



NORTH MARIN WATER DISTRICT
AGENDA - REGULAR MEETING
 February 4, 2014 – 7:30 p.m.
 District Headquarters
 999 Rush Creek Place
 Novato, California

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Est. Time	Item	Subject
7:30 p.m.		CALL TO ORDER
	1.	APPROVE MINUTES FROM REGULAR MEETING , January 21, 2014
	2.	GENERAL MANAGER'S REPORT
	3.	OPEN TIME: (Please observe a three-minute time limit)
		This section of the agenda is provided so that the public may express comments on any issues not listed on the agenda that are of interest to the public and within the jurisdiction of the North Marin Water District. When comments are made about matters not on the agenda, Board members can ask questions for clarification, respond to statements or questions from members of the public, refer a matter to staff, or direct staff to place a matter of business on a future agenda. The public may also express comments on agenda items at the time of Board consideration.
	4.	STAFF/DIRECTORS REPORTS
		<p>CONSENT CALENDAR</p> <p>The General Manager has reviewed the following items. To his knowledge, there is no opposition to the action. The items can be acted on in one consolidated motion as recommended or may be removed from the Consent Calendar and separately considered at the request of any person.</p>
	5.	Consent - Approve Water Service Agreement – Koch Single Family Home (67 Mesa Rd)
	6.	Consent - Approve Proposed FY14/15 Budget Review Schedule
	7.	Consent – Approve Proposed FY14/15 Rate Hearing Schedule
	8.	Consent – Approve New Crew Truck Purchase
		ACTION CALENDAR
	9.	Consider: Request for Additional Bill Adjustment - Pt. Reyes Seashore Lodge – Jeff Harriman
	10.	Approve: Gallagher Well and Pipeline Project Hydrologic Design Plan
	11.	Approve: Gallagher Well Pipeline Project – Approve Bid Advertisement
	12.	Approve: Purchase of New Phone System
	13.	Approve: Stafford Lake Agreement
8:00 p.m.		INFORMATION ITEMS
	14.	Preparing for Dry Year Conditions

All times are approximate and for reference only.

The Board of Directors may consider an item at a different time than set forth herein.

(Continued)

Est. Time	Item	Subject
	15.	Employee Handbook February 2014 Revision and New Supervisor Handbook
	16.	Water Conservation Mid-Year Update (July-December 2013)
	17.	Mid-Year Progress Report - Engineering Department
	18.	WAC/TAC Meeting - February 3, 2014
	19.	NBWA Meeting – February 7, 2014
	20.	MISCELLANEOUS Disbursements Quarterly Labor Cost Report Self-Insured Workers' Comp – 2nd Quarter Status Report Marin Civil Grand Jury Response Postage Rate Increase Marin Local Agency Formation Commission Notice of Public Hearing <u>News Articles:</u> Marin County plans drought summit Marin looks north for needed water supplies as drought continues Marin Municipal Water District asks public for larger cut in water use District urges conservation as state declares emergency Mandatory water rationing in Marin likely April 1, water officials say Editorial: Make it easy to track our water conservation
9:00 p.m.	21.	ADJOURNMENT

1

1 **STAFF/DIRECTORS REPORTS**

2 President Rodoni asked if staff or Directors wished to bring up an item not on the agenda
3 and there was no response.

4 **PRESENTATION BY MARIN COUNTY STAFF ON STAFFORD BIKE PARK**

5 Director Petterle excused himself from this item.

6 The Board received a presentation by Marin County staff on the proposed Stafford Lake
7 Bike Park. Ron Miska, Deputy Director from Marin County Parks and Open Space District introduced
8 Tara McIntire, Landscape Architect who provided the presentation to the Board. Ms. McIntire stated
9 that the Environmental Review for the bike park project has been completed, a master plan has
10 been prepared and design documents are 95% complete. She noted that acquisitions of permits
11 from California Department of Fish and Wildlife, US Army Corps of Engineers and the Regional
12 Water Quality Control Board are in process.

13 Ms. McIntire informed the Board that the entire bike park project has a budget of ~\$1M,
14 which is to be privately financed. She noted that to-date \$290K has been collected and Marin
15 County Parks expects to receive another \$200K this spring. Ms. McIntire advised the Board that the
16 bike park will be constructed in two phases and the first phase will take approximately \$500K to
17 complete. She noted that construction of this phase is to begin in April or May of this year and
18 completed in the fall.

19 Director Baker asked if the park was for certain ages.

20 Ms. McIntire stated that all ages ranging from toddlers to 70 year old and older. She stated
21 that there will be different areas for different levels of experience.

22 Director Rodoni asked if in the Environmental Studies there was any impact on Stafford
23 Lake. Ms. McIntire responded that there would be no impact to the lake.

24 Director Fraites asked if there has been a study regarding endangered species in the
25 Terwilligher Pond. Ms. McIntire stated that there are no endangered species that she knows about
26 but the County is working with the Department of Fish and Wildlife biologist to assist with those
27 issues.

28 Director Fraites asked about the maintenance of the bike park. Mr. Miska informed the Board
29 that maintenance will be a major part of the facility and that the County is working with Friends of the
30 Stafford Lake Bike Park to come up with maintenance groups as a volunteer effort.

31 Novato Resident, Josh Thomas, asked if there was going to be a limit on the number of
32 users per day for the facility. Ms. McIntire responded no.

1 Director Schoonover asked if the County was going to provide some security.

2 Mr. Miska stated that Stafford Lake is already staffed and there is a residence on site that will
3 be renovated and rented out. He noted that the person renting the house will be responsible for
4 monitoring the park after hours.

5 Mr. DeGabriele expressed his concern about irrigation of granular soils and bio-swales and
6 suggested that recycled water be hauled in for necessary plantings. He also suggested that Marin
7 County Parks may want to delay the start of construction beyond this extremely dry year. Mr.
8 DeGabriele asked where restrooms would be. Ms. McIntire stated that there would be a portable
9 restroom at the end of the parking lot and 50 yards from the bike park are fully functioning
10 bathrooms. Mr. DeGabriele expressed his concern about people using the lake for other reasons.
11 Mr. DeGabriele stated that the District currently has a good relationship with the Park and has done
12 a lot over the years by enhancing the park, but the park wouldn't be there without the lake and the
13 lake needs to be top priority.

14 Mr. Thomas asked if there was a fee for using the bike park. Mr. Miska said that there is
15 already a \$2 fee for walk-ins established.

16 President Rodoni thanked County staff for the presentation and for addressing the concerns
17 of the Board and District staff.

18 Adam Craig, supervisor of Stafford Lake Park, stated that the Board and staff comments are
19 all valid concerns and that County staff is definitely working to make this happen for everyone.

20 **QUARTERLY FINANCIAL REPORT**

21 Director Petterle returned to his Board seat.

22 David Bentley provided the Board with the Quarterly Financial Report. He stated that year to-
23 date the District generated a net income of \$2.3M and cash increase of \$6.1M. He noted that the
24 cash increase is largely attributed to the receipt of \$3.7M in recycled water grant and loan funds. He
25 stated that operating revenue came in 6% over budget and operating expense 3% over budget.

26 Mr. Bentley stated that recycled water sales volume tripled compared to the prior year and
27 that the recycled water system completely paid back the debt owed Novato.

28 Mr. Bentley stated that in West Marin consumption was up 1% from one year ago and
29 revenue was up by 11% due to the 8% rate increase. He stated that expenditures were up 24% from
30 a year ago due to the Gallagher Well testing, and the valve and hydrant operations programs. Mr.
31 Bentley advised the Board that the cash balance for West Marin is \$736K.

1 Mr. Bentley informed the Board that the Oceana Marin operating revenue was up 12% and
2 there were two additional dwelling units added in the last 36 months with the Brown annexation.

3 **MONTHLY PROGRESS REPORT**

4 Mr. DeGabriele provided the Board with the December Monthly Progress Report. He stated
5 that water production was up considerably this month due to dry weather. He informed the Board
6 that production of recycled water continues to serve StoneTree Golf Course. Mr. DeGabriele
7 advised the Board that Stafford Lake is at 178.8ft in elevation but was even lower in December
8 2011.

9 Mr. DeGabriele stated that in Oceana Marin, the ponds are very low and effluent flow
10 volume this December was less than half that pumped one year ago, an indication that the dry
11 weather is best at reducing infiltration and inflow. He informed the Board that he attended the
12 Oceana Marin Homeowners Association meeting on Saturday and informed the homeowners that
13 staff is proposing a 5% rate increase.

14 Mr. DeGabriele informed the Board that staff has gone 209 days without lost time or injury
15 and that the Summary of Complaints and Service Orders shows complaints up 22% for the month
16 due to increase in consumer leaks. He stated that the District has received good feedback from the
17 Customer Service Questionnaires, but not many were returned.

18 Mr. Bentley provided the Board with the Monthly Report of Investments, stating that at the
19 end of December the cash balance was \$16.1M and the average weighted portfolio is at 0.36%.

20 **ACTION CALENDAR**

21 **INTERCONNECTION AGREEMENT WITH MMWD**

22 Mr. DeGabriele informed the Board that negotiations on the Interconnection Agreement with
23 Marin Municipal Water District have been completed and the draft agreement has been provided to
24 the Board. He reminded the Board of the history behind the agreement. Mr. DeGabriele advised the
25 Board that there was reorganization of the document as well as clean up of language along with
26 substantive changes. He stated that in the agreement Marin Municipal will be paying for 51% of the
27 Aqueduct Energy Efficiency Project and Marin Municipal's wheeling charge will be increased by 60%
28 for every acre foot of their water wheeled through the North Marin Aqueduct. He noted that the
29 wheeling charge will increase annually based on the change in the Engineering News Record
30 Construction Cost Index. Mr. DeGabriele advised the Board that Marin Municipal will have the right
31 to build their own aqueduct in the future.

32 Director Baker asked where Marin Municipal's pipeline terminated currently. Mr. DeGabriele
33 stated just north of San Marin Drive along Redwood Boulevard.

1 Mr. DeGabriele stated that the term of agreement extends to 2040.

2 Mr. DeGabriele stated that District legal counsel, Bob Maddow and Doug Coty, were in the
3 audience and represented the District throughout the negotiations of the agreement. Mr. DeGabriele
4 advised the Board that he spoke with Novato resident, Ed Grundstrom, who said that he believes
5 the agreement is a bad deal and that Marin Municipal is still riding on North Marin Water District's
6 back.

7 On motion of Director Schoonover, seconded by Director Baker, and unanimously carried,
8 the Board adopted Resolution 14-01: "Resolution of the Board of Directors of North Marin Water
9 District Authorizing the Execution of the Interconnection Agreement between North Marin Water
10 District and Marin Municipal Water District, Making Findings pursuant to the California
11 Environmental Quality Act, and Directing the Filing of a Notice of Exemption", authorized the Board
12 President to sign the agreement and directed the General Manager to file a Notice of Exemption.

13 **GALLAGHER WELL FUNDING AGREEMENT**

14 Drew McIntyre provided the Board with the background information on the grant funding
15 administered by California Department of Public Health (CDPH) in the amount of \$1,486,000 for
16 construction of the Gallagher Well Pipeline Project. He stated that based on the current project cost
17 estimate, it is anticipate that this grant amount will fully fund the project. Mr. McIntyre stated that
18 prior to CDPH executing the funding agreement, the District is required to approve a resolution
19 authorizing the General Manager to execute the funding agreement and act as the overall grant
20 administrator for the District. He informed the Board that the District has 90 days after the funding
21 agreement is approved to submit the first claim for reimbursement and that construction must start
22 120 days after approval of the funding agreement. He noted that construction will be completed by
23 December 31, 2014.

24 Mr. McIntyre advised the Board that the plans and specifications for the project are almost
25 complete and staff will be returning at the next board meeting to get approval for bid advertisement
26 for the project.

27 On motion of Director Fraites, seconded by Director Baker and unanimously carried, the
28 Board augmented the FY 13-14 West Marin Capital Improvement Project budget by an additional
29 \$1,486,000 for said project, authorized the General Manager to act as a grant administrator, and
30 adopted Resolution 14-02: "Resolution Authorizing Signature of a Funding Agreement and Related
31 Documents for Funding Under the Proposition 50, the Water Security, Clean Drinking Water,
32 Coastal and Beach Protection Act of 2002 (Proposition 50)."

1 President Rodoni thanked staff for all the hard work and dedication to get the funding.
2 Director Baker stated that he was quite impressed at the accomplishment. Mr. DeGabriele thanked
3 Mr. McIntyre for putting in the extra effort and having the foresight to get the survey done early and
4 doing most of the engineering work in house.

5 **INFORMATION ITEMS**

6 **PREPARING FOR DRY YEAR CONDITIONS**

7 Mr. DeGabriele advised the Board that the Marin County Board of Supervisors requested all
8 eight water suppliers present their current water supply status report at the Board of Supervisors
9 meeting next Tuesday and asked that Marin Municipal's General Manager to coordinate the
10 presentation. He noted that the districts involved would be MMWD, NMWD, Bolinas Community
11 Public Utility District, Inverness PUD, Muir Beach Community Services District, Coast Spring Water
12 Company, Estero Mutual Water Company and Stinson Beach County Water District.

13 Mr. DeGabriele informed the Board that in West Marin, a message will be included on bills
14 going out in mid-February reading: "there are dry year conditions on Lagunitas Creek which may
15 trigger implementation of water shortage contingency measures. Final determination will be made
16 on April 1st. Please use water wisely." Mr. DeGabriele stated that on April 1st the District will be
17 asking for a 15% voluntary reduction and on June 15th a 25% mandatory reduction. Mr. DeGabriele
18 mentioned to the Board that rural residents from outside of the District service area are running out
19 of water and he authorized a hydrant meter to help the customers.

20 President Rodoni expressed concern about giving water to customers outside of the District
21 service area while drought conditions occur. Mr. DeGabriele stated that he gave permission for a
22 water hauler to use water up to April 1st when voluntary 15% reduction measures will most likely go
23 into place.

24 Mr. DeGabriele informed the Board that the winter *WaterLine* was received by customers
25 and that staff has already received over 250 voicemails and 85 emails in response, the majority
26 regarding the toilet giveaway program. He reminded the Board that the District is flushing the Novato
27 distribution pipelines on a limited basis at the higher zone areas and at dead ends. Mr. DeGabriele
28 stated that the Sonoma Marin Saving Water Partnership initiated a winter time public outreach
29 campaign "The Drought is On. Turn the Water Off."

