.

(b) The Improvement Bond Act of 1915, Division 10 (commencing with Section 8500) of the Streets and Highways Code.

(c) The Municipal Improvement Act of 1913, Division 12 (commencing with Section 10000) of the Streets and Highways Code.

(d) The Landscaping and Lighting Assessment Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, notwithstanding Section 22501 of the Streets and Highways Code.

(e) Any other statutory authorization enacted on or after January 1, 2006.

61123. (a) A board of directors may charge a fee to cover the cost of any service which the district provides or the cost of enforcing any regulation for which the fee is charged. No fee shall exceed the costs reasonably borne by the district in providing the service or enforcing the regulation for which the fee is charged.

(b) Before imposing or increasing any fee for property-related services, a board of directors shall follow the procedures in Section 6 of Article XIII D of the California Constitution.

(c) A board of directors may charge residents or taxpayers of the district a fee authorized by this section that is less than the fee which it charges nonresidents or nontaxpayers.

(d) A board of directors may authorize district employees to waive the payment, in whole or in part, of a fee authorized by this section when the board of directors determines that payment would not be in the public interest. Before authorizing any waiver, a board of directors shall adopt a resolution that specifies the policies and procedures governing waivers.

61124. (a) A district may charge standby charges for water, sewer, or water and sewer services pursuant to the Uniform Standby Charge Procedures Act, Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5.

(b) If the procedures set forth in the former Chapter 1 (commencing with Section 61750) of the former Part 6 of the former Division 1 as it read at the time a standby charge was established were followed, the district may, by resolution, continue to collect the charge in successive years at the same rate from parcels within the district to which water or sewers are made available for any purpose by the district, whether the water or sewers are actually used or not. If new, increased, or extended assessments are proposed, the district shall comply with the notice, protest, and hearing procedures in Section 53753.

Government Code

Section 61125-61131

61125. Whenever the board of directors determines that the amount of revenue available to the district or any of its zones is inadequate to acquire, construct, improve, rehabilitate, or replace the facilities authorized by this division, or for funding or refunding any outstanding indebtedness, the board of directors may incur debt and raise revenues pursuant to this chapter or any other provision of law.

61126. (a) Whenever a board of directors determines that it is necessary to incur a general obligation bond indebtedness for the acquisition or improvement of real property, the board of directors may proceed pursuant to Article 11 (commencing with Section 5790) of Chapter 4 of Division 5 of the Public Resources Code.

(b) Notwithstanding subdivision (a), a district shall not incur bonded indebtedness pursuant to this section that exceeds 15 percent of the assessed value of all taxable property in the district at the time that the bonds are issued.

61127. A board of directors may finance any enterprise and issue revenue bonds pursuant to the Revenue Bond Law of 1941, Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5.

61128. A district may finance facilities and issue bonds pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5.

61129. A district may levy benefit assessments to finance facilities consistent with the requirements of Article XIII D of the California Constitution, including, but not limited to, benefit assessments levied pursuant to any of the following:

(a) The Improvement Act of 1911, Division 7 (commencing with Section 5000) of the Streets and Highways Code.

(b) The Improvement Bond Act of 1915, Division 10 (commencing with Section 8500) of the Streets and Highways Code.

(c) The Municipal Improvement Act of 1913, Division 12 (commencing with Section 10000) of the Streets and Highways Code.

(d) The Landscaping and Lighting Assessment Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, notwithstanding Section 22501 of the Streets and Highways Code.

(e) Any other statutory authorization enacted on or after January 1, 2006.

61130. A district may acquire and improve land, facilities, or equipment and issue securitized limited obligation notes pursuant to Article 7.4 (commencing with Section 53835) of Chapter 4 of Part 1 of Division 2 of Title 5.

61131. (a) A district may issue promissory notes to borrow money and incur indebtedness for any lawful purpose, including, but not limited to, the payment of current expenses, pursuant to this section.

(b) The total amount of indebtedness incurred pursuant to this section outstanding at any one time shall not exceed 5 percent of the district's total enterprise and nonenterprise revenues in the preceding fiscal year. Any indebtedness incurred pursuant to this section shall be repaid within five years from the date on which it is incurred. Any indebtedness incurred pursuant to this section shall bear interest at a rate which shall not exceed the rate permitted under Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5.

(c) Each indebtedness incurred pursuant to this section shall be authorized by resolution adopted by a four-fifths vote of the total membership of the board of directors and shall be evidenced by a promissory note signed by the president of the board of directors and the general manager.

Government Code

Section 61140-61226.5

61140. (a) Whenever a board of directors determines that it is in the public interest to provide different services, provide different levels of service, provide different facilities, or raise additional revenues within specific areas of the district, it may form one or more zones pursuant to this chapter.

(b) The board of directors shall initiate proceedings for the formation of a new zone by adopting a resolution that does all of the following:

(1) States that the proposal is made pursuant to this chapter.

(2) Sets forth a description of the boundaries of the territory to be included in the zone.

(3) States the reasons for forming the zone.

(4) States the different services, different levels of service, different facilities, or additional revenues that the zone will provide.

(5) Sets forth the methods by which those services, levels of service, or facilities will be financed.

(6) Proposes a name or number for the zone.

(c) A proposal to form a new zone may also be initiated by a petition signed by not less than 10 percent of the registered voters residing within the proposed zone. The petition shall contain all of the matters required by subdivision (b).

(d) Upon the adoption of a resolution or the receipt of a valid petition, the board of directors shall fix the date, time, and place for the public hearing on the formation of the zone. The board of directors shall publish notice of the hearing, including the information required by subdivision (b), pursuant to Section 6061 in one or more newspapers of general circulation in the district. The board of directors shall mail the notice at least 20 days before the date of the hearing to all owners of property within the proposed zone. The board of directors shall post the notice in at least three public places within the territory of the proposed zone.

61141. (a) At the hearing, the board of directors shall hear and consider any protests to the formation of the zone. If, at the conclusion of the hearing, the board of directors determines either that more than 50 percent of the total number of voters residing within the proposed zone have filed written objections to the formation, or that property owners who own more than 50 percent of the assessed value of all taxable property in the proposed zone have filed written objections to the formation, then the board of directors shall terminate the proceedings. If the board of directors determines that the written objections have been filed by 50 percent or less of those voters or property owners who own 50 percent or less than the assessed value of all taxable property, then the board of directors may proceed to form the zone.

(b) If the resolution or petition proposes that the zone use special taxes, benefit assessments, fees, standby charges, bonds, or notes to finance its purposes, the board of directors shall proceed according to law. If the voters or property owners do not approve those funding methods, the zone shall not be formed.

61142. A board of directors may change the boundaries of a zone or dissolve a zone by following the procedures in Sections 61140 and 61141.