30 Mr. DeGabriele advised the Board that Marin Municipal Water District is activating their
31 Stage 1 voluntary reduction measures in their water shortage contingency plan. He noted that they
32 have requested a 25% reduction in water use. Mr. DeGabriele informed the Board that he spoke
33 with Marin Municipal Water District who stated that they would be interested in back feeding Stafford

1 Lake. He advised the Board that MMWD would be going to their Board at their first meeting in
2 February for approval.

3 Director Fraites asked how much water supply Lake Sonoma has. Mr. DeGabriele
4 responded two years of water supply currently.

5 President Rodoni requested a summary of the Water Shortage Contingency Plans.

6 Novato Resident, Josh Thomas asked if it was desirable for the District to impose their own
7 mandatory rationing.

8 Mr. DeGabriele stated that he believes it would be better for all water contractors that
9 receive water from the Russian River to work in unison and to ask customers to conserve at the
10 same time. He stated that he does not see a need for mandatory conservation requirements
11 currently because of water stored in Lake Sonoma.

12 Mr. Thomas asked if there would be a negative consensus imposing a 20% mandatory
13 reduction now.

14 President Rodoni stated that there are triggers that need to be in place before we impose a
15 mandatory restriction. He stated that the District does have a water shortage contingency plan that it
16 plans to follow and the Board has the power to make any changes to the document as they see fit.

17 **ETHICS TRAINING FOR BOARD OF DIRECTORS & OFFICERS**

18 District Secretary, Katie Young advised the Board and District officers that they need to
19 complete the Fair Political Practices Commission Ethics Training every two years. She reminded the
20 Board that this is a state law (Assembly Bill No. 1234) that became effective in 2006. She stated that
21 they may go online and take the ethics training course and must provide a proof of participation
22 certificate to her by April 1, 2014. Mrs. Young noted that the certificate must reflect that the public
23 official spent two hours or more reviewing the materials presented in the online course. She stated
24 that the District officers, General Manager, Chief Engineer, Auditor-Controller and District Secretary,
25 must complete this training as well.

26 **MISCELLANEOUS**

27 The Board received the following miscellaneous items: Disbursements, Annual Sick Leave
28 Buyback, Renewal of Oceana Marin Liability Insurance, Meter Reading Accuracy, Letter from
29 Dietrich Stroeh, and In Memory of Bill Melson.

30 The Board received the following news articles: Marin, Sonoma water agencies call for
31 conservation as drought continues, Mendocino County declares drought emergency, Sonoma
32 County Water Agency launches conservation effort, and Please save water this winter.

1 News articles given out at the meeting included: MMWD to call for voluntary 20 percent
2 water reduction, California drought emergency declared by Gov. Jerry Brown, and Editorial: Action
3 needed now as drought appears lengthy.

4 Director Baker asked if the District has responded to Dietrich Stroeh's letter regarding
5 endorsing the Novato Theater. Mr. DeGabriele advised the Board that he verbally spoke with Mr.
6 Stroeh letting him know the District was not interested, but would follow up with a letter.

7 **ADJOURNMENT**

8 President Rodoni adjourned the meeting at 9:37 p.m.

9 Submitted by

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11
12
13 Katie Young
14 District Secretary
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MEMORANDUM

To: Board of Directors
From: Drew McIntyre, Chief Engineer 
Subject: Water Service Agreement – Koch Single Family Home (67 Mesa Road)
APN 119-122-26

January 31, 2014

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RECOMMENDED ACTION: The Board approve authorization of this agreement.

FINANCIAL IMPACT: None: Developer Funded

The Koch Single Family Home Project (see attached vicinity map) proposes to construct a new 750 square foot residence on a vacant, 2.38-acre flag lot, at 67 Mesa Road, Point Reyes Station. The applicant plans to convert the proposed residence to an accessory structure at a later date when a larger primary residence is constructed (at that time additional connection fees will be collected for an accessory dwelling unit). New Point Reyes Station Zone 1 water facilities required include one new 1-inch domestic water meter (with a 1-inch lateral), 25 feet 6-inch fire hydrant lateral and one residential fire hydrant. The aforementioned facilities will receive normal Zone 1 pressure water from the Point Reyes Station Tanks.

Sewer Service is provided by on-site septic system. Design review approval by Marin County Deputy Zoning Administrator was received on August 15, 2013

Environmental Document Review

This project has been determined to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303 by Marin County Deputy Zoning Administrator on August 15, 2013.

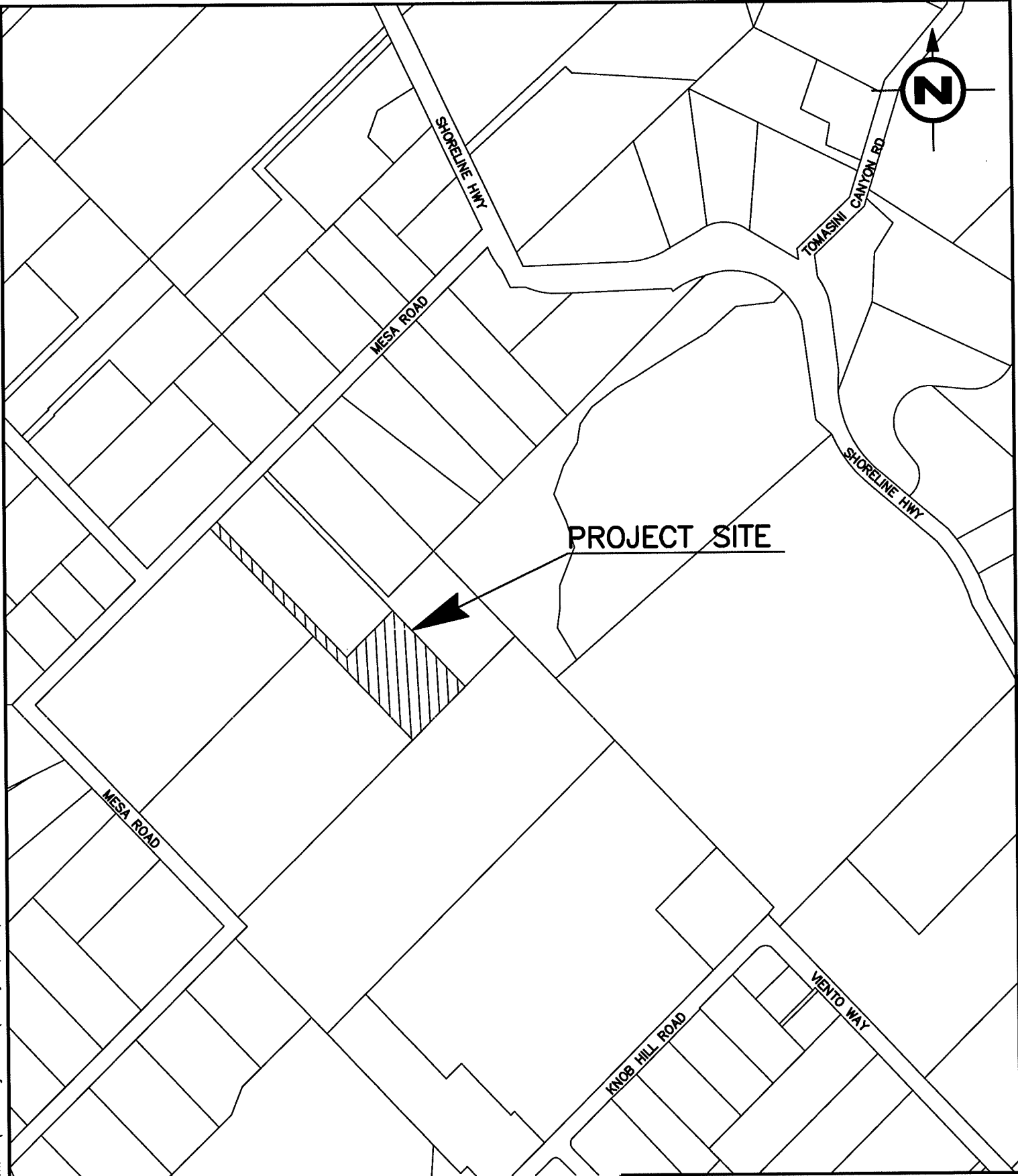
RECOMMENDATION:

That the Board approve authorization of this agreement.

Approved by GM CD

Date 1/31/2014

Jan 30, 2014 - 1:53pm R:\Folders by Job No\2700 jobs\2773\VICINITY MAP 67 MESA RD.dwg User: MMCDONOUGH



PROJECT SITE

67 MESA ROAD-KOCH
APN: 119-122-99

DATE	SCALE	JOB.NO.	DWG.NO.
1/29/14	NTS	2773	MAP

RESOLUTION NO. 14-
AUTHORIZATION OF EXECUTION
OF
WATER SERVICE FACILITIES CONSTRUCTION AGREEMENT
WITH
HILMAR KOCH AND NAOKO KATAKAMI-KOCH

BE IT RESOLVED by the Board of Directors of NORTH MARIN WATER DISTRICT that the President and Secretary of this District be and they hereby are authorized and directed for and on behalf of this District to execute that certain water service facilities construction agreement between this District and Hilmar Koch and Naoko Katakami-Koch, individuals, providing for the installation of water distribution facilities to provide domestic water service to that certain real property known as 67 Mesa Road, Marin County Assessor's Parcel Number 119-122-26, POINT REYES, CALIFORNIA.

* * *

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of NORTH MARIN WATER DISTRICT at a regular meeting of said Board held on the 4th day of February, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

(SEAL)

Katie Young, Secretary
North Marin Water District

PART ONE
WATER SERVICE FACILITIES CONSTRUCTION AGREEMENT
FOR
67 MESA ROAD – KOCH (APN 119-122-26)

THIS AGREEMENT, which consists of this Part One and Part Two, Standard Provisions, attached hereto and a part hereof, is made and entered into as of _____, 2014, by and between NORTH MARIN WATER DISTRICT, herein called "District," and Hilmar Koch and Naoko Katakami-Koch, Individuals, herein called "Applicant."

WHEREAS, the Applicant, pursuant to District Regulation 1, the State of California Subdivision Map Act and all applicable ordinances of the City of Novato and/or the County of Marin, has pending before the City or County a conditionally approved Tentative Subdivision Map, Precise Development Plan, Tentative Parcel Map or other land use application for the real property in the District commonly known as Marin County Assessor's Parcel Number 119-122-26 and the project known as KOCH SINGLE FAMILY HOME, consisting of one (1) lot for residential development; and

WHEREAS, prior to final approval by the City or County of a Subdivision Map, Precise Development Plan, Parcel Map or other land use application and recording of a final map for the project, the Applicant shall enter into an agreement with the District and complete financial arrangements for water service to each lot, unit or parcel of the project;

WHEREAS, the Applicant is the owner of real property in the District commonly known as 67 Mesa Road, Point Reyes (Marin County Assessor's Parcel 119-122-26): and

NOW THEREFORE, the parties hereto agree as follows:

1. The Applicant hereby applies to the District for water service to said real property and project and shall comply with and be bound by all terms and conditions of this agreement, the District's regulations, standards and specifications and shall construct or cause to be constructed the water facilities required by the District to provide water service to the real property and project. Upon acceptance of the completed water facilities, the District shall provide water service to said real property and project in accordance with its regulations from time to time in effect.
2. Prior to the District issuing written certification to the City, County or State that financial arrangements have been made for construction of the required water facilities, the Applicant shall complete such arrangements with the District in accordance with Section 5 of this agreement.
3. Prior to release or delivery of any materials by the District or scheduling of either construction inspection or installation of the facilities by the District, the Applicant shall:

a. deliver to the District vellum or mylar prints of any revised utility plans approved by the City or County to enable the District to determine if any revisions to the final water facilities construction drawings are required. The proposed facilities to be installed are shown on Drawing No. 2 2773.001, entitled, "67 Mesa Road - Koch", a copy of which is attached, marked Exhibit "A", and made a part hereof. (For purposes of recording, Exhibit "A" is not attached but is on file in the office of the District.)

b. grant or cause to be granted to the District without cost and in form satisfactory to the District all easements and rights of way shown on Exhibit "A" or otherwise required by the District for the facilities.

c. deliver to the District a written construction schedule to provide for timely withdrawal of guaranteed funds for ordering of materials to be furnished by the District and scheduling of construction pursuant to Section 5 hereof.

4. Except for fire service, new water service shall be limited to the number and size of services for which Initial Charges are paid pursuant to this agreement. Initial Charges for new services, estimated District costs and estimated applicant installation costs are as follows:

Initial Charges

Meter Charges (Domestic) (Included in Estimated District Costs)One -inch @	\$ 0.00	\$ 0.00
Reimbursement Fund Charges (domestic meter).....One @	\$ 1,950.00	\$ 1,950.00
Facilities Reserve Charges (residence).....One @	\$22,800.00	\$ 22,800.00
Subtotal - Initial Charges.....			\$ 24,750.00

Estimated District Costs

Pipe, Fittings & Appurtenances.....	\$ 4,871.00
District Construction Labor.....	\$ 14,082.00
Engineering & Inspection.....	\$ 1,534.00
Bulk Materials.....	\$ 4,085.00
Subtotal –Estimated District Costs.....	\$ 24,572.00

Estimated Applicant Installation Costs

Installation Labor.....	\$ 0.00
Contractor Furnished – Pipe Fittings & Appurtenances.....	\$ 0.00
Bulk Materials.....	\$ 0.00
Subtotal- Estimated Applicant Installation Costs.....	\$ 0.00

TOTAL ESTIMATED WATER FACILITIES COSTS..... \$ 49,322.00

(Bulk materials are such items as crushed rock, imported backfill, concrete, reinforcing steel, paving materials, and the like, which are to be furnished by the contractor performing the work.)

5. Financial Arrangements to be made by the Applicant shall consist of the following:

Initial Charges and Estimated District Costs

The Applicant shall either pay to the District or provide a two (2) year irrevocable letter of credit in form satisfactory to the District and payable at sight at a financial institution in the Novato area the sum of Initial Charges and Estimated District Costs as set forth in Section 4 hereof in the amount of **\$ 49,322**. If the Applicant provides the two (2) year irrevocable letter of credit, the District shall immediately draw down Initial Charges and shall draw upon the remaining funds guaranteed by the letter at any time the District deems appropriate to recover the Estimated District Costs which normally will be at least thirty (30) days prior to the anticipated start of construction for the ordering of materials to be furnished by the District.