61143. A local agency formation commission shall have no power or duty to review and approve or disapprove a proposal to form a zone, a proposal to change the boundaries of a zone, or a proposal to dissolve a zone.

61144. (a) As determined by the board of directors, a district may provide any service, any level of service, or any facility within a zone that the district may provide in the district as a whole.

(b) As determined by the board of directors and pursuant to the requirements of this division, a district may exercise any fiscal powers within a zone that the district may exercise in the district as a whole.

(c) Any special taxes, benefit assessments, rates, fees, charges, standby charges, bonds, or notes which are intended solely for the support of services or facilities within a zone, shall be levied, assessed, and charged within the boundaries of the zone.

(d) A district shall not incur a general obligation bonded indebtedness for the benefit of a zone pursuant to this section that exceeds 5 percent of the assessed value of all taxable property in the zone at the time that the

bonds are issued. In computing this limit, the 5 percent shall include any other general obligation bonded indebtedness applicable to that zone.

(e) A district shall not issue promissory notes for the benefit of a zone pursuant to Section 61131 that exceed 5 percent of the zone's total enterprise and nonenterprise revenues in the preceding fiscal year. In computing this limit, the 5 percent shall include any other promissory notes applicable to that zone.

61226.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6.

THE RALPH M BROWN ACT

Government Code Section 54950-54963

54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

54950.5. This chapter shall be known as the Ralph M. Brown Act.

54951. As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

54952. As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

(c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity

shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

54952.1. Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

54952.2. (a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature

that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

54952.6. As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

54952.7. A legislative body of a local agency may require that a copy of this chapter be given to each member of the legislative body and any person elected to serve as a member of the legislative body who has not assumed the duties of office. An elected legislative body of a local agency may require that a copy of this chapter be given to each member of each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body.

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations,

connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) No legislative body shall take action by secret ballot, whether preliminary or final.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), when a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and that number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(4) This subdivision shall remain in effect only until January 1, 2009.

54953.1. The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

54953.2. All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

54953.3. A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

54953.5. (a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination,

or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

54953.6. No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

54953.7. Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed legislative bodies of the local agency of which all or a majority of the members are appointed by or under the authority of the elected legislative body.

54954. (a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district, except under the circumstances enumerated in subdivision (b), or to do any of the following:

(1) Attend a conference on nonadversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of an applicant for the position of the superintendent of the district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

54954.1. Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The

agenda shall include information regarding how, to whom, and when a request for disability related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

54954.3. (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision

(b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time

allocated for public testimony on particular issues and for each individual speaker.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

54954.4. (a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986, authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement, or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful, and uninterrupted manner.

54954.5. For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers) or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9.)

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question) or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.) (h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

(j) With respect to every item of business to be discussed in closed session pursuant to Section 54956.96:

CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)

Discussion will concern: (Specify closed session description used by the joint powers agency)

Name of local agency representative on joint powers agency board: (Specify name)

(Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives.)

(k) With respect to every item of business to be discussed in closed session pursuant to Section 54956.75:

AUDIT BY BUREAU OF STATE AUDITS

54954.6. (a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

For purposes of this section, the term "new or increased assessment" does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing the services, facilities, or regulatory activity for which the fee is charged.

(B) A service charge, rate, or charge, unless a special district's principal act requires the service charge, rate, or charge to conform to the requirements of this section.

(C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to subparagraph (G) of paragraph (2) of subdivision

(c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at

least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(F) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll or the State Board of Equalization assessment roll, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The estimated amount of the assessment per parcel. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessment will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment.

(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts, or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of, the Public Resources Code, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede, existing provisions of law, and shall be applied concurrently with the existing provisions so as to not delay or prolong the governmental decision making process.

(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

(1) The property owners subject to the assessment.

(2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings, and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings, and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIII C or XIII D of the California Constitution is not subject to the notice and hearing requirements of this section.

54955. The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24

hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

54955.1. Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

54956. A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

54956.5. (a) For purposes of this section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. This

notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

54956.6. No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

54956.7. Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record, is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license but all matters relating to the closed session are confidential and shall not be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

54956.75. (a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a legislative body of a local agency meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

54956.8. Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local

agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.

For purposes of this section, negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

54956.81. Notwithstanding any other provision of this chapter, a legislative body of a local agency that invests pension funds may hold a closed session to consider the purchase or sale of particular, specific pension fund investments. All investment transaction decisions made during the closed session shall be made by rollcall vote entered into the minutes of the closed session as provided in subdivision (a) of Section 54957.2.

54956.86. Notwithstanding any other provision of this chapter, a legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions Code may hold a closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name, medical status, or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint heard in an open session rather than a closed session.

54956.87. (a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulas or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (f), shall be held in closed session. The requirements of making a public report of action taken in closed session, and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) Notwithstanding any other provision of law, the governing board of a health plan may meet in closed session to consider and take action on matters

pertaining to contracts and contract negotiations by the health plan with providers of health care services concerning all matters related to rates of payment. The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Corporations in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

(f) For purposes of this section, "health plan trade secret" means a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that also meets both of the following criteria:

(1) The secrecy of the information is necessary for the health plan to initiate a new service, program, marketing strategy, business plan, or technology, or to add a benefit or product.

(2) Premature disclosure of the trade secret would create a substantial probability of depriving the health plan of a substantial economic benefit or opportunity.

54956.9. Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(a) Litigation, to which the local agency is a party, has been initiated formally.

(b) (1) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(2) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (1) of this subdivision.

(3) For purposes of paragraphs (1) and (2), "existing facts and circumstances" shall consist only of one of the following:

(A) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

(B) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or

plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(C) The receipt of a claim pursuant to the Tort Claims Act or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(D) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(E) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body so long as the official or employee of the local agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(F) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

(c) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the subdivision of this section that authorizes the closed session. If the session is closed pursuant to subdivision (a), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

54956.95. (a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, for purposes of insurance pooling, or a local agency member of the joint powers agency, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

54956.96. (a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a member local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that member local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member local agency.

(B) Other members of the legislative body of the local agency present in a closed session of that member local agency.

(2) Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a).

54957. (a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions with the Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.

(b) (1) Subject to paragraph (2), nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. Nothing in this subdivision shall limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

54957.1. (a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as follows:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(7) Pension fund investment transaction decisions made pursuant to Section 54956.81 shall be disclosed at the first open meeting of the legislative body held after the earlier of the close of the investment transaction or the transfer of pension fund assets for the investment transaction.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in subdivision (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

(f) This section is necessary to implement, and reasonably within the scope of, paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

54957.2. (a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

54957.5. (a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

(b) (1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose. Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency. The local agency also may post the writing on the local agency's Internet Web site in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(3) This subdivision shall become operative on July 1, 2008.

(c) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) Nothing in this chapter shall be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that no surcharge shall be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). Nothing in this chapter shall be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

54957.6. (a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

Closed sessions with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees.