Estimated Installation Costs

Installation By District: Due to the proprietary nature of construction required to install said facilities, the District reserves the right to install the facilities utilizing District construction forces. The Applicant shall either pay to the District the total Estimated Installation Costs set forth in Section 4 hereof in the amount of **\$49,322** or shall include such amount in the irrevocable letter of credit provided for the Initial Charges and Estimated District Costs set forth first above. The District shall draw upon installation funds guaranteed by the letter at any time the District deems appropriate which normally will be at least thirty (30) days prior to the anticipated start of construction.

Whenever an irrevocable letter of credit is required by this agreement, the Applicant may substitute a certificate of deposit at a financial institution in the Novato area provided the certificate may be cashed at sight by the District at any time.

6. The applicant shall not resell any water furnished pursuant to this agreement. If multiple services from a single connection to the District's system through a master meter are allowed pursuant to District Regulation 4(b) the Applicant shall not submeter the individual services. The District's bills for water measured by a master meter shall be paid by the Applicant or a responsible homeowner's association. If a rental unit served through a master meter is converted into a separately owned unit the District may require the installation of a separate connecting main and meter for water service to the unit at the cost of the owner of the unit.

7. Water service through the facilities to be installed pursuant to this agreement will not be furnished to any building unless the building is connected to a public sewer system or to a waste water disposal system approved by all governmental agencies having regulatory jurisdiction. This restriction shall not apply to temporary water service during construction.

8. New construction in the District's West Marin service area is required to be equipped with high efficiency water conserving equipment and landscaping specified in Regulation 17 sections e.

and f. Applicant shall install front loading, horizontal axis washing machines with a modified water factor of 5.5 or less. Dishwashers shall be energy star rated and use no more than 5 gallons per load. Toilets shall be District approved High Efficiency Toilets that meet the EPA water sense specification. Applicant shall install District approved weather-based irrigation controllers, drip irrigation on non-turf areas, and is subject to turf limitations. Refer to the aforementioned water conservation regulation for a complete listing of all requirements.

9. All estimated costs set forth in this agreement shall be subject to periodic review and revision at the District's discretion. In the event the Applicant has not completed financial arrangements with the District in accordance with Section 5 hereof prior to expiration of six (6) months from the date of this agreement, all Initial Charges and estimated costs set forth in Section 4 hereof shall be revised to reflect then current District charges and estimates. In the event the Applicant has not secured final land use approval for the project from the City of Novato or County of Marin, recorded a final map and diligently commenced construction of improvements required by those agencies and the District prior to expiration of one (1) year from the date of this agreement, the District may, at its option, either retract financial certifications issued to City, County and State agencies and terminate this agreement or require amendment of this agreement and review of all Initial Charges and estimated costs contained herein. The Applicant shall pay any balance due upon demand or furnish a guarantee of such payment satisfactory to the District.

10. All extensions of time granted by the City of Novato or the County of Marin for the Applicant to comply with conditions of land use approval or to construct improvements pursuant to a subdivision improvement agreement shall require concurrent extensions of this agreement and shall be cause for review and revision of all Initial Charges and estimated costs set forth in Section 4 hereof. The Applicant shall apply to the District for extension of this agreement prior to approval of the Applicant's requests for such extensions by either the City of Novato or the County of Marin.

11. This agreement shall bind and benefit the successors and assigns of the parties hereto; however, this agreement shall not be assigned by the Applicant without the prior written consent of the District. Assignment shall be made only by a separate document prepared by the District at the Applicant's written request.

NORTH MARIN WATER DISTRICT

"District"

Dennis Rodoni, President

ATTEST:

Katie Young, Secretary

(SEAL)

Hilmar Koch
An Individual
"Applicant"

(SEAL)

Naoko Katakami- Koch
An Individual
"Applicant"

NOTES: *If the Applicant executing this agreement is a corporation, a certified copy of the bylaws or resolutions of the Board of Directors of said corporation authorizing designated officers to execute this agreement shall be provided.*

This agreement must be executed by the Applicant and delivered to the District within thirty (30) days after it is authorized by the District's Board of Directors. If this agreement is not signed and returned within thirty days, it shall automatically be withdrawn and void. If thereafter a new agreement is requested, it shall incorporate the Initial Charges (connection fees) and cost estimates then in effect.

ALL SIGNATURES MUST BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

6

MEMORANDUM

To: Board of Directors

January 31, 2014

From: David L. Bentley, Auditor-Controller

Subj: Proposed FY14/15 Budget Review Schedule
t:\ac\word\budget\15\proposed review sched fy15.docx

RECOMMENDED ACTION: Approve

FINANCIAL IMPACT: None

PROPOSED BUDGET REVIEW SCHEDULE FY 2014-15

Date	Novato Potable and Recycled Water Budgets			West Marin Budgets ¹	
	Location	Equipment & Improvement Projects	Operations	West Marin Water	Oceana Marin Sewer
April 15	Novato	IR			
May 6	Novato		IR		
May 20	Novato	AR ²	AR ²		
June 3	Novato			IR	IR
June 17	Novato	H/A	H/A	AR ²	AR ²
June 24	Pt Reyes			H/A	H/A

ACTIVITY CODE

IR - Initial Review

AR - Additional Review

H/A - Hearing, final changes and approval

¹ Capital Improvement Projects and Operations

² Department Heads present

Approved by GM CD

Date 1/31/2014

7

MEMORANDUM

To: Board of Directors

January 31, 2014

From: David L. Bentley, Auditor-Controller

Subj: Proposed FY14/15 Rate Hearing Schedule

I:\aclword\budget\15\proposed rate hearing sched fy15.docx

RECOMMENDED ACTION: Approve**FINANCIAL IMPACT:** None**PROPOSED RATE HEARING SCHEDULE FY 2014-15**

Action	Novato Potable & Recycled Water	West Marin Water & Oceana Marin Sewer
Approve Proposed Rates	3/18/14	4/22/14
Approve Letter to Customers	4/1/14	5/6/14
Letter to Customers Postmarked ¹	4/5/14	5/10/14
Rate Hearing	5/20/14	6/24/14
Rate Effective	6/1/14	7/1/14

Approved by GM CDDate 1/31/2014

¹ To meet minimum 45-day hearing notice requirement letters must be postmarked on or before the date shown.

8

MEMORANDUM

To: Board of Directors
 From: Robert Clark, Operations/Maintenance Superintendent *RC*
 Subject: Approve – New Crew Truck Purchase
X:\MAINT SUP\2012\BOD\Dump Truck 11 BOD memo.doc

January 31, 2014

RECOMMENDATION: Authorize staff to award the purchase contract for a new 5 cubic yard dump truck to Peterson Trucks Inc.

FINANCIAL IMPACT: \$107,328.34

Staff was authorized to solicit bids for a new dump truck at the December 17th meeting. Bids for the new dump truck have been received and reviewed. Three of the seven bidders responded to our request for proposal, and all respondents came in under the \$110,000 estimate. The bidders were requested to submit their proposals based on a list of 84 minimum specifications. All met the majority of the minimum specifications;

Chassis Manufacturer	Min. Spec. Met?	Quote
Peterson Trucks Inc.	83/84	\$107,328
Golden Gate Truck Ctr.	83/84	\$107,875
NorCal Kenworth	83/84	\$108,704
Sacramento Truck Center		No bid
Charter Peterbilt		No bid
East Bay Ford		No bid
TEC of Oakland INC		No bid

The low bid proposed by Peterson Truck met the minimum specifications and missed on only one item (aluminum fuel tank vs. painted) as did the others and can deliver in mid-May. Other items considered in the selection process included the model year and the truck manufacturer: the Peterson truck is an International model, as are the majority of District fleet vehicles (4 of the 5 large diesel trucks). To meet the California Air Resources Board rules, the truck motor is equipped with an enhanced exhaust gas recirculation system that improves fuel efficiency without the added costs of the selective catalyst reduction system (provided with the Nor Cal truck) that requires a special fuel to clean the emission system.

RECOMMENDATION:

Authorize staff to award the purchase contract for the new dump truck to Peterson Trucks Inc. for a total of \$107,328.34.

Approved by GM *CD*
 Date *1/31/2014*

General Specifications	Bidders			Comments on meeting or exceeding Specs		
	Petersen Trucks International	Golden Gate Freightliner	Nor Cal Kenworth	Petersen 2015 International 4400	Golden Gate 2015 Freightliner M2106	Nor Cal 2015 Kenworth T370
a	1	1	1			
b	1	1	1			
c	1	1	1			
d	1	1	1			
e	1	1	1			
f	1	1	1			
Frames						
a	1	1	1	120,000 PSI Yield		2,132,000 in-lbs per rail
b	1	1	1			
c	1	1	1			
d	1	1	1			
Front Axles And Suspension						
a	1	1	1			
b	1	1	1			
c	1	1	1			
Brakes						
a	1	1	1			
b	1	1	1			
c	1	1	1			
d	1	1	1			
e	1	1	1			
Steering						
a	1	1	1			
b	1	1	1			
c	1	1	1			
Exhaust System						
a	1	1	1			
b	1	1	1			
Electrical System						
a	1	1	1			
b	1	1	1			
c	1	1	1			
d	1	1	1			
e	1	1	1			
f	1	1	1			
g	1	1	1			
h	1	1	1			
i	1	1	1			
j	1	1	1			
k	1	1	1			
l	1	1	1			
m	1	1	1			
Front End						
a	1	1	1			
b	1	1	1			
c	1	1	1			
d	1	1	1			
Engine						
a	1	1	1			
b	1	1	1			
c	1	1	1	MaxxForce DT EPA 10 300 hp@2200 & 860 tq @ 1300 rpm	From Brochure Cummins ISL9 max is 350 hp & 1150 tq	Paccar PX9 300hp@2000 rpm & 860tq @ 1300rpm
d	1	1	1			
e	1	1	1			
Transmission						
a	1	1	1	Trans 3500RDS		Trans 3500RDS
b	1	1	1			
c	1	1	1			
Rear Axle						
a	1	1	1			
b	1	1	1			
c	1	1	1			
Fuel Tanks						
a	1	1	1			
b	1	1	1			
c	0	0	0	Aluminum tank	Aluminum Tank	Aluminum Tank
d	1	1	1			
Cab Exterior						

a	1	1	1			
b	1	1	1			
c	1	1	1			
d	1	1	1			
e	1	1	1			
f	1	1	1			
g	1	1	1			
Cab Interior						
a	1	1	1			
b	1	1	1			
c	1	1	1			
d	1	1	1			
e	1	1	1			
f	1	1	1			
g	1	1	1			
h	1	1	1			
i	1	1	1			
j	1	1	1			
k	1	1	1			
l	1	1	1			
m	1	1	1			
n	1	1	1			
o	1	1	1			
p	1	1	1			
q	1	1	1			
r	1	1	1			
s	1	1	1			
Wheels and Tires						
a	1	1	1			
b	1	1	1			
c	1	1	1			
Score	83	83	83			
Price	\$107,328.34	\$107,875.00	\$108,704.00			
Brand	International	Freightliner	Kenworth			
Estimated Delevery ARO	4/30/2015	120 Days	120-150			
Warranty	2 Years engine 5years frame 3 years trans unlimited miles on all	Not Noted	1 Year unlimited Miles			
General dealer comments or observations						
International	This is from the last bid and still applies, Reports indicate, that the EGR system used by International, deacreases fuel MPGs by 5-9%. (See article in Fleet Owner published Aug 6, 2009, and The Pete Store Pamphlet EGR vs. SCR) International engines do not require Diesel Exhaust fluid.					
Kenworth	Will require Diesel Exhaust Fluid (DEF) for the Selective Catalyst Reduction (SCR). DEF cost is about \$4.39/gallon. DEF consumption is estimated at 11 gallons for every two diesel refillings or 11 gallons of DEF per 100 gallons of diesel. The DEF tank is 11 useable gallons and the diesel tank is 56 gallons.					
Freightliner	Will require Diesel Exhaust Fluid (DEF) for the Selective Catalyst Reduction (SCR). DEF cost is about \$4.39/gallon. No data provides for gallons of DEF per tank of fuel used.					
Other Bidders	Coast Counties Peterbilt and TEC Trucks did not submit bids					


Spec	International	Kenworth	Freightliner
# Trans Spds	6	6	6
1st gear ratio	4.59:1	4.59:1	4.59:1
RR Axle Ratio	6.14:1	5.38:1	
Tire Size	HK 11-22.5	BR 11-22.5	No Data
OD	41.5"	42.0"	Provided
Rev Pmile	503	493	
Miles	7000	7000	7000
Fuel Used	1100	1100	1100
MPG	6.4	6.4	6.4
DEF Gallons	0	110.0	110.0
DEF \$ PG	0	\$4.39	\$4.39
DEF Cost	0	\$483.00	\$483.00
Extra Fuel G	82		
Diesel \$ PG	\$4.30		
Extra Fuel \$\$	\$352.60		

9

MEMORANDUM

To: Board of Directors

January 31, 2014

From: Alicia Manzoni, Consumer Services Supervisor 

Subj: Request for Additional Bill Adjustment - Point Reyes Seashore Lodge

t:\cons srv\memo\10045 state route no 1.docx

RECOMMENDED ACTION: Deny Request for Additional Bill Adjustment

FINANCIAL IMPACT: Up to \$1,836

The Point Reyes Seashore Lodge, owned by Jeff Harriman, received a bill for \$7,713 due to a broken irrigation line. The normal bill, based on use during the prior year same period, is \$168. Harriman received a bill adjustment in accordance with District policy of \$5,709, reducing his bill to \$2,004, which is 26% of the original bill amount. Mr. Harriman argues (see letter attached) that the District did not notify him of the leak in a timely manner, thus causing the leak to continue 3 days longer than it otherwise would have.

The chronology of events is as follows:

- 1) December 2: The meter at 10045 State Route 1 in Olema was read. This is one of four meters on adjacent parcels owned by Mr. Harriman;
- 2) December 8: District office staff noted high consumption when reviewing the bills prior to mailing, and dispatched a Field Service Rep to confirm the reading. The Rep noted that there was a possible leak (the meter was turning), but because the meter fronts a small parking lot between the Lodge and a what appears to be a vacant guest cottage, there was no obvious customer to notify. Therefore a letter was mailed to the customer of record advising of a possible leak;
- 3) December 10: Mr. Harriman received the letter and called the District for assistance;
- 4) December 11: A Field Service Rep returned to the site and, after spending about an hour searching the property with Mr. Harriman, was able to isolate the leak to an irrigation line running behind the guest cottage;
- 5) The water bill was mailed on December 12th.

Water use increased 498,000 gallons over the prior year same period. As the commencement date of the leak is unknown, it is not possible to calculate how much water leaked during the 3 days between the Field Service Rep visits. The Bill Adjustment Policy, which splits the cost of the overage with the customer at the base rate, eliminating all tier charges, leaves Mr. Harriman owing \$2,004. A full adjustment, reducing the bill to the 21,000 gallons used during the prior year same period, would result in a bill of \$168. Thus, the issue is over the

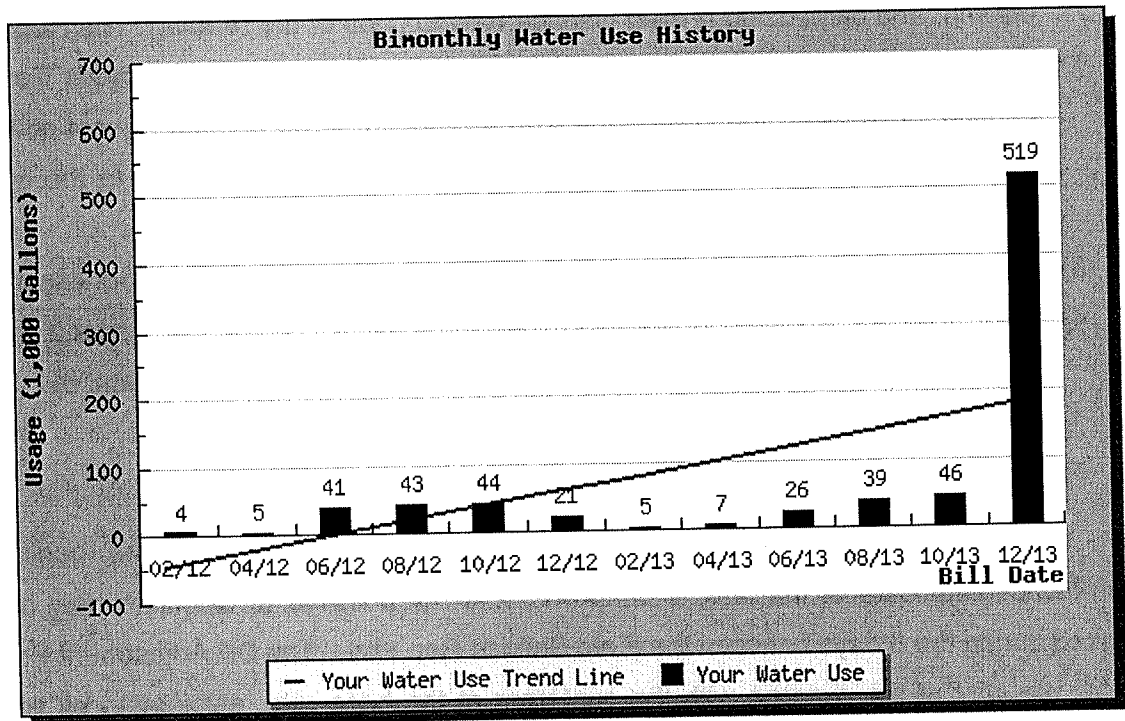
\$1,836 difference (\$2,004 - \$168). Mr. Harriman was invited to attend the meeting to address the Board directly.

District field staff do their best to notify customers when a leak is suspected - and in this case the customer was notified, and the District Field Service Rep located the leak for Mr. Harriman, even before the bill was mailed. It is the District's position, however, that leaks in a customer's private plumbing system are their responsibility, and the District has no legal obligation to notify the customer or locate the leak.

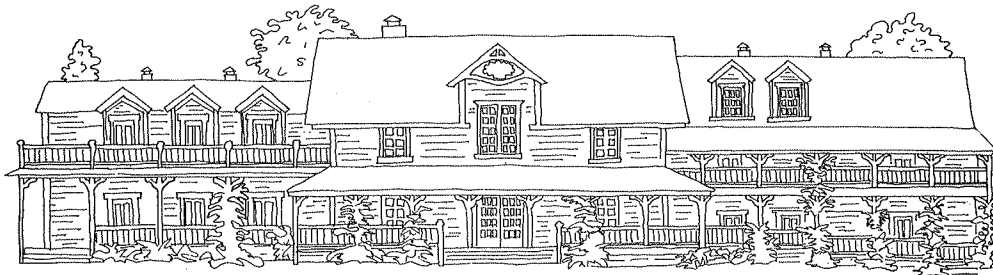
If the Board believes that further adjustment of the bill is appropriate for the 3-day period in question, an additional credit of \$92 could be granted, based on the average daily use through the meter over the 60 day billing period¹.

RECOMMENDATION:

Staff recommends that The Point Reyes Seashore receive the normal adjustment amount authorized under the Bill Adjustment Policy as already granted, consistent with that rendered to all other customers, and that no further adjustment be authorized.



¹ 2013 use of 8,652 gpd less 2012 use 313 gpd = 8,339 gpd X 3 days = 25,017 gallons X \$3.76/1,000 gallons = \$92



POINT REYES SEASHORE LODGE and Conference Center

December 31, 2013

North Marin Water District
Attn: Alicia, Consumer Services Supervisor
PO Box 146
Novato, CA 94948

Re: 10045 State Route One
Acct: 1030-2034101
Meter: #12770850
Name on Bill: Point Reyes Seashore Lodge

We are in receipt of the adjusted water bill for the leak that was noted by your service person on December 8th. Instead of immediately notifying the onsite staff for the property or calling our phone number, we received a letter 3 days after the underground leak was noticed. This was a learning experience for both parties. For future contact information, please note in your files to call us at 415-663-9000 should your service person detect another problem at either of these four parcels so we can resolve it in a timelier manner. This leak was underground and completely undetectable to us without Miguel's assistance on December 11th (your serviceman).

This account joins four parcels in a row on this street – all owned by the same owner who has been a NMWD customer for decades. This property is also "Marin County Green Certified" so we take this matter very seriously and use water sparingly.

The bill in question went up to \$7712.70 which is grossly above the average monthly amount of \$111.96 over the past 10 months. We received a Bill Adjustment that reduced the bill to \$2003.77. The Bill Adjustment also states that our normal charge for that period is \$137.26, yet we were billed an additional ~~69%~~ 1,866.51

We are requesting a review of these circumstances considering the facts as given above. To speak with me directly regarding this request, you may call my cell phone: 707-481-6509.

Thanks for your help,

Jeff Harriman
Owner


* 10,005 - Farm House Restaurant Bar + Deli
10,001 - Point Reyes Seashore Lodge
10,045 - 10021 Coastal Highway 1, P.O. Box 39, Olema, CA 94950
10,095 - lodgekeeper@pointreyesseashore.com • www.pointreyesseashore.com
2034101

10

MEMORANDUM

To: Board of Directors

January 31, 2014

From: Chris DeGabriele, General Manager 

Subject: Gallagher Well and Pipeline Project Hydrologic Design Plan
t:\gm\2014 misc\hydrologic plan memo.doc

RECOMMENDED ACTION: Approve Hydrologic Design Plan for the Gallagher Well and Pipeline Project

FINANCIAL IMPACT: \$46,000

In August 2012, staff solicited consultants to develop the Gallagher Well and Pipeline Project Hydrologic Design Plan. The Mitigated Negative Declaration for the project requires NMWD to develop a final hydrologic design plan to be reviewed and approved by the California Department of Fish and Wildlife, identifying how and where NMWD will monitor stream flows and how NMWD will maintain flow levels downstream of the Gallagher Well site.

PES Environmental, Inc. (PES) was selected as the preferred consultant. In the intervening months, staff has coordinated with PES, CA Department of Fish and Wildlife (CDFW), and USGS regarding the gauge location.

NMWD arranged for USGS to install a temporary auxiliary stream gauge ("Auxiliary Gage") downstream of the Gallagher Well (and downstream of the USGS Point Reyes Gage) during August, 2013 and an aquifer testing program along with comparative stream flow analysis was performed by PES in September 2013.

Excerpts from the Hydrologic Design Plan are included with this memo (Attachment 1) and document the stream flow relationship between the existing Point Reyes Gage and the Auxiliary Gage both under no pumping and pumping conditions at the Gallagher Well. PES also established a performance test of the Gallagher Well and determined that the estimated safe yield for the Gallagher well would be approximately 110 gallons per minute (approximately 0.25cfs). This estimate is based upon a 20% reduction of the 140gpm pumping rates actually sustained during the constant rate pumping test for the Gallagher Well. The conclusions presented by PES states: "the existing Point Reyes Gage appears to be adequately located to monitor potential influences on stream flow in Lagunitas Creek as a result of future ground water supply operations at the Gallagher Well site."

This conclusion has been confirmed through a statistical analysis performed by PES' sub consultant, O'Conner Environmental Inc., which concludes that: "The USGS Point Reyes Gage is well located to evaluate and monitor potential influences to stream flow as a result of ground water withdrawal from the Gallagher Test Well."

To satisfy the Gallagher Well and Pipeline Project Mitigation measure, the District will inform CDFW that the existing Point Reyes Gage will be utilized to monitor potential influences to stream flow as result of groundwater withdrawal from the Gallagher well and that should the Point Reyes Gage indicate flows below that required pursuant to Water Right Order 95-17, NMWD will notify Marin Municipal and the State Water Resources Control Board (SWRCB). Should additional stream flow be needed for diversion at the Gallagher Well, NMWD will request Marin Municipal to release additional water from either Kent Lake or Nicasio Lake (Attachment 2).

RECOMMENDATION:

Board accept the PES Environmental, Inc. Hydrologic Design Plan for the Gallagher Well and Pipeline Project and authorize staff to transmit the plan to CDFW.



January 16, 2014

D R A F T

RECEIVED

872.002.01.001

JAN 17

Mr. Chris DeGabriele
General Manager
North Marin Water District
999 Rush Creek Place
Novato, California 94948

North Marin

2/12

**HYDROLOGIC DESIGN PLAN
GALLAGHER WELLS AND PIPELINE PROJECT
NORTHEAST OF POINT REYES STATION, CALIFORNIA**

Dear Mr. DeGabriele:

This letter and the accompanying reports have been prepared by PES Environmental, Inc. (PES) and O'Connor Environmental, Inc. (OEI) on behalf the North Marin Water District (NMWD) to present the results of activities performed for the Hydrogeologic Design Plan developed to comply with requirements of Mitigation Measure BR-2 as described in the Mitigated Negative Declaration for the Gallagher Wells and Pipeline Project (GWPP) located northeast of Point Reyes Station, California (i.e., the "Gallagher Well site" as described herein and shown on Plate 1). In accordance with Mitigation Measure BR-2, this letter and the accompanying reports are submitted to the California Department of Fish and Wildlife (CDFW) for approval to satisfy compliance with the requirements set forth in Mitigation Measure BR-2.

As shown on Plate 1, the Gallagher Well site is located along the eastern terrace of Lagunitas Creek adjacent to the privately-owned Gallagher Ranch property and approximately one mile northeast of the intersection of Highway 1 and Point Reyes Petaluma Road. The scope of work completed for the Hydrogeologic Design Plan included the following components:

- Review of the California State Water Resources Control Board (State Water Board) approval for amendments to Water Right License 4324B and Permits 19724 and 19725;

ATTACHMENT 1

Mr. Chris DeGabriele
January 16, 2014
Page 2 of 6

D R A F T

- Coordination with the United States Geological Survey (USGS) and CDFW to select the location for installation and operation of a temporary auxiliary stream gage on Lagunitas Creek downstream of the existing Gallagher Test Well owned by NMWD; and
- Implementation of a program to provide for the comparative analysis of stream flow data from the USGS temporary Auxiliary Gage and permanent Point Reyes Gage stations located on Lagunitas Creek.

In addition to the aforementioned activities performed to satisfy the requirements of Mitigation Measure BR-2, this letter and the accompanying report (Appendix B) also present the results of an aquifer testing program performed by PES to characterize the hydraulic properties of the alluvial aquifer at the Gallagher Well site and assist the NMWD in the planning of future water supply operations for the Gallagher Test Well.

REPORT ORGANIZATION

This letter and the accompanying reports which comprise the Hydrologic Design Plan are organized accordingly:

- The subsequent sections of this letter present: an overview of the Gallagher Wells Pipeline Project (Overview); a comprehensive summary of findings based upon results from the collective activities performed for the Gallagher Wells Pipeline Project including implementation of both the Hydrologic Design Plan performed to comply with requirements of Mitigation Measure BR-2, and the supplemental aquifer testing program performed at the Gallagher Test Well (Summary of Findings); and conclusions based upon the collective results from the aforementioned activities (Conclusions);
- Appendix A presents the complete report prepared by O'Connor Environmental, Inc. (OEI) to summarize the scope of work and statistical analyses for comparison of stream gage data from the USGS temporary Auxiliary Gage and permanent Point Reyes Gage stations located on Lagunitas Creek in accordance with the requirements of Mitigation Measure BR-2: *Comparative Analysis of USGS Point Reyes Gage and Auxiliary Gage Stations, North Marin Water District, Hydrologic Design Plan, Gallagher Wells Pipeline Project*; and

Mr. Chris DeGabriele
January 16, 2014
Page 3 of 6

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- Appendix B presents the complete report prepared by PES to summarize the scope of work and results from the aquifer testing program performed for the Gallagher Test Well: *Results of Aquifer Testing Program, Gallagher Well Site, Gallagher Wells and Pipeline Project, Northeast of Point Reyes Station, California.*

OVERVIEW

Gallagher Wells and Pipeline Project

The NMWD has been conducting activities to improve water quality and reliability for its West Marin Water Service Area including the planning for use of the existing Gallagher Well site as a second State Water Board approved water supply source. NMWD owns the property at the Gallagher Well site and maintains the Gallagher Test Well and Gallagher Observation Well located on the property parcel (for reference, the Parcel Map is provided as an attachment to this letter). The Gallagher Test Well was constructed in 1993 and currently resides as an inactive water-supply well maintained by the NMWD. The Gallagher Wells and Pipeline Project is expected to include conversion of the Gallagher Test Well to a production well, and construction of a pipeline approximately one mile in length (as shown on Plate 2) to deliver water from the Gallagher Well site to the existing NMWD Point Reyes Water Treatment Plant where water is currently treated from the NMWD's Coast Guard Wells.