For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body, or other independent contractors.

54957.7. (a) Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

54957.8. (a) For purposes of this section, "multijurisdictional law enforcement agency" means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 that provides law enforcement services for the parties to the joint powers agreement for the purpose of investigating criminal activity involving drugs; gangs; sex crimes; firearms trafficking or felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft.

(b) Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional law enforcement agency, or an advisory body of a multijurisdictional law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal investigation of the multijurisdictional law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.

54957.9. In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are

willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

54957.10. Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan.

54958. The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

54959. Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

54960. (a) The district attorney or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to actions or threatened future action of the legislative body, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957, or 54957.6, order the legislative body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960, or 54960.1 alleging that a violation of this chapter has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) Nothing in this section shall permit discovery of communications that are protected by the attorney-client privilege.

54960.1. (a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.

(c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action as taken.

(2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

(3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

(4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

(d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5.

(2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement thereto.

(3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

(4) The action taken was in connection with the collection of any tax.

(5) Any person, city, city and county, county, district, or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956, or Section 54956.5, because of any defect, error, irregularity, or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

54960.5. A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960 or 54960.1 where it is found that a legislative body of the local agency has violated this chapter. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

54961. (a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement, or report required under this chapter need identify any victim or alleged victim of tortuous sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

54962. Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106, and 32155 of the Health and Safety Code, or by Sections 37606, 37606.1, and 37624.3 of the Government Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body of any local agency.

54963. (a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to

a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.

(d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.

Tomales Village Community Services District

SEWER SERVICE REGULATIONS

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Tomales Village Community Services District

REGULATION 100

GENERAL PROVISIONS

a. Intent and Purpose

It is the intent and purpose of the Board of Directors of the Tomales Village Community Services District to protect the public health and safety through enforcement of these regulations in the design, construction and use of sewage facilities within the jurisdiction of the District.

b. Authority

These regulations are adopted pursuant to provisions of Section 31100 and following, of the Water Code of the State of California.

c. Definitions

As used in these regulations of the Tomales Village Community Services District, the following terms have the meaning stated below.

(1) Applicant

Shall mean the owner of the premises to be served by the sewer proposed to be installed or connected, or the owner's authorized agent.

(2) Application

Shall mean an application for sewer service which shall be on a form provided by the District for that purpose, and which shall describe the work proposed to be done, the location, ownership, occupancy, and use of the premises proposed to be served, the characteristics of the waste proposed to be introduced into the District's sewage facility, and be accompanied by such plans and specifications and further information as may be determined by the District to be necessary.

(3) Agreement

Shall mean an agreement between the Applicant and the District that establishes by the terms and conditions under which any sewage facilities shall be installed, replaced or extended.

(4) Board of Directors

Shall mean the Board of Directors of the Tomales Village Community Services District.

(5) BOD (Biochemical Oxygen Demand)

Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° centigrade expressed in milligrams per liter.

(6) Building

Shall mean any structure containing any facility generating sewage requiring disposal into the District's sewage facility.

(7) County

Shall mean the County of Marin.

(8) District

Shall mean the Tomales Village Community Services District.

(9) Improvement District

Improvement District shall mean a specific portion of land within the boundaries of the District designated by the District as being an area which the District will provide sewer service to which certain debt obligations are assigned.

(10) Infiltration

Shall mean groundwater entering sewers through defective joints, and broken or cracked pipe and manholes.

(11) Sewer Main

Shall mean a public sewer into which storm, surface and ground waters are not intentionally admitted and which lies within a public street or easement readily accessible to the District.

(12) Private Disposal System

Shall mean any system of treatment devices or facilities (excluding chemical toilets) that store, convey, treat or dispose of sewage, which is, discharged anywhere other than a public sewer system.

(13) Regulations, Sewer Regulations, These Regulations

Shall mean the regulations of the District.

(14) Sewage

Shall mean any liquid waste containing matter in suspension or solution.

(15) Sewage facility

Shall mean all facilities for collecting, pumping, treating and disposing of sewage or for conveying treated sewage to points of reuse.

(16) Sewer

Shall mean a pipe or conduit for carrying sewage.

(17) Side-Sewer, Lateral

Shall mean the sewer line connecting the building sewer and the sewer main.

d. Agreement, Inspection and Fees

- (1) No sewer main or side-sewer shall be installed, replaced, or extended within the District until a sewer service agreement is signed by both the Applicant and the District, all fees, charges and estimated construction costs required under Regulation 106 and 108 are paid, and all necessary right-of-ways are granted to the District.
- (2) No connection with or use of any sewer main or side-sewer shall be made until the sewer main and side-sewer has been inspected and approved by the District.

e. Land Use Approval Established

An application for service to unimproved land shall not be processed to completion by the District unless the Applicant presents to the District a document from the County of Marin verifying that:

- (1) a valid building permit has been issued; or
- (2) a preliminary division of land has been approved; or
- (3) a tentative subdivision map has been approved; or
- (4) a planned unit development precise development plan has been approved; or
- (5) a conditional use permit has been approved.

Unimproved land means land on which no improvements exist or land, which although improved to a degree, is being further improved and said further improvement is the cause for augmented sewer service and requires one or more of the above listed land use approvals.

f. Validity

If any provision of these regulations or the application thereof to any person or circumstance is held invalid the remainder of the regulation and the application of such provisions to other persons or circumstances shall not be affected thereby.

Tomales Village Community Services District

REGULATION 101

USE OF SEWER MAIN REQUIRED

a. Disposal of Waste

The discharge of any sewage, commercial or industrial wastes or other polluted waters to any stream or water courses located within a Sewer District or Improvement District is prohibited.

b. Unlawful Disposal

Except as herein provided, construction of any privy, privy vault, septic tank, cesspool, or seepage pit facility intended to be used for the disposal of sewage within the District is prohibited.

c. Occupancy Prohibited

No building within the District shall be occupied until the owner of the premises has complied with the provisions of these regulations.

d. Connection to Sewer Main Required

The owner of any building on land in the District which is within four hundred (400) feet of a District sewer main, shall at his or her expense connect said building directly to the sewer main in accordance with the provisions of these regulations within ninety (90) days after notification by the District. The District may waive this requirement upon finding that such connection is not necessary to protect the public health.

Tomales Village Community Services District

REGULATION 102

PRIVATE SEWAGE DISPOSAL

a. Public Sewer Not Available

Where a District sewer is not available to serve a building in the District, the building sewer shall be connected to a private sewage disposal system complying with provisions of the Marin County Code and the Environmental Health Services of the County.

b. Replaced Private Disposal Systems

Where a property previously served by a private sewage disposal system is annexed into the District and is served by the District sewer, the disposition of the private sewage disposal system replaced shall be in accordance with the Marin County Code, at the expense of the property owner.