To address salinity intrusion and potential effects to its wells from future sea-level rise, NMWD petitioned the State Water Board to amend Water Right License 4324B and Permits 19724 and 19725 to add the existing Gallagher Well site as a point of diversion on Lagunitas Creek. The Gallagher Well site is located upstream of the high tide influences of Tomales Bay, thus avoiding salinity intrusion in water supply operations. The State Water Board approved the NMWD's petitions and issued water rights amendments to Water Right License 4324B and Permits 19724 and 19725 in documents dated February 20, 2013. The amended water rights include the use of NMWD's Coast Guard Wells, Downey Well and the Gallagher Well site for municipal uses and for the purpose of preserving and enhancing wetland habitat, and fish and wildlife resources in Lagunitas Creek. Lagunitas Creek is classified as a Flow-Regulated Mainstream River in accordance with the Policy for Maintaining Instream Flows in Northern California Coastal Streams.

As part of the Marin Municipal Water District's (MMWD) water supply operations, MMWD operates five water supply reservoirs within the Lagunitas Creek Watershed (Plate 1). In 1995, the State Water Board issued Order WR95-17 which stipulates actions MMWD must take to mitigate impacts to the fishery resources of Lagunitas Creek from the operations of Kent Lake formed by the raising of Peters Dam. Among other conditions, Order WR95-17

Mr. Chris DeGabriele
January 16, 2014
Page 4 of 6

DRAFT

requires MMWD to maintain minimum flows in Lagunitas Creek from the release of water from Kent Lake or from natural flow. The minimum instream flows are maintained based upon continuous monitoring at the USGS stream gage on Lagunitas Creek at Samuel P. Taylor Park (i.e., the "Park Gage" as shown on Plate 1). MMWD releases sufficient water into Lagunitas Creek from Kent Lake at Peters Dam, as needed, to ensure that the stipulated stream flows are met at all times. MMWD maintains a release of at least 1 cfs at all times. While monitoring of stream flow and temperature at the Park Gage station is a mandatory requirement of Order WR95-17, MMWD also conducts monitoring of steam flow on Lagunitas Creek at the Point Reyes Gage station located at the Gallagher Ranch and approximately 130 feet upstream of the Gallagher Well site (as shown on Plate 1). NMWD and MMWD are party to an Interim Agreement which enables NMWD to request MMWD to release up to 250 acre feet of additional water per year from Kent Lake or Nicasio Reservoir to Lagunitas Creek for NMWDs benefit and use within NMWDs West Marin Service Area.

Mitigation Measure BR-2 - Hydrologic Design Plan

In accordance with the Mitigated Negative Declaration for the Gallagher Wells and Pipeline Project, NMWD will not divert water from the Gallagher Well site in a manner that adversely affects fish and wildlife residing in Lagunitas Creek between the Gallagher Well site and the Coast Guard Wells. To satisfy Mitigation Measure BR-2, NMWD developed and implemented the Hydrologic Design Plan to assess the relationship between the existing Point Reyes Gage station and a temporary auxiliary gage station installed by USGS (i.e., the "Auxiliary Gage") on Lagunitas Creek downstream of the Gallagher Well site. The locations of the Point Reyes Gage, Auxiliary Gage and Gallagher Well site are shown on Plate 3. As described in the May 1, 2013 Meeting Minutes prepared and previously distributed by the NMWD (as provided in the Appendix to this letter), the location for the Auxiliary Gage was selected by the USGS in consultation with representatives from the NMWD and CDFW.

To provide data to assess the relationship between the two stream gage stations, the USGS operated the Auxiliary Gage from July 26 through September 30, 2013 while the Point Reyes Gage continued normal operation. The Auxiliary Gage was also in operation during performance of the aquifer testing program conducted by PES for the Gallagher Test Well. As described in further detail in the report prepared by PES and provided as Appendix B (*Results of Aquifer Testing Program, Gallagher Well Site*), the aquifer testing program included pre- and post-test baseline monitoring and performance of a constant-rate discharge test from September 24 through 27, 2013 when the Gallagher Test Well was operated at a pumping rate of 140 gallons per minute (gpm) for a period of 72 hours. The primary objective of the Hydrologic Design Plan was to identify a suitable stream gage location to monitor potential influences on stream flow in Lagunitas Creek as a result of future groundwater supply operations at the Gallagher Well site.

Mr. Chris DeGabriele
January 16, 2014
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SUMMARY OF FINDINGS

As described in the accompanying report prepared by OEI (*Comparative Analysis of USGS Point Reyes Gage and Auxiliary Gage Stations* [Appendix A]) which provides the comparative and statistical analyses of stream flow data between the Auxiliary Gage and Point Reyes Gage (in response to the requirement of Mitigation Measure BR-2), “either the Auxiliary Gage or the Point Reyes Gage site could be utilized ... for purposes of measuring stream flow [in Lagunitas Creek] to satisfy the requirement of Mitigation Measure BR-2. Further it is stated that “the USGS Point Reyes Gage is suitably located to evaluate and monitor potential influences to stream flow as a result of groundwater withdrawal from the Gallagher Test Well.” The aforementioned “groundwater withdrawal” refers to operation of the Gallagher Test Well from September 24 through 27, 2013 when the well was operated at a pumping rate of 140 gpm for a period of 72 hours.

Although it was initially anticipated (during the development of Mitigation Measure BR-2) that it may be necessary to replace the existing Point Reyes Gage with a new “auxiliary” stream gage to be constructed downstream of the Gallagher Well site to adequately monitor potential influences on stream flow in Lagunitas Creek as a result of future groundwater supply operations at the Gallagher Well site (i.e., in lieu of continued monitoring at the existing Point Reyes Gage), the results of the comparative and statistical analyses of stream flow data for Lagunitas Creek conducted by OEI show that the Point Reyes Gage serves as a more conservative monitoring location in comparison to the Auxiliary Gage location. Moreover, several of the stakeholders that rely on stream flow data collected from the permanent Point Reyes Gage including the USGS, National Park Service - Point Reyes National Seashore, and NMWD have expressed concern that re-location of the Point Reyes Gage to a downstream location might compromise the historic 40-year stream-flow record provided by the permanent Point Reyes Gage.

CONCLUSIONS

In consideration of the above findings and the State Water Board’s approved amendments to Water Right License 4324B and Permits 19724 and 19725 issued in documents dated February 20, 2013: (1) the existing Point Reyes Gage appears to be adequately located to monitor potential influences on stream flow in Lagunitas Creek as a result of future groundwater supply operations at the Gallagher Well site; and (2) the NMWD proposes that the existing Point Reyes Gage serve as the location to monitor potential influences on stream flow in Lagunitas Creek pursuant to the conditions of the State Water Board’s February 20, 2013 approved amendments to Water Right License 4324B and Permits 19724 and 19725. The existing Point Reyes Gage station has been maintained by the USGS, Point Reyes National

Mr. Chris DeGabriele
January 16, 2014
Page 6 of 6

D R A F T

Seashore, MMWD and NMWD, and has provided reliable stream flow data since it has been in operation beginning in 1974. Based upon the aforementioned and subject to the CDFW's approval of this Hydrologic Design Plan, the NMWD has adequately satisfied the requirements of Mitigation Measure BR-2.

Yours very truly,

PES ENVIRONMENTAL, INC.

D R A F T

Nicholas C. Pogoncheff, P.G.
Principal Hydrogeologist

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Attachments: Parcel Map, Gallagher Well Site

May 1, 2013 Meeting Minutes, Gallagher Well Site Visit

Appendix A – Comparative Analysis of USGS Point Reyes Gage and Auxiliary Gage Stations, North Marin Water District, Hydrologic Design Plan, Gallagher Wells and Pipeline Project
(O'Connor Environmental, Inc.)

Appendix B – Results of Aquifer Testing Program, Gallagher Well Site, Gallagher Wells and Pipeline Project, Northeast of Point Reyes Station, California
(PES Environmental, Inc.)

Plates 1 through 7

APPENDIX A

**COMPARATIVE ANALYSIS OF USGS POINT REYES GAGE
AND AUXILIARY GAGE STATIONS, NORTH MARIN WATER DISTRICT,
HYDROLOGIC DESIGN PLAN,
GALLAGHER WELLS AND PIPELINE PROJECT
(O'CONNOR ENVIRONMENTAL, INC.)**

January 16, 2014

TO: Mr. Chris DeGabriele
North Marin Water District
999 Rush Creek Place
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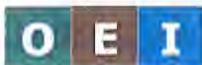
FROM: Matthew O'Connor, PhD, CEG #2449
President, O'Connor Environmental, Inc.

SUBJECT: Comparative Analysis of USGS Point Reyes Gage and Auxiliary Gage Stations
North Marin Water District (NMWD)
Hydrologic Design Plan
Gallagher Wells and Pipeline Project

OVERVIEW

This memorandum prepared by O'Connor Environmental, Inc. (OEI) provides a comparative analysis of stream flow data from two stream gage stations operated by the United States Geological Survey (USGS) on Lagunitas Creek northeast of Pt. Reyes Station in western Marin County. As shown on Plates 1 and 2, the two gage stations include: (1) USGS #11460600 Lagunitas C NR PT Reyes Station CA (i.e., the "Point Reyes Gage") which has a long-term gaging history extending to October 1974; and (2) USGS #11460601 Lagunitas C Auxiliary Gage NR PT Reyes Station CA (i.e., the "Auxiliary Gage"). The Auxiliary Gage was located at latitude 38°04'41", longitude 122°46'57" about 650 feet downstream of the Point Reyes Gage. The location for the Auxiliary Gage was selected by the USGS in consultation with the representatives from the North Marin Water District (NMWD) and California Department of Fish and Wildlife to address compliance with Mitigation Measure BR-2 as described in the Mitigated Negative Declaration for the Gallagher Wells and Pipeline Project (GWPP). To assess the relationship between the two stream gage stations, the USGS operated the Auxiliary Gage from July 26 through September 30, 2013 while the Point Reyes Gage continued normal operation. The Auxiliary Gage was also in operation during performance of an aquifer testing program conducted by PES Environmental, Inc. (PES) for the Gallagher Test Well (Plate 3) which is owned and maintained by the NMWD.

The objective of this memorandum is to provide the comparative analysis of data available for the two stream gage stations from July 26 through September 30, 2013, and to address in part, conditions of Mitigation Measure BR-2. To facilitate this comparison, data available for the same time period from an additional and permanent gage located on Lagunitas Creek was also reviewed; this stream gage is referred to as USGS #11460400 Lagunitas C A Samuel P Taylor State Park (i.e., the "Park" Gage as shown on Plate 1) and located over six miles upstream of the Point Reyes Gage.



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APPROACH

For purposes of this analysis, it is assumed that the USGS stream flow data for these three gage stations are accurate. Stream gauging is a complex undertaking, with substantial sources of uncertainty in collection and analysis of data, and the USGS conducts their work according to well-tested protocols intended to minimize error and maximize reliability and accuracy of the data. It is also noted that the record of mean daily stream discharge (stream flow in units of cubic feet per second; cfs) for the Auxiliary Gage is developed from three direct stream flow measurements accomplished in the field by USGS using a current meter. The stream flow measurements can be viewed on a USGS website¹.

Hydrographs prepared for the stream flow records available from USGS for the gage stations for the time period from July 26 through October 20, 2013 are shown in Figure 1. As shown in the hydrographs, it is evident that the stream flows are generally correlated, but there also exists notable variation in stream stage (flow depth) and stream discharge (flow). There is systematic variation that occurs in cycles of approximately 24 hours as well as other variation over periods of several days. The cyclic variation is common in records of this type, and is found in most gaging records in northern California; it is believed to be associated with daily cycles of temperature change and evapotranspiration. Overall, stream discharge at the three gage stations varies around a relatively narrow range of approximately 8.7 cfs. It is also appears that the Auxiliary Gage typically records slightly lower stream discharge than the Point Reyes Gage.

To provide a quantitative analysis for comparison of the stream flow data for the stream gage stations, OEI performed the following statistical tests. The stream flow data were considered as paired data sets wherein the stream discharge in cubic feet per second (cfs) reported for the same 15 minute interval represent paired data points. For this analysis, the Z-test statistical test was considered appropriate and applied as the sample size is large.

Stream flow comparisons of the Auxiliary Gage and the Point Reyes Gage were performed for each of the following subsets of the paired data using the Z-statistic: (1) the bulk of the stream flow data which represent summer base flow conditions (Base Flow); (2) two short periods of elevated stream flow (August 14-15 due to a temporary reservoir release and Kent Lake and a September 21-22 rainfall event [Elevated Flow]); and (3) the period from September 23 through 27, 2013 which represents the record for when the Gallagher Test Well was pumped at a rate of 140 gallons per minute (gpm) during the 72-hour constant-rate discharge test performed by PES (Aquifer Test). Similar comparisons were also made between the Auxiliary Gage and the SPT Gage for Base Flow and Aquifer Test. Periods of Elevated Flow are excluded because the time lag of passage of Elevated Flow between the Park Gage and the Auxiliary Gage disrupts the comparability of paired data.

ANALYSIS

¹ http://waterdata.usgs.gov/ca/nwis/measurements/?site_no=11460601&agency_cd=USGS&



The statistical analyses were performed by use of the Analyze-it Standard Edition 3.20.2 software which is an add-on module to Microsoft Excel. The statistical comparisons were conducted for data which represent the aforementioned three subsets and also for the comprehensive record from July 26 through September 30, 2013 (Comp Record). The results for the statistical comparison between the records for the Point Reyes Gage and the Auxiliary Gage are summarized below in Table 1. If the stream flow data for the two gage stations are the same, the mean difference should be equal to zero. The null hypothesis for the test would be that the difference equals zero. The Z-test also requires that the standard deviation (the square root of the variance) of the difference in stream flow to be determined or estimated, hence the variance was calculated using Analyze-it as a prerequisite of the Z-test. The confidence level α of the test was 0.1%. Table 1 summarizes the comparison between the Point Reyes Gage and the Auxiliary Gage; Table 2 summarizes the comparison between the Park Gage and the Auxiliary Gage.