Tomales Village Community Services District

REGULATION 103

SIDE-SEWER CONNECTIONS

a. Agreement Required

In accordance with Section d. of Regulation 100 no person shall construct a side-sewer or make a connection with any sewer main without first entering into an agreement with the District and paying all fees, charges and estimated construction costs as required under Regulation 106 and 108.

b. When Extension of Sewer Main Required

Extension of a District sewer main shall be constructed to serve new consumers whose lands do not have direct access to or do not abut a street or easement containing an adequate sewer main in accordance to Regulations 104, 106 and 108. Property with direct access to a street or easement containing an adequate sewer main, but which does not have a major frontage on the street or easement, will be served at such street or easement provided that such property and adjacent properties cannot be subdivided or developed.

c. Construction Requirements

- (1) Construction of side-sewers shall be in accordance with the TVCSD Standard Drawing, Sewer and comply with the Uniform Building Code for underground sewer.
- (2) No person shall uncover or otherwise alter or disturb a side-sewer without first receiving the consent of the District.

d. Separate Side-Sewers

Each separate building shall be connected to the sewer main with a separate side-sewer, except that one or more buildings located on property owned by the same person may be served by the same side-sewer if the District determines that it is unlikely that the property can or will be subdivided in the future. However, if for any reason the property is subsequently subdivided, the owner shall provide each building under separate ownership, a separate side-sewer and sewer main extension as required by the District. Continued use of such common side-sewer is prohibited.

e. Old Building Side-Sewer

An old building side-sewer may be used in connection with a new building only if, after inspection, the District determines that the side-sewer meets all current District requirements.

f. Maintenance of Side-Sewer

The maintenance of each side-sewer shall be the responsibility of the owner of the property served thereby. The cost of testing, inspecting, maintaining, repairing, replacing and relocating a side-sewer shall be borne by the owner of the property thereby. The owner shall keep the side-sewer free of infiltration.

g. Testing of Side-Sewers

Side-sewers will be tested under the supervision of the District in each of the following circumstances:

- (1) on remodeling or enlargement of the property served involving the installation of any plumbing fixture,
- (2) on change of use of the building served as residential, commercial or industrial,
- (3) on repair or replacement of the side-sewer, and
- (4) on request of the District.

h. Sewers Too Low

In all buildings in which any building sewer is too low to permit gravity flow to the existing sewer main or side-sewer, the District will require that all other methods of obtaining gravity flow must be examined. Any new construction that is required in order to achieve gravity flow will be at the property owner's expense.

The District will determine if gravity flow sewer service to the property is not feasible. In this case, the sewage carried by such building sewer shall be lifted by a private pump system, subject to District approval, and discharged to the sewer main or side-sewer as determined by the District, and at the expense of the owner. The Applicant shall enter into a recordable agreement running with the land to be served agreeing to accept such service and releasing the District from any liability and from all responsibility to provide gravity service, and agreeing to maintain in good condition and repair without cost to the District the private pump system, including:

- (1) Collection basin
- (2) sewage pump or grinder pump as required
- (3) cleanouts appropriately located to remedy pipe blockages
- (4) check valve to prevent sewage in the District's sewer system from draining into the owner's private system.

Tomales Village Community Services District

REGULATION 104

SEWAGE FACILITY CONSTRUCTION

a. **Facility Size and Design**

All extensions of the District's sewage facility shall be designed by the District and constructed in accordance with the District's plans and specifications. The location, size, type and design of all such extensions shall be sufficient to provide adequate sewage collection, pumping, treatment and disposal capacity for the entire area that can be economically be served therefrom as conclusively determined by the District.

b. **Construction by District**

Subject to the rights of the Applicant as herein set forth, the District will construct extension of its sewage facilities. Such work will be commenced only after the Applicant has entered into a sewer service agreement, advanced the total estimated cost of all facilities, paid all charges as required by Regulation 106 and 108 and provided easements as required by section e. hereof.

c. **Construction by Applicant**

(1) **Right of Applicant to Construct**

The Applicant may elect to construct extensions to the District's sewage facilities, with specifications furnished by the District, provided, however, the District reserves the right to construct, with its own personnel or by private contract, any of the following:

- (a) Sewer mains, pumping plants, storage and treatment facilities and disposal facilities.
- (b) Extensions involving complicated connections to, or interference with, the District's existing facilities as solely determined by the District.

(2) **Conditions**

Construction by the Applicant shall be subject to **each** of the following conditions:

- (a) Prior to commencement of construction the Applicant shall enter into a sewer service agreement, advance all fees, costs of materials to be furnished and work to be performed by the District, pay all charges as required by Regulations 106 and 108 and furnish the District with a performance bond satisfactory to the District in an amount equal to 100% of the estimated cost of the construction by the Applicant.

- (b) A competent and experienced contractor licensed for underground construction and with experienced laborers shall perform all work.
- (c) All work shall be performed in a professional, workmanlike and safe manner and in accordance with the plans and specifications of the District, under its inspection and to the satisfaction of its Operation Manager. Risk of loss or damage to materials or use and installation of faulty materials shall be borne by the Applicant until the District accepts the facilities constructed.
- (d) All facilities shall be maintained by the contractor that installed the same for one year, or such longer period as shall be specified by the District, following the acceptance thereof by the District.

d. All Work to be Inspected

All sewer mains, side-sewers and other sewage facility work shall be inspected by the District to ensure compliance with all requirements of the District. No sewer or side-sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer or side-sewer shall be connected to the District's sewer mains until the work described in the plans and specifications, with any corrections or modifications made with the consent of the District, is completed, inspected and approved by the District. The Applicant shall request inspections seventy-two (72) hours prior to inspection date.

e. Land, Easement and Rights-of-Way

(1) Requirement of District Ownership

All extensions of the District's sewage facility shall at all times be the property of, and be controlled by, the District. District sewage facilities shall be located only in dedicated and accepted public streets, or within dedicated utility easements or within satisfactory easements granted to the District.

(2) Time and Cost of Acquisition

No facilities will be constructed until all rights-of-way, easements and facility sites, as required by and satisfactory to the District, shall have been conveyed to the District without cost to the District. In the event such rights-of-way, easements or lands are not conveyed by the Applicant, the Applicant shall pay the District its entire cost of acquisition thereof, including appraiser's fees, escrow charges, title insurance premiums, legal and professional expenses, and administrative costs.

f. Street Excavation Permit

Any contractor intending to excavate in a public or private street for the purpose of installing sewers or making sewer connections must obtain all necessary permits and authorizations from the County or State departments having jurisdiction.

g. Liability

The District and its officers, agents and employees shall not be liable for injury or death to any person or damage to any property arising out of the performance of any work by any Applicant. The Applicant shall indemnify the District, its officers, agents and employees for all damages, costs, expenses, fees and interest thereby incurred.

h. Determination of Construction Costs

The District shall determine its actual cost of all extensions. Costs shall include labor, materials, overhead, engineering, legal and administrative expenses allocable to such work. The District's determination of costs shall be conclusive.