Table 1 – Comparison of Stream Flow Data, Point Reyes Gage and Auxiliary Gage

Data Set	Sample size	Point Reyes Gage Mean Discharge (cfs)	Auxiliary Gage Mean Discharge (cfs)	Std. Dev. of Difference (cfs)	Mean difference (cfs)	95% Confidence Interval of Mean Diff.	Z statistic	p-value
Base Flow	5,331	8.73	8.49	0.264	-0.24	-0.25 to -0.24	-67.44	<0.0001
Elevated Flow	237	10.18	9.53	0.469	-0.65	-0.71 to -0.59	-21.25	<0.0001
Aquifer Test	297	8.51	8.85	0.200	0.34	0.31 to 0.36	28.95	<0.0001
Comp Record	5,965	8.77	8.55	0.316	-0.22	-0.23 to -0.21	-54.24	<0.0001

Table 2 – Comparison of Stream Flow Data, Park Gage and Auxiliary Gage

Data Set	Sample size	Park Gage Mean Discharge (cfs)	Auxiliary Gage Mean Discharge (cfs)	Std. Dev. of Difference (cfs)	Mean difference (cfs)	95% Confidence Interval of Mean Diff.	Z statistic	p-value
Base Flow	5,231	8.21	8.50	0.283	0.29	0.28 to 0.29	-73.33	<0.0001
Aquifer Test	291	8.07	8.85	0.224	0.78	0.76 to 0.81	59.67	<0.0001

DISCUSSION

During Base Flow, stream flow at the Auxiliary Gage was predominantly less than at the Point Reyes Gage (Table 1). During Base Flow conditions (which represent most of the data for the record), the mean stream flow at the Point Reyes Gage averages approximately 8.7 cfs; in comparison stream flow at the Auxiliary Gage is approximately 0.24 cfs less (i.e., approximately 2.8% less). The interpretation of this difference is uncertain, but it is a relatively small difference. Owing to the small number of field measurements of stream flow at the Auxiliary Gage, it is possible that this difference is attributable to inaccuracy in the stage-discharge relationship. However, the measurements and their relationship to



the stage-discharge curve were considered “fair” to “good” by USGS and should be considered reliable. During Base Flow, the decline in flow at the Auxiliary Gage relative to the Point Reyes Gage could be interpreted as evidence of flow loss from the stream channel to the alluvial aquifer (i.e., a losing section of stream) in the stream reach between to the two gages.

During Elevated Flow, the decline in flow at the Auxiliary Gage relative to the Point Reyes Gage is more apparent than during Base Flow. During Elevated Flow, mean flow at the Auxiliary Gage is approximately 0.65 cfs less than at the Point Reyes Gage. This difference may also be related to the stage-discharge relationship used for the Auxiliary Gage. In particular, stream flow measurements at the Auxiliary Gage occurred only during Base Flow and Aquifer Test, and do not reflect changes in stage-discharge that occur during periods of increasing discharge. Again, the difference is relatively small, but could be interpreted as evidence of flow loss from the stream channel to the alluvial aquifer.

During the Aquifer Test, the difference between flow at the Auxiliary Gage and the Point Reyes Gage reverses relative to Base Flow and Elevated Flow. During the Aquifer Test, mean flow at the Auxiliary Gage is 0.34 cfs greater than at the Point Reyes Gage. This change represents an increase of 0.58 cfs (0.34 cfs–[-24 cfs]) relative to Base Flow conditions. This change could be interpreted as evidence of a gaining section of stream (i.e., discharge from the alluvial aquifer to the stream channel) as monitored at the Auxiliary Gage, or flow loss from the stream due to groundwater withdrawal as monitored at the Point Reyes Gage.

Considering all of the paired flow data together, irrespective of distinctions between Base Flow, Elevated Flow, and Aquifer Test flow, the average flow at the Auxiliary Gage is 0.22 cfs less than at the Point Reyes Gage. This deviates only slightly from the Base Flow condition (Table 1), and reflects the predominant quantity of flow as Base Flow.

For additional perspective on flow relationships among the gages on Lagunitas Creek, Table 2 summarizes the comparison between the Auxiliary Gage and the Park Gage located over six miles upstream. With respect to Base Flow, mean flow at the Auxiliary Gage is 0.29 cfs greater than at the Park Gage. With respect to flow during the Aquifer Test, mean flow at the Auxiliary Gage is 0.78 cfs greater than at the Park Gage, an increase in the flow difference of 0.5 cfs. This change is similar to that observed between the Point Reyes Gage and the Auxiliary Gage during the Aquifer Test, however, it cannot be attributed to effects of groundwater withdrawal at the Gallagher Test Well owing to the great distance between these locations.

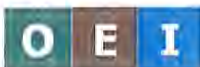


CONCLUSIONS

The three gage stations compared above have all been installed, operated and maintained by USGS personnel according to USGS standard methods for station site selection, flow measurement, and data analysis. The consistency afforded by USGS procedures provides for highly reliable long-term stream flow data. While the USGS data is accurate (i.e. it consistently reports stream flow that is very near actual stream flow), it has limited precision (i.e. stream flow reported at a gage often deviates by a small percentage from measured flow). The causes of imprecision include variability of natural stream flow, unavoidable sampling error inherent in stream flow measurement and stream stage, and inaccuracy inherent in stage-discharge relationships.

The foregoing statistical tests summarized in Table 1 and Table 2 do not attempt to account for the variability of stream flow data, and instead considers the paired stream flow data to be sufficiently precise to conduct statistical comparisons of a large number of data points. The intent of this analysis was to provide for a quantitative comparison of data with considerable variation (Figure 1) that allows for recognition of patterns in the data, and computing the Z-statistic served that purpose.

Ultimately, for purposes of measuring stream flow in the context of Mitigation Measure BR-2 as described in the Mitigated Negative Declaration for the Gallagher Wells and Pipeline Project, either the Auxiliary Gage or the Point Reyes Gage could be utilized. While the Point Reyes Gage appears to be adequately located to measure potential influences in stream flow due to operation of the Gallagher Test Well, the magnitude of change in stream flow during the Aquifer Test was small (approximately 3% or less of Base Flow) and within the normal range of variation for stream gaging procedures. Flow measurements at the Auxiliary Gage during the Aquifer Test suggest that the small decline in stream flow observed at the Point Reyes Gage was limited to a short reach of stream, in that stream flow did not similarly decline at the Auxiliary Gage during the Aquifer Test. The USGS Point Reyes Gage is well-located to evaluate and monitor potential influences to stream flow as a result of groundwater withdrawal from the Gallagher Test Well.



APPENDIX B

**RESULTS OF AQUIFER TESTING PROGRAM, GALLAGHER WELL SITE,
GALLAGHER WELLS AND PIPELINE PROJECT
NORTHEAST OF POINT REYES STATION, CALIFORNIA
(PES ENVIRONMENTAL, INC.)**



A Report Prepared for:

North Marin Water District

**RESULTS OF AQUIFER TESTING PROGRAM
GALLAGHER WELL SITE
GALLAGHER WELLS AND PIPELINE PROJECT
NORTHEAST OF POINT REYES STATION, CALIFORNIA**

JANUARY 16, 2014

By:

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1.0 INTRODUCTION

This report has been prepared by PES Environmental, Inc. (PES) on behalf the North Marin Water District (NMWD) to present the results of the Aquifer Testing Program (ATP) performed at the Gallagher Well Site (Plate 1) located northeast of Point Reyes Station, California. NMWD owns the property at the Gallagher Well Site (i.e., the “site” as described herein) and maintains the Gallagher Test Well and Gallagher Observation Well located on the property parcel. As shown on Plate 2, the site is located adjacent to and between Lagunitas Creek and the Gallagher Ranch property. The purpose of the ATP was to: (1) further characterize hydraulic properties of the alluvial aquifer at the site; and (2) assist the NMWD in the planning of future water supply operations for the Gallagher Test Well. As described herein, the ATP included: pre-test and post-test groundwater monitoring; and performance of a step-drawdown test and 72-hour constant-rate discharge test for the Gallagher Test Well.

2.0 OVERVIEW

2.1 Gallagher Wells and Pipeline Project

The Gallagher Test Well was constructed in 1993 and currently resides as an inactive water-supply well maintained by the NMWD. The NMWD has been conducting activities to improve water quality and reliability for its West Marin Water Service Area including the planning for future use of the Gallagher Well site as a second California State Water Resources Control Board (State Water Board) approved water supply source. The Gallagher Wells and Pipeline Project is expected to include conversion of the Gallagher Test Well to a production well, and construction of a pipeline approximately one mile in length (as shown on Plate 2) to deliver water from the Gallagher Well Site to the existing NMWD Point Reyes Water Treatment Plant where water is currently treated from the NMWD’s Coast Guard Wells. To address salinity intrusion and potential effects to its wells from future sea-level rise, NMWD petitioned the State Water Board to amend Water Right License 4324B and Permits 19724 and 19725 to add the existing Gallagher Well site as a point of diversion on Lagunitas Creek. The Gallagher Well Site is located upstream of the high tide influences of Tomales Bay, thus avoiding salinity intrusion in water supply operations. The State Water Board approved the NMWD’s petitions and issued water rights amendments to Water Right License 4324B and Permits 19724 and 19725 in documents dated February 20, 2013. The amended water rights include the use of NMWD’s Coast Guard Wells, Downey Well and the Gallagher Well Site for municipal uses and for the purpose of preserving and enhancing wetland habitat, and fish and wildlife resources in Lagunitas Creek.

3.0 PHYSICAL AND HYDROGEOLOGIC SETTING

As shown on Plate 3, the Gallagher Test Well (GTW) and Gallagher Observation Well (GOW) are located east of Lagunitas Creek on the floodplain terrace adjacent to the Gallagher Ranch

property where a nearby private domestic well (i.e., the “Gallagher Ranch Private Well” [GRW]) is located. Topographic elevations in the vicinity of the site and surrounding area range from approximately 30 feet above mean sea level (msl) on the floodplain terrace to 17 feet above msl adjacent to Lagunitas Creek. Lagunitas Creek originates on Mt. Tamalpais, drains an area of approximately 103 square miles, and flows 22 miles before discharging into the southern end of Tomales Bay (Marin Municipal Water District, 2011). There are four dams on the upper eight miles of Lagunitas Creek including: Lagunitas Dam, Alpine Dam, Bon Tempe Dam, and Peters Dam. As shown on Plate 1, the United States Geologic Survey (USGS) operates three stream gage stations on Lagunitas Creek: (1) Samuel P. Taylor State Park Gage (station #11460400 – the “Park Gage” approximately six miles upstream from the site); (2) Point Reyes Gage (station #11460600); and (3) Point Reyes Auxiliary Gage (station #11460601 – the “Auxiliary Gage”, a temporary gage with data available from July 26, 2013 through September 30, 2013).

The site is located approximately 1.75 miles northeast of the San Andreas Fault. Geologic mapping performed by USGS (2000) indicates the study area is filled with Quaternary-aged alluvium and river channel deposits, and underlain by consolidated rocks of the Franciscan Complex that outcrop in the hills along the eastern portion of the Gallagher Ranch property.

The Well Completion Report for the Gallagher Test Well (as provided as Attachment A) indicates: the Gallagher Test Well was completed with 12-inch diameter steel casing to a depth of 34-feet below ground surface (bgs) and 12-inch diameter stainless steel well screen for the interval from 34- to 54-feet bgs; and the Gallagher Observation Well was completed with 2-inch diameter polyvinyl chloride (PVC) blank casing to a depth of 30 feet bgs, and PVC well screen that extends from 30- to 50-feet bgs. The accompanying Geologic Log for the wells shows the lithology is comprised of predominantly unconsolidated alluvial deposits of sandy clay with varying occurrences of sand and gravel to a maximum depth of 54 feet bgs, which are underlain by “hard gray shale”.

The principal source of groundwater at the site and nearby areas is from the Quaternary alluvium, which comprises the alluvial floodplains of Lagunitas Creek. Groundwater within the alluvium of the surrounding areas generally occurs under unconfined to semi-confined conditions (Cardwell, 1958) and is bounded by consolidated rocks of the Franciscan Complex. The Franciscan Complex consists primarily of sandstone, with minor amounts of conglomerate, chert, and shale. The Franciscan Complex is generally not considered to be water-bearing (Cardwell, 1958), rather groundwater is limited to isolated occurrences where coarse-grained, poorly cemented zones, or fracture systems are encountered. Groundwater recharge in the area occurs primarily from percolation of direct precipitation, seepage from the surrounding hills, and infiltration through streambeds. Precipitation records from 1950 through 2006 indicate the annual rainfall in the area ranges from 12.7 to 66.9 inches per year, and averages 34.5 inches per year (NASCE, 2013).

4.0 SCOPE OF WORK

As further described below, the ATP included: (1) pre-test baseline water level monitoring; (2) performance of a step-drawdown test; (3) performance of a 72-hour constant-rate discharge test and recovery test; (4) post-test baseline water level monitoring; and (5) analysis of data collected during the aforementioned. The purpose of the ATP was to: (1) further characterize hydraulic properties (i.e., transmissivity, hydraulic conductivity, and storativity) of the alluvial aquifer at the site; and (2) assist the NMWD in the planning of future water supply operations for the Gallagher Test Well.

4.1 Methods and Procedures

The scope of work included the methods and procedure described in the following sections.

4.1.1 Test Equipment and Water Discharge Management

To facilitate the measurement of groundwater levels and surface water levels, the GTW, GRW (located approximately 12 feet south of GTW as shown on Plate 3), and a location on Lagunitas Creek (LCT; located approximately 135 feet west of GTW) were equipped with Solinst Levellogger® Edge pressure transducers connected to electronic data logger systems. A Solinst Barologger® Edge was used to record barometric pressure at the site and compensate for barometric pressure changes recorded by the transducers installed at GTW, GOW, and LCT (Plate 3). The transducer for GTW was installed inside of a 1.5-inch diameter PVC sounding tube placed inside of the 12-inch diameter steel casing. Prior to the baseline monitoring period and throughout the aquifer tests, transducers were checked for calibration with an electronic sounding probe.

The Gallagher Test Well is equipped with a permanent 30-horse power Goulds® pump set at approximately 42 feet below the top of the well flange. An electronic flow meter and an inline mechanical flow meter were used to record the discharge rate and total volume of water pumped during testing. A gate valve was also installed downstream of the flow meters to adjust flow rates during the tests. The pump discharge line was connected to irrigation pipe for discharging the pumped groundwater at a location approximately 1,500 feet south of the site (i.e., Discharge Area, as shown on Plate 3). This area was selected to avoid the potential for direct recharge interference during performance of the tests.

4.1.2 Field Data Collection

Pressure transducers installed at GTW, GOW, and LCT electronically recorded water level data at intervals ranging from one second to one minute during the ATP. At approximate 15-minute intervals, groundwater level measurements from the Gallagher Ranch Private Well (GRW; located 150 ft east-northeast of GTW as shown on Plate 3) were collected by use of electronic sounding probe. At approximate 60-minute intervals, groundwater level measurements from the GTW and GOW were collected by use of electronic sounding probe.