If, at any time prior to completion of the extension, the District increases its estimate of said cost, the Applicant will pay the amount of the increase within 30 days after billing. If the District's actual costs of the extension exceed the estimated amounts paid, the Applicant will pay the difference within 30 days after the billing and prior to commencement of service. If the estimated amounts paid exceed the actual costs, the District will refund the excess promptly, without interest.

Tomales Village Community Services District

REGULATION 105

USE OF SEWER MAINS

a. Drainage Prohibited

No leaders from roofs or surface drains for rainwater runoff shall be connected to any sewer main or side-sewer. No surface or subsurface drainage, rainwater, storm water, seepage water, water from yard fountains, ponds, lawn sprays, yard drainage, cooling water or other unpolluted commercial or industrial process water shall be permitted to enter any sewer main or side-sewer by any device or method.

b. Types of Waste Prohibited

Except as herein provided no person shall discharge or cause to be discharged any of the following described water or wastes to any sewer main or side-sewer:

- (1) any gasoline, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (2) any garbage that has not been shredded to such degree that all particles shall be carried freely under the flow conditions normally prevailing in sewer mains;
- (3) any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, fat, oil, grease, or any other solid or viscous substance capable of causing obstruction to the flow in sewer mains or other interferences with the normal and proper operation of the sewage facilities;
- (4) any water or wastes having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing harm, damage or hazard to structures, equipment, personnel, or operation of the sewage facility;
- (5) any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with the sewage treatment process, constitute a hazard to humans or animals or create any hazard in the sewage treatment facilities;
- (6) effluent from any industrial garbage grinder or disposal unit or any other water or wastes containing suspended solids of such character and quantity that requires unusual attention or expense for transport and/or treatment;
- (7) mineral oils, greases or products of a petroleum origin, petroleum oils, motor oils, cutting oils, or grease trap wastes either as grease or as emulsified grease;
- (8) any noxious, malodorous, or toxic liquids, gases, fumes, vapors or substances capable of creating a public nuisance or hazard to life or are sufficient to prevent District personnel from safely entering into the sewer facilities for maintenance and repair;

- (9) any septic tank sludge, chemical toilet wastes, waste to which chemicals have been added for odor control or preservation, or the contents of grease traps or sand interceptors;
- (10) any water or waste with a temperature greater than 150° F.

c. Pre-Treatment of Wastes

Applicant or owner shall provide necessary wastewater treatment as required to comply with this Regulation and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the Federal Pretreatment Regulations. Where necessary, in the opinion of the District, the Applicant or owner shall provide at his or her expense such pretreatment of sewage as may be necessary to:

- (1) reduce the biochemical oxygen demand (BOD) to 300 parts per million and the suspended solids to 500 parts per million by weight;
- (2) reduce objectionable characteristics or constituents to within the limits specified by the District and the Regional Water Quality Control Board.

Plans, specifications and other pertinent information relating to the proposed pre-treatment facilities shall be submitted for approval to the District and to the San Francisco Bay Regional Water Quality Control Board and no construction of such facility shall be commenced until said approvals are obtained in writing. The review of such plans and operating procedures will in no way relieve the owner from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this Regulation. Any subsequent changes in the pre-treatment facilities or method of operation shall be reported to, and be acceptable to, the District prior to the owner's initiation of the changes.

d. Maintenance of Pre-Treatment Facilities

Where pre-treatment facilities are provided for any waters or wastes, the owner at his/her expense shall maintain them continuously in satisfactory and effective operating condition.

e. Monitoring Facilities

The District may require to be provided and operated at the owner's expense, monitoring facilities to allow inspection, sampling and flow measurements of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the owner's premises.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the owner.

f. Grease Traps and Oil and Sand Interceptors

Any type of business or establishment where grease or other objectionable materials may be discharged in unusual quantities into a public sewer system shall have a grease trap or oil and sand interceptor of a size and design to be approved by the District Operator and a qualified civil engineer. Grease traps will be required at restaurants and other commercial and/or non-residential food preparation establishments. Oil and sand interceptors will be required at gas stations and auto repair establishments with floor drains located in the service areas, auto or vehicle washing facilities, etc.

Oil and sand interceptors shall be situated on the owner's premises and shall be so located as to be readily and easily accessible for cleaning and inspection. Buildings remodeled for use requiring interceptors shall be subject to these regulations.

Waste discharge from fixtures and equipment in the above-mentioned types of establishments which may contain grease, oil, sand or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through grease traps and oil and sand interceptors where approved by the District operator; provided, however, that toilets, urinals, washbasins and other fixtures containing fecal materials shall not flow through the grease trap or interceptor.

Grease traps and oil and sand interceptors shall be maintained by the owner in efficient operating condition by periodic removal of the accumulated grease, oil or sand. The use of chemicals to dissolve grease or oil is specifically prohibited. No such accumulated grease, oil or sand shall be introduced into any drainage piping or public or private sewer.

g. Inspection and Sampling

The District may inspect the facilities of any owner to ascertain whether the purpose of this Regulation is being met and all District requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination, records copying or in the performance of any of their duties. The District, Regional Water Quality Control Board and EPA shall have the right to set up on the owner's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.

h. Swimming Pools, Spas and Hot Tubs

It shall be unlawful for any person to discharge contents of a swimming pool, spa or hot tub into a sanitary sewer at the rate of flow greater than 50 gallons per minute and only for the purpose of emptying the pool or backwashing the pool/spa filter. Each swimming pool, spa or hot tub discharging to a sanitary sewer shall be equipped with an approved air gap to preclude any possibility of a backflow of sewage into the pool or piping system.

i. Conservation of Water to Accomplish Flow Reduction

Each customer of the District is urged to install devices that will minimize the flow to the District's sewage facilities. Plumbing fixtures installed shall meet all requirements of state law. Replacement fixtures shall meet the requirements of Section j.(2) hereof.

j. Flow Reduction Devices and Restrictions for New Development

- (1) Sewer service will not be furnished to any Applicant unless the flow reduction devices hereinafter described are installed:
- (2) All interior plumbing in new buildings shall meet the following requirements:
 - (i) Toilets and associated flush valves shall not use more than 1.6 gallons of water per flush.
 - (ii) Urinals and associated flush valves shall use not more than 1.0 gallon of water per flush.
 - (iii) Showerheads shall restrict flow to a maximum 2.75 gallons of water per minute.
 - (iv) Kitchen and lavatory faucets shall have aerators or laminar flow devices together with flow control inserts, valves, devices, or orifices that restrict flow to a maximum of 2.5 gallons of water per minute.

Tomales Village Community Services District

REGULATION 106

APPLICATION, AGREEMENT, AND FEES

a. Application for Service

Upon receipt of an application for sewer service the District will review it and prepare a written estimate and preliminary plan for providing sewer service. If the District determines, in its sole discretion, that the plans, specifications and other information submitted as part of the application are complete and satisfactory and in compliance with pertinent District regulations, and that there exists adequate downstream collection, treatment and disposal capacity for the proposed service, including possible reuse, then the District shall issue a letter notifying the Applicant that the work necessary to provide the proposed service may proceed, subject to the Applicant entering into an agreement with the District and paying all estimated engineering costs, construction costs, fees and charges required under this Regulation and Regulation 108.

b. Cost of Preliminary Engineering Work

The costs of preliminary engineering and planning associated with section a. hereof shall be included as part of the cost of providing service, except that in the event the District determines that the proposed service will be delayed or abandoned said costs shall become due and payable upon presentation of a bill for same to the applicant. Should the District determine that the cost of preparing an estimate and accomplishing other engineering and planning work can reasonably be expected to exceed \$100, the Applicant shall be required to execute and advance funds for same at the time of application.

c. Estimate is Not a Commitment to Provide Service

Preparation of an estimate or any other preliminary engineering and planning work undertaken by the District in connection with the Applicant's proposed project is not to be interpreted by the Applicant as a commitment or agreement by the District, partial or otherwise, to provide sewer service. Said commitment will be made only when the District executes a sewer service agreement. The commitment of the District to provide sewer service shall be limited to the number of connections to be installed pursuant to and in accordance with the terms of the sewer service agreement.

d. Sewer Service Agreement

After the preparation of a preliminary cost estimate and plans pursuant to Section a. hereof and at the time that the Applicant desires to secure a commitment of sewer service and proceed with construction, the District shall prepare a sewer service agreement for approval and authorization by the Board of Directors.

The Applicant's execution of a sewer service agreement and payment of all engineering and construction costs, fees and charges pursuant to these regulations shall bind the Applicant and any successors thereto to comply with all provisions of all pertinent District regulations, and with the plans and specifications and other information as part of the agreement, together with such corrections and modifications as may be required or permitted by the District.

e. Small Sewer Service Agreements

When the estimated cost of the work to be performed by the District is less than \$5,000 (exclusive of charges referred to in Section g. hereof and Regulation 108), the Administrator of the District is authorized to enter into a sewer service agreement with the Applicant.

f. Inspection Fee

A fee of \$240.00 shall be paid as a condition of performing a sewer inspection.

g. Charge for Annexation to The District

No property shall be annexed to the District unless an annexation fee is paid. The annexation fee shall be equal to the total of the following:

- (1) the total revenue from tax on land (not improvements) that the District would have received had the property to be annexed been within the Improvement District from the date of its inception, plus an amount equal to the interest revenue the District would have received on said tax revenue, and
- (2) current Local Agency Formation Commission and State Board of Equalization fees for annexation, and
- (3) estimated cost of District staff time and expenses incurred to process the annexation application. The full cost of any annexation feasibility studies including preparation of environmental documents shall be borne by the person or entity requesting sewer service. Before commencing such studies said person or entity shall advance the District's estimated cost of such studies. If, after pursuing such studies, the District determines additional funds are needed to cover estimated costs, said person or entity shall advance said additional estimated required funds. Upon completing said studies any costs incurred by the District, which were not covered by an advance(s), shall be paid by said person or entity upon presentation of an invoice therefore. Any unexpended funds held by the District resulting from an advance(s) shall be refunded to said person or entity, and
- (4) the allocated portion of estimated capital costs to expand the downstream collection, treatment and disposal capacity of the sewage facility to serve the property as determined solely by the District, and
- (5) the in-lieu contribution to the collection system allocated to the property proposed for annexation and based upon the present value of the portion of any assessment bond issues, ad-valorem taxes, and capital loans allocated and used to construct the existing sewage facility.
- (6) the in-lieu fee for existing or new recreation and park facilities based on the area to be annexed and determined by the following formula:

Fee = (No. of Dwellings x Acres of Parkland per Dwelling x FMV per Buildable Acre) x 1.20

Where:

Required Acres of Parkland per Dwelling Unit = 0.003 Acres per Person x Average Number of Persons per Household;

FMV = Fair market value of a buildable acre in the proposed annexation area as determined by a written appraisal prepared and signed by an appraiser acceptable to the District;

Buildable Acre = A typical acre of the proposed annexation area, not subject to flooding, easements, excessive slope, or other restrictions;

The number of dwellings in the proposed annexation area shall be determined as follows, and shall not include dwellings lawfully in place before the date the Tentative Map was approved:

- a. In areas zoned for one dwelling per parcel, the number of dwellings shall equal the number of parcels shown on the Tentative Map, except where there are proposed second units on a parcel, in which case the number of dwellings shall be two.
- b. When an area is zoned for multi-family housing, the number of proposed dwellings in the area so zoned shall equal the maximum number of dwellings allowed in that zoning district.
- c. For residential condominiums, the number of dwellings shall be the number of condominium units shown on the Tentative Map.

Example: The proposed annexation area is zoned for 20 dwelling units and 5 second units in an area where an appraisal determined that the fair market value of a buildable acre would be \$500,000, and there are an average of 2.4 people per household in the District, would be required to pay a fee of \$108,000.

(20 dwellings + 5 second units x 0.0072 of parkland per dwelling x FMV of \$500,000 per acre x 1.20 = \$108,000)

Tomales Village Community Services District

REGULATION 107

ENFORCEMENT

a. Violation

Any person found to be violating any provision of these regulations shall be served by the Administrator or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The violating party shall within the period of time stated in such notice permanently cease the violation.

b. Public Nuisance

Continued habitation of any building or continued operation of any facility in violation of the provisions of these regulations is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the nuisance during the period of such violation.

c. Liability for Violation

Any person violating any of the provisions of this regulation shall become liable to and shall indemnify the District for any expense, loss or damage occasioned by the District by reason of such violation.

Costs associated with the discovery and corrections of an illegal connection to the District's sewer system are the responsibility of the property owner to which the illegal connection was made. The property owner shall reimburse the District for its said costs including:

- (1) all District costs to investigate the illegal connection, and
- (2) all District costs as described in Regulation 106 and 108, to correct the connection including back charges for sewer service equal to the monthly service rate multiplied by the number of months the District determines the illegal connection was in use.