At approximate 60-minute intervals, discharge flow rates were electronically recorded. At approximate 60-minute intervals, water samples from the discharge piping at the wellhead were tested for water quality parameters including pH, temperature, electrical conductivity, dissolved oxygen, and turbidity using a flow-through cell and turbidity meter. At approximate 4-hour intervals throughout the ATP, inspections of the discharge area were performed to ensure there was no runoff at the property boundary. Water level data, water quality data, flow meter data, and the Aquifer Test Data Field Forms are provided in Attachment B.

4.1.3 Pre-Test Baseline Monitoring

Pre-test baseline monitoring data was collected from September 11 through 23, 2013 to record baseline water levels and assess non-pumping conditions of the aquifer and creek. During the baseline monitoring period, pressure transducers installed at GTW, GOW, and LCT electronically recorded water level data at one-minute intervals.

4.1.4 Step-Drawdown Test

The step-drawdown test was performed on September 23, 2013 and included the pumping GTW at discharge rates of 100, 135, and 150 gpm for intervals of 60-minutes, 60-minutes, and 36-minutes, respectively. The mechanical flow meter was removed after 36-minutes of pumping at 150 gpm (i.e., the third step) due to coarse sand and fine gravel that clogged the meter and restricted flow from the well. Following removal of the mechanical flow meter, a fourth discharge rate of 175 gpm was operated for an interval of 18 minutes. After pumping was stopped for the step-drawdown test, water levels at GTW, GOW, and LCT continued to be recorded until commencement of the constant-rate discharge test on the following day.

4.1.5 Constant-Rate Discharge Test, Recovery Test, and Post-Test Monitoring

A 72 hour constant-rate discharge test was performed from September 24 through 27, 2013. Based on the results of the step-drawdown test, a pumping rate of 140 gpm was selected for the discharge rate. Following the completion of the constant-rate test, water levels at GTW, GOW, and LCT were recorded for performance of a recovery test. The transducer installed in GTW was inadvertently removed during the recovery period (after more than 90% of groundwater level recovery was recorded). Following the recovery test, post-test water level monitoring was recorded at GOW and LCT for approximately 72 hours.

4.1.6 Analysis of Aquifer Test Data

Analyses of the ATP data were performed using the computer software program AquiferTest developed by Schlumberger Water Services (Version 2013). The methods selected for analysis of data from the constant-rate discharge and recovery tests included: (1) Theis-Jacob method for an unconfined aquifer (Jacob, 1963); and (2) Neuman unconfined aquifer type curve method (Neuman, 1975). Assumptions for these analytical methods include: (1) the aquifer is infinite areal extent; (2) the aquifer is homogeneous, isotropic, and of uniform thickness;

- (3) prior to pumping, the water table is horizontal over the area that will be influenced;
- (4) flow to the well is horizontal and water is released instantaneously from storage; and
- (5) the aquifer is pumped at a constant discharge rate; and (6) the well is fully penetrating.

5.0 RESULTS OF AQUIFER TESTING PROGRAM

5.1 Baseline Monitoring

As presented on Plate 4, pre-test baseline monitoring data for GTW and GOW show that groundwater levels exhibit a minor drawdown response (i.e., approximately 0.05 feet); the response is attributed to operation of the Gallagher Ranch Private Well (GRW). GRW is located 150 ft east-northeast of GTW and pumps water directly into a storage tank. During baseline monitoring, it appears GRW operated at approximate two hour intervals for durations lasting approximately 15 minutes. The drawdown response from GRW was considered negligible in comparison to the total drawdown measured in GTW (i.e., 19.6 feet) during the ATP. Due to the active operation of GRW during the ATP, groundwater level data from this well were not utilized to calculate aquifer properties.

A precipitation event occurred on September 21-22, 2013 (prior to the ATP), which resulted in 0.36 inches of rainfall (NOAA-NCDC, 2013) and groundwater level recoveries of approximately 0.05 feet were recorded at GTW and GOW. Prior to commencement of the ATP, groundwater levels had stabilized to pre-rainfall conditions.

5.2 Step Drawdown Test

A total of approximately 22,000 gallons of water was pumped during the step-drawdown tests. Groundwater (and surface water) level hydrographs prepared for GTW, GOW, and LCT are shown on Plate 5 for the step-drawdown test. As shown on Plate 5, total drawdown (i.e., cumulative drawdown) measured in GTW at the end of each pumping interval was approximately 8.3, 14.3, 16.5, and 19.6 feet, respectively. Accordingly, the specific capacity for each of the four discharge rates was calculated to be 0.083, 0.106, 0.110, and 0.112 gpm per foot of drawdown, respectively. At the end of the test, an additional 3.4 feet of drawdown was available. As presented on Plate 5, post-test data for GTW show that groundwater levels recovered to 85% within approximately 1.5 minutes after pumping stopped, and to 95% within 4 minutes.

Drawdown in a pumped well is comprised of two components: aquifer loss and well loss. Aquifer loss (BQ) is that part of the drawdown caused by resistance to laminar flow within the aquifer. Well loss (CQ^2) results from resistance to turbulent flow in the zone adjacent to the well, and through the screen. Jacob (1947) found that well loss is approximately proportional to the square of the discharge rate and developed the following general equation for the well loss factor C:

$$S_w = BQ + CQ^2$$

The above equation can be solved using graphical techniques. The components of drawdown were calculated using data extrapolated from the plot of specific drawdown ($S_{w\text{total}}/Q_{\text{total}}$) versus discharge (Plate 6) according to the method described by Jacob (1947). The Calculation Sheet (Table 1) presents the analysis of data from the step-drawdown test. As indicated, the well loss component (CQ^2) calculated from GTW (i.e. pumping well) at each step was 48-, 51-, 54-, and 62-percent, respectively. The corresponding well efficiency at each step was 52-, 49-, 46-, and 38-percent, respectively.

5.3 Constant-Rate Discharge Test

A total of approximately 605,000 gallons of water was pumped during the constant-rate test. Transmissivity and hydraulic conductivity were computed based on analysis of drawdown data from the 72-hour constant-rate test and subsequent recovery data. The groundwater level drawdown and recovery data used to estimate aquifer parameters are provided in Attachment B, and a hydrograph is provided on Plate 7.

Drawdown in GOW was observed to be near-instantaneous following the start of pumping in GTW. This behavior in an unconfined alluvial aquifer suggests the aquifer is moderately to highly transmissive. The methods selected for analysis of data from the constant-rate discharge and recovery tests included: (1) Theis-Jacob method for an unconfined aquifer (Jacob, 1963); and (2) Neuman unconfined aquifer type curve method (Neuman, 1975). The plots of the analyses performed for estimating transmissivity, specific yield and hydraulic conductivity are provided in Attachment C.

Table 2 presents a summary of the test results calculated for the ATP. As indicated in Table 2, transmissivity, hydraulic conductivity, and storativity values estimated from the pumping and recovery tests for GOW data are relatively consistent. Transmissivity values range from 4,200 to 8,100 feet squared per day (ft^2/d). The geometric mean of the transmissivity values is approximately 5,160 ft^2/d . The corresponding estimated hydraulic conductivity values range from 120 to 231 feet per day (ft/d). The geometric mean of the hydraulic conductivity values is approximately 147 ft/d . The calculated transmissivity and hydraulic conductivity values suggest the alluvial aquifer is moderately permeable. The storativity values, which are summarized in Table 2, are generally low for an unconfined alluvial aquifer and are likely influenced by: (1) the proximity of GTW to Lagunitas Creek; and (2) the relatively fast recovery rate of groundwater levels following completion of the constant-rate test (e.g., recovery test data show that groundwater levels recovered to approximately 85% within 3 minutes following the completion of the constant-rate test).

Groundwater levels at GRW were influenced by the cyclic pumping of this domestic well (as described above in Section 5.1) which resulted in short-term drawdowns of approximately 2.5 feet, followed by subsequent recovery. Groundwater levels at GRW were also influenced by pumping at GTW and indicate that approximately 1.4 feet of net drawdown was observed during the constant-rate discharge test.

5.4 Stream-Aquifer Interaction

The exchange of water between a stream and aquifer is a dynamic process involving multiple variables, including but not limited to: physical conditions and hydraulic properties of both the streambed and aquifer; localized geology; hydraulic heads which are often dependent on seasonal variations of recharge from precipitation; and the relationship of stream stage to groundwater levels which indicate the losing or gaining characteristics of stream reaches.

As shown on Plates 5 and 7, the stage height of Lagunitas Creek as recorded from the transducer installed (LCT) near the Point Reyes Gage remained generally stable during the pumping tests. The stage height prior to commencement of the step-drawdown test was 17.22 ft msl, and the stage height at the end of the constant-rate test was 17.22 ft msl. During the ATP (i.e., September 23 to 27, 2013), daily fluctuations in stage height averaged approximately ± 0.006 feet msl. These minor fluctuations are consistent with diurnal fluctuations observed during the baseline monitoring period (Plate 2) which ranged from ± 0.005 feet msl to ± 0.007 feet msl. Thus, the data show that the stage height of Lagunitas Creek did not appear to be notably influenced in response to the groundwater withdrawal during the step-drawdown (i.e., average pumping rate of 0.25 cfs) and constant-rate test (i.e., pumping rate of 0.25 cfs).

5.5 Estimated Safe Yield

The estimated safe yield for GTW was based upon observations from the step-drawdown test and results from the constant-rate test. At the completion of the step-drawdown and constant-rate tests, only 3.4 feet and 6.4 feet of available drawdown remained in GTW (i.e., of the 23 feet of total available drawdown prior to the commencement of pumping), respectively. The late-time drawdown data for both GOW and GTW during the constant-rate test (i.e., the period from approximately 56 to 72-hours), shows there was less than 0.1 feet of (additional) drawdown observed during this period of the test. Based on the near-asymptotic characteristic of the drawdown curves for the late-time pumping data, the estimated safe yield for GTW as observed during the 72-hour test would be approximately 110 gpm (approximately 0.25 cfs). This estimate is based upon a 20% reduction of the 140 gpm pumping rate sustained during the constant-rate test.

6.0 REFERENCES

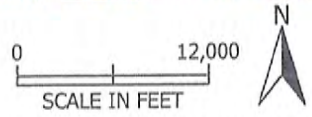
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ILLUSTRATIONS



- Explanation**
- Watershed Boundary
 - Major Roads
 - Point Reyes Gage ▲ USGS Stream Gage
 - Gallagher Well Site ◉ Well Location



Aerial Photo: October 31, 2011 (Google 2013)
 Basemap Features: Marin Municipal Water District

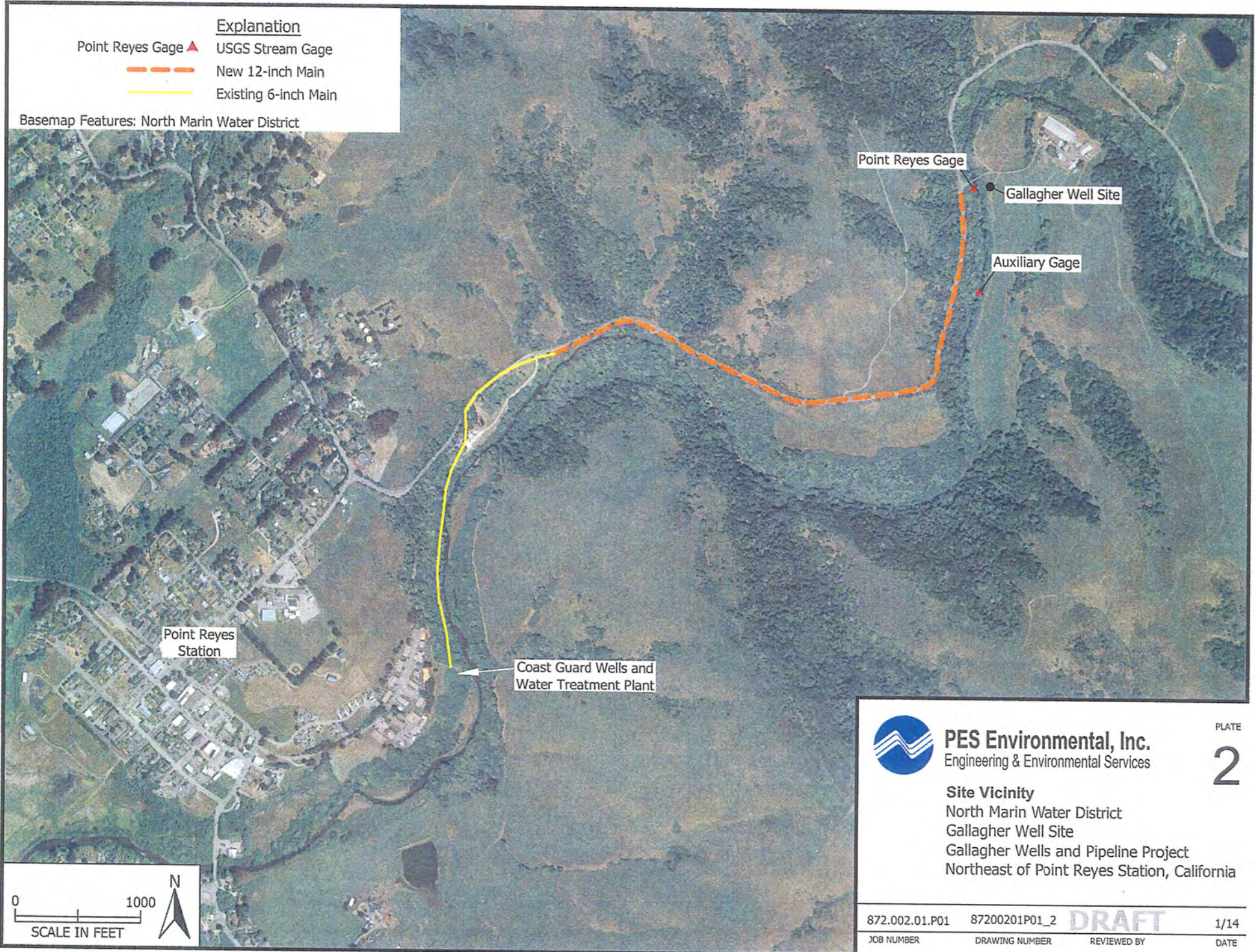
Site Location
 North Marin Water District
 Gallagher Well Site
 Gallagher Wells and Pipeline Project
 Northeast of Point Reyes Station, California

PLATE
1



- Explanation**
- Point Reyes Gage ▲ USGS Stream Gage
 - New 12-inch Main
 - Existing 6-inch Main

Basemap Features: North Marin Water District



PES Environmental, Inc.
Engineering & Environmental Services

PLATE

2

Site Vicinity
North Marin Water District
Gallagher Well Site
Gallagher Wells and Pipeline Project
Northeast of Point Reyes Station, California