Tomales Village Community Services District

REGULATION 108

RATES AND CHARGES

a. Applicability

This regulation applies to sewage service provided by the District to the property within the District boundaries described as Annexation No. 10 to the District, and any subsequent annexations.

b. Sewage Facilities Connection Charge

Effective August 1, 2000 a sewage facilities connection charge of \$10,000 for each equivalent unit shall be paid by the owner of the land served prior to the commencement of sewage service. An equivalent unit is defined as the sewage flow generated by a typical single family home in the Tomales Village Community Services District. For connection of service to structures projected to generate flows in excess of that generated by a typical single family home, the District shall calculate the number of equivalent units and resulting connection charge. In no event shall connection charge be less than \$10,000. All revenues derived by the District from said sewage facilities connection charge shall be used only for the construction and reconstruction (including, without limitation, enlargement, modification and replacement) and operation and maintenance of the sewage facilities serving said lots or for other purposes authorized by Section 5474.9 of the Health & Safety Code, but shall not be used for acquisition or construction of new local street sewer or laterals.

1. Previously Used Sewer Lateral

Where a property has had a previously approved sewer lateral in use, and such property subsequently was vacated, a new connection charge will be assessed if that property is rebuilt or remodeled. If the property has been vacant for less than one year and no change in usage or capacity is anticipated, no connection fee will be required. If a building has been vacant for more than one year, but less than two years, or if there is an increase of usage or capacity, the connection fee shall be one-half of the current fee listed in Section b. If a building or property has been vacant for over two years, the connection fee shall be the same as a new connection fee. All other regulations, including approval and inspection by the District will be applicable.

c. Monthly Service Rates

Effective July 1, 2009 a sewer service rate of \$63.00 per equivalent unit per month shall be paid by the owner of the land served. In the case of new construction, said rate shall commence when the house lateral for said dwelling unit is connected to the District sewage facility. Upon written notice by the owner in the event a structure is demolished by fire or otherwise removed from the land, an appropriate adjustment shall be made taking into account the reduced use but excluding any adjustment for infiltration inflow. Charges collected during the period that no structure existed, due to destruction by fire or otherwise removed, shall be refunded. The refund period, however, shall not be greater than one year and shall be measured from the date that the District receives written notice from the owner.

d. Equivalent Unit Billing

Each owner of premises within the District shall pay a sewer service charge for each sewer service unit in accordance with the purposes for which said premises are used. In the event that the premises are used for more than one purpose, there shall be an annual charge for each classification of use on portions of said premises and the annual sewer service charge for such premises shall be the aggregate of all such annual charges. For each use, sewer service units are assigned according to the attached schedule.

Use Category	Billing Basis			Use of Measurement	EU Calculation	
	Flow gallons/day	BOD mg/l	TSS mg/l			
Residential						
Single Family	200	256	256	Connections	1.00	
Condominiums	200	256	256	Dwelling Units	1.00	
Multiple Family	200	256	256	Dwelling Units	1.00	
Mobile Home	200	256	256	Unit	1.00	
Rental Unit	200	256	256	Connections	1.00	
Commercial						
Art Gallery	78	540	100	1,000 sq. ft.	0.30	
Auto Repair	300	250	280	Connection	1.02	
Plus	38	600	600	add per service bay	0.24	
Bakery	190	1000	600	1,000 sq. ft.	1.52	
Bank	190	130	80	1,000 sq. ft.	0.39	
Beauty Shop	38	130	80	Chair	0.08	
Bar and Tavern	20	200	20	Seat	0.04	
Car Wash, self serve	190	20	160	Stall	0.36	
Camp Ground or RV Park						
with hookups	125	200	200	Site	0.36	
without hookups	75	200	200	Site	0.21	
Churches, Halls & Lodges	2	150	150	Seat	0.005	1 EU by
with com'l kitch &/or bar	2	200	200	Seat	0.01	Board Res.
Fire station	190	200	200	1,000 sq. ft.	0.54	
Hotels/motels	100	310	120	Sleeping Room	0.30	
Laundromat	500	150	110	Washing Machines	1.13	
Library	190	200	200	1,000 sq. ft.	0.54	
Machine shop	162	180	280	1,000 sq. ft.	0.50	
Market	38	800	800	1,000 sq. ft.	0.30	
Offices						
Business	78	540	100	1,000 sq. ft.	0.30	
Dental	190	130	80	Exam Room	0.39	
Medical	190	130	80	Exam Room	0.39	
Post Office	150	130	80	1,000 sq. ft.	0.31	
Restaurants						
Dine-in	6	1000	600	Seat	0.05	Min. 2.0
Take-out	475	238	143	1,000 sq. ft.	1.32	Max 1.0
Retail store	150	130	80	1,000 sq. ft.	0.31	
Service station	380	180	280	Set of gas pumps	1.18	
Plus	38	180	280	Add per service bay	0.12	
Other Uses Not Listed				See Note 1 Below		

ALL COMMERCIAL EUs TO BE DETERMINED BY THE FOLLOWING FORMULA:

$$EU = (TSS \times FLOW \times 0.33) / (SFD \ TSS \times SFD \ FLOW) + (BOD \times FLOW \times 0.33) / (SFD \ BOD \times SFD \ FLOW) + (FLOW \times 0.34) / SFD \ FLOW \times .667$$

Note 1: Use to be calculated on a case-by-case basis using the above formula.

Definitions: Flow = Gallons Per Day
 BOD = Biological Oxygen Demand
 TSS = Total Suspended Solids
 EU = Equivalent Unit of Single Family Dwelling

Tomales Community Park

Statement of Purpose

This Park was created to provide a space for cultural, educational and community activities for persons and organizations in the community at large. It was created with the desire to engage only in activities that are charitable and educational, and to be equally available to all members of the community.

Rules and Regulations

These rules are established to insure the safety and enjoyment of all and can be amended as necessary should different circumstances arise. They cover regular individual usage as well as rentals by larger private parties.

1. The Park will be open from dawn to dusk.
2. No motorized vehicles are allowed on the grounds.
3. There will be no overnight use or open campfires.
4. All animals will be curbed.
5. No smoking is allowed in the play areas.
6. Your consideration of our parks' neighbors is appreciated. Please keep the volume of your music and other noise to a minimum.

Tomales Community Park Rental Agreement

Groups larger than 25 need to arrange for Tomales Park rental in advance.

A daily rental fee for the Tomales Park grounds will be \$25 for Tomales Village residents, \$150 for nonresidents with an additional \$25 per day for use of electricity and water. Local nonprofit groups have free rental, out of town nonprofit groups will pay \$150. Local for-profit groups will pay \$350 and all out-of-area for-profit groups including film crews will negotiate with the administrator for a fee schedule. Two bathrooms are available, additional facilities must be arranged by the Rental Party.

A security deposit of \$200 will be paid in advance and retained until the grounds are returned to their previous condition. All garbage will be removed and any physical damage to structures or plants may be deducted from the security deposit.

[All Rental Parties must provide a certificate of liability insurance in the amount of at least \\$1,000,000 and name the TVCSD as additional insured.](#) The Rental Party is responsible for the behavior of their guests.