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DRAFT

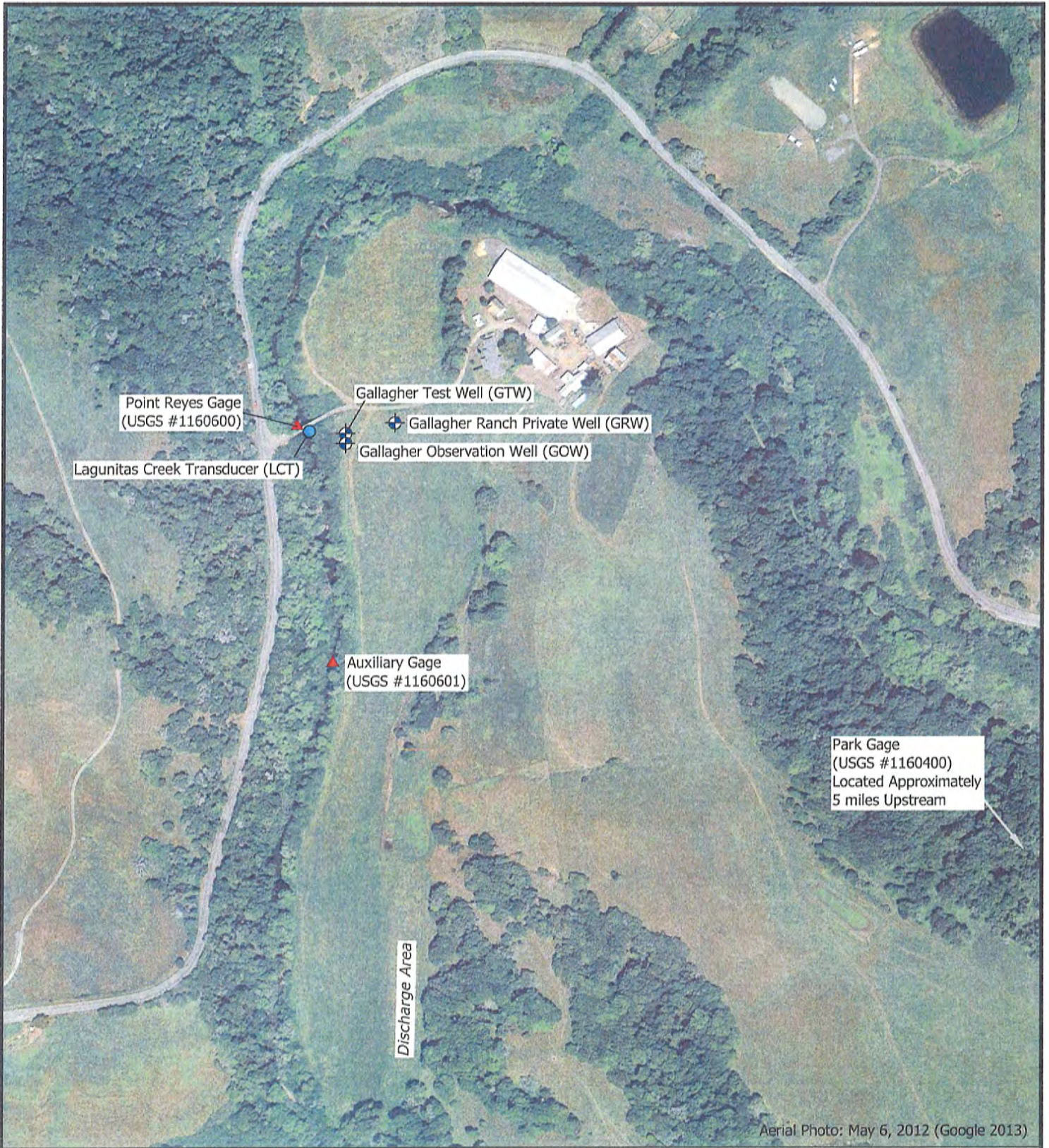
1/14

JOB NUMBER

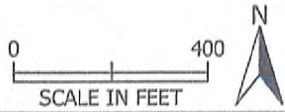
DRAWING NUMBER

REVIEWED BY

DATE



Aerial Photo: May 6, 2012 (Google 2013)



Explanation	
Point Reyes Gage ▲	USGS Stream Gage
TW-1 ⊕	Well Location
LC-1 ●	Creek Monitoring Location

DRAFT

February 5, 2014

Scott Wilson, Regional Manager
California Department of Fish and Wildlife
7329 Silverado Trail
Napa, CA 94558

Re: North Marin Water District Gallagher Well and Pipeline Project

Dear Mr. Wilson:

Pursuant to the Mitigated Negative Declaration for the Gallagher Well and Pipeline Project, North Marin Water District (NMWD) is committed to comply with mitigation measure BR-2, which states: "NMWD shall not divert water from the Gallagher Wells to adversely affect fish and wildlife residing between the Gallagher Wells and the Coast Guard Wells on Lagunitas Creek. To meet this standard prior to conducting any proposed project improvements, NMWD will prepare a final Hydrologic Design Plan, describing how and where stream flows will be monitored and how NMWD will maintain flow levels downstream of the Gallagher Well site."

NMWD engaged an independent consultant (PES Environmental Inc.) to conduct a comparative stream flow analysis between the Point Reyes gauge and a downstream Auxiliary Gage which was installed by USGS in the summer of 2013. An aquifer testing program at the Gallagher Well was also conducted during this comparative stream flow analysis period. The analysis concluded that the existing Point Reyes gauge appears to be adequately located to monitor potential influences on stream flow in Lagunitas Creek as result of future groundwater supply operations at the Gallagher well site. This Hydrologic Design Plan is enclosed for your information.

Thus, NMWD will rely on the existing USGS Point Reyes gauging station to

ATTACHMENT 2

monitor stream flow for Gallagher Well operation. NMWD along with Marin Municipal Water District and the National Park Service Point Reyes National Seashore have a cooperative agreement with USGS to continue operation of the Point Reyes gauge. NMWD also has a long standing agreement with Marin Municipal Water District enabling release of stored water from Kent Lake or Nicasio Lake to Lagunitas Creek when necessary. NMWD will monitor the Point Reyes Gage and Marin Municipal release to Lagunitas Creek daily, and will notify Marin Municipal and the State Water Resources Control Board when the Point Reyes Gage indicates stream flows are below that required by Water Right Order 95-15. Should additional stream flow be needed for diversion at the Gallagher Well, NMWD will request Marin Municipal to release additional water from Kent Lake or Nicasio Lake.

Should you have any questions in regards to this Hydrologic Design Plan please contact me.

Sincerely,

Chris DeGabriele
General Manager

CC:

Carl P.A. Nelson 500 Ygnacio Valley Road, Suite 325, Walnut Creek, CA 94596-3840
Krishna Kumar, GM MMWD, 220 Nellen Ave, Corte Madera, CA 94925
Charlton Bonham, CDFW Director, 1416 9th Street, 12 Floor Sacramento, CA 95814
Tim Dodson, CDFW, 7329 Silverado Trail, Napa, CA 94558
Ryan Watanabe, CDFW, 7329 Silverado Trail, Napa, CA 94558

CD/kly

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11

MEMORANDUM

To: Board of Directors

January 31, 2014

From: Drew McIntyre, Chief Engineer
Carmela Chandrasekera, Associate Engineer

Re: Gallagher Well Pipeline Project – Approve Bid Advertisement

R:\Folders by Job No\7000 Jobs\7087\7087.01\BOD memos\7087.01 memo re approval for bid advertisement Feb 2014.doc

RECOMMENDED ACTION: Board authorize bid advertisement of the Gallagher Well Pipeline Construction Project subject to CDPH funding approval

FINANCIAL IMPACT: \$0 (100% grant funded)

Background

The proposed 1-mile long 12-inch pipeline will connect the existing Gallagher well to the NMWD West Marin water system. (see Attachment 1 for the project area). The project will be funded by a Prop 50 grant administered by California Department of Public Health (CDPH) up to a maximum of \$1,486,000. There are no District matching fund requirements for this grant and, based on the current project cost estimate, it is anticipated that this grant amount will fully fund the Gallagher Well Pipeline project.

At the January 21, 2014 Board meeting the Board authorized the General Manager to act as the grant administrator and adopt funding resolution. The executed funding agreement was returned to the CDPH on January 23, 2014 and per the CDPH requirements construction must commence within 120 days post Funding Agreement Approval. To help ensure NMWD meets this requirement staff is requesting Board approval to advertise the project immediately after receiving funding approval from CDPH.

The following project schedule identifies key project milestones:

SCHEDULE		
	Duration Weeks	Total No. of Weeks
Advertise Project	0	0
Bid Phase	6	6
Review/Board Approval	3	9
Notice of Award	1	10
Notice to Proceed	2	12 (84 days)
Construction Complete (180 days)	26	38 (266 days)

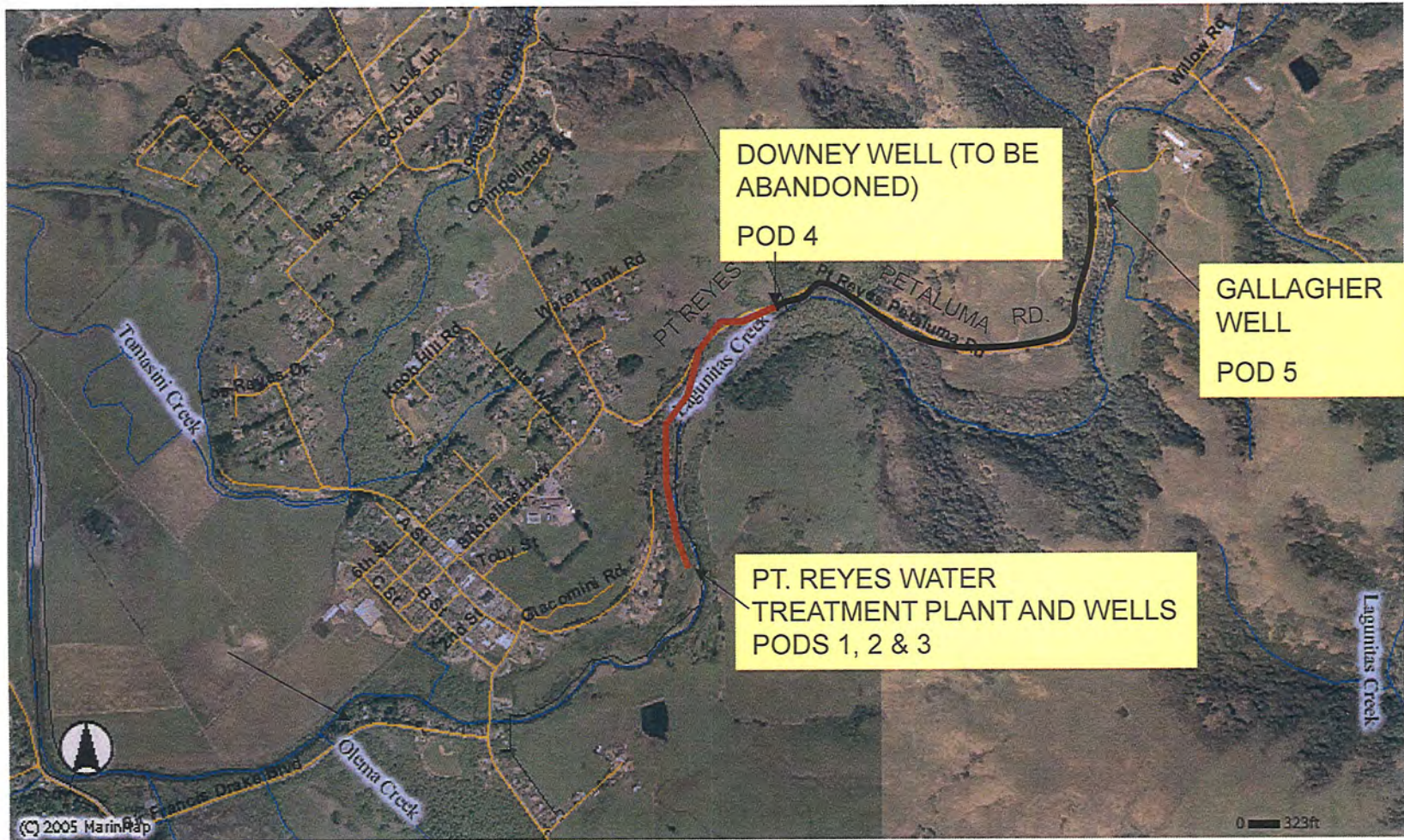
Project Description and Costs

The Gallagher Well Pipeline project includes installation of approximately 1 mile of new 12-inch pipeline starting from existing Gallagher well, then crossing the Gallagher Ranch private bridge and continuing on Gallagher Ranch private road/ drive way to Point Reyes-Petaluma Road and then along paved area of Point Reyes-Petaluma Road to connect to the 6-inch existing main near the Downey well site. The contractor will be given the option to construct using open cut trench method or by horizontal directional drill (HDD) method. The project receives Prop 50 grant funding from California Department of Public Health. The engineering construction cost estimate is \$1.04M (see project summary cost estimate in Attachment 2). This estimate will be updated again as soon as bids are received.

RECOMMENDATION

Board authorize bid advertisement of the Gallagher Well Pipeline construction project subject to receipt of CDPH funding agreement approval.

GALLAGHER WELL & PIPELINE PROJECT





DOWNEY WELL (TO BE ABANDONED)
POD 4

GALLAGHER WELL
POD 5

PT. REYES WATER TREATMENT PLANT AND WELLS
PODS 1, 2 & 3



LEGEND:
NEW 12" MAIN - 
EX. 6" MAIN - 

**NORTH MARIN WATER DISTRICT
WATER SYSTEM IMPROVEMENTS/SPECIAL PROJECTS
PROJECT SUMMARY
AS OF 1/30/2014**

Job No. 2.7087	Title: Gallagher Well Pipeline – West Marin						
Facility No.	Facility Type (Pipelines, Pump Stations, etc.): Pipeline & other						
	Description Project involves Gallagher pipeline final design (7,200 5,200 ft of 12" pipeline), Environmental and Geotechnical review, Permitting, Construction and contract administration costs and installing 3 new wells at Gallagher. rehabilitation of existing Gallagher well.						
	Project Justification: Lagunitas Creek Salinity Intrusion Study (1998) prepared by Soldati Engineering Services recommended that the District construct a pipeline to the existing Gallagher