All activities must end, including all music and external lighting, by dusk.

Rental Contract

Date: _____

Name of Organization: _____

Contact Name: _____ Phone: _____

Mailing Address: _____ City: _____ Zip: _____

Proposed date of use: _____, between hours from _____

Number of persons expected to be in attendance _____

Applicable Fee: **\$350.00**

Security Deposit: **\$200.00**

Total: **\$550.00**

Certificate of Insurance must be submitted at least 30 days prior to the event.

I, on behalf of the above group or organization, agree to comply with all the rules and regulations of the Tomales Community Park. I agree to be responsible for all the people in our group as well as restoring all facilities to their original condition after use.

Signature _____ Phone _____

Name _____

Remit To:

Tomales Village Community Services District
PO Box 303
Tomales, CA 94971
Ph (707) 878-2767
Fax (707) 575-4306
E-Mail admin@tomalescsd.ca.gov

TVCS D Glossary

Aerators The 3 devices at the treatment pond which provide oxygen for secondary treatment. The wastewater picks up oxygen as it is sprayed into the air by the aerators.

Biosolids Settled solids at the bottom of the treatment ponds; the new preferred term for sludge

BOD Biochemical oxygen demand. A measure of the amount of oxygen consumed by natural, biological processes that break down organic matter, such as those that take place when manure or sawdust is put in water. High levels of oxygen-demanding wastes in waters deplete dissolved oxygen (DO) thereby endangering aquatic life. Sometimes referred to as "biological oxygen demand." BOD is a standard measure of water quality.

COD Chemical oxygen demand. A measure of the oxygen consumed when organic matter is broken down chemically rather than biologically. COD can be determined much more quickly than BOD and more accurately reflects the amount of organic matter in a water sample.

CDBG Community Development Block Grant, a HUD grant administered by Marin County

CEQA California Environmental Quality Act

Collection system The system of pipes that conveys wastewater from the buildings and schools in town to the treatment pond.

Comminutor A device which shreds and grinds solids to a size able to pass through 1/4 inch slots. The comminutor is located at the entrance to the treatment pond.

CRWA California Rural Water Association

CSDA California Special Districts Association

CWEA California Water Environment Association

Disinfection station Disinfects treated wastewater with liquid chlorine to eliminate pathogens

District Refers to the Tomales Village Community Services District; also an area over which TVCS D has jurisdiction

Equivalent unit Sewage flow generated by a typical single family home

Flow Meter This meter measures and records the amount of wastewater entering the treatment pond

Force Main The pressurized pipe carrying wastewater from the treatment pond up hill to the storage ponds

GAAP Generally Accepted Accounting Principles

GASB Governmental Accounting Standards Board. Its mission is to establish and improve standards of state and local governmental accounting and financial reporting that will result in useful information for users of financial reports and guide and educate the public, including issuers, auditors, and users of those financial reports.

I & I Infiltration and inflow

Infiltration Groundwater that enters sanitary sewers through leaks in pipes.

Inflow Storm water that is directed to the sanitary sewers illegally through connections such as roof downspouts, driveway drains and groundwater sump pumps.

Irrigation field A 23-acre field where treated and disinfected wastewater is spray irrigated for final dispersal. This field is located near the storage ponds atop Cerini Road.

LAFCo Local Agency Formation Commissions (LAFCOS) were created by the California Legislature in 1963. LAFCOS are responsible for reviewing and considering proposals for incorporation, formation of special districts and annexations, among other responsibilities. The goals of LAFCO include promoting orderly development, discouraging urban sprawl, preserving open space and agricultural lands, and ensuring the efficient delivery of local services. Local agencies and project applicants provide the funds to operate LAFCOS.

Lift station At Lower Town, the lift station pumps wastewater uphill to the treatment pond.

MCSDA Marin County Special Districts Association. Local chapter of the State organization.

O & M Operations and Maintenance

OM & M Operations, Maintenance & Management

Operator The company which operates the sewer system, currently Phillips and Associates

PLC Programmable Logic Controller. A device used to automate monitoring and control of industrial plant. Can be used stand-alone or in conjunction with a SCADA system.

Primary treatment Settling of the solids to the bottom of the treatment pond, separating solids from liquid

RFP Request for Proposals is a system used to obtain bids (proposals) by invitation from vendors, suppliers, contractors, etc. before awarding business to the lowest bidder. It is interesting to note that in most businesses, and in virtually all of government, purchases or contracts are never made without an "RFP."

RWQCB Regional Water Quality Control Board (San Francisco)

SCADA Our monitoring and alarm system. Acronym for Supervisory Control and Data Acquisition, a computer system for gathering and analyzing real time data. SCADA systems are used to monitor and control a plant or equipment in industries such as water and waste control, energy, and transportation. A SCADA system gathers information, such as where a leak on a pipeline has occurred, transfers the information back to a central site, alerting the home station that the leak has occurred, carrying out necessary analysis and control, such as determining if the leak is critical, and displaying the information in a logical and organized fashion. SCADA systems are highly configurable, and usually interface to the plant via PLCs.

SCG Small Communities Grant. Awarded to TVCSD for the sewer improvements

SDRMA Special District Risk Management Authority; our insurance carrier

Secondary treatment A biological process in which natural microorganisms, stimulated by oxygen, break down organic matter in wastewater. This process occurs at the treatment pond.

Sludge See biosolids

Special district Special districts (SDS), such as TVCSD, are a form of local government created by a local community to meet a specific need. [Water, Utilities, Community Services are SDS. Schools are not SDS.]

Special districts can be defined by the four characteristics:

1. a form of government
2. governed by a board
3. provides services and facilities
4. has defined boundaries

SRF State Revolving Fund, a low interest loan from the state

Storage ponds These two ponds hold treated wastewater through the winter until it is sprayed onto the irrigation field during the dry weather. May also be referred to as upper ponds, as they are located on top of a hill at Cerini Road.

SWRCB State Water Resources Control Board. State agency that regulates the treatment and dispersal of wastewater.

SUSD Shoreline Unified School District. The TVCSD'S largest customer and associate through contractual agreement.

System The sewer system; also called the wastewater system. See WWTP.

Tertiary treatment Advanced cleaning of wastewater that goes beyond the secondary or biological stage, removing nutrients such as phosphorus, nitrogen, and most BOD and suspended solids.

Treatment plant Refers to the sewer system, but may also refer to the treatment plant building and the treatment ponds (aeration ponds.)

Treatment ponds Three pond system near the school at Irvin Road. Primary and secondary treatments occur here. Also may be referred to as lagoons, aeration ponds, or lower ponds.

TVCSD Tomales Village Community Services District operates the sewer and the park

Wastewater The new preferred term for sewage

WEF Water Environment Federation

WWTP Wastewater Treatment Plant, the new preferred term for the sewer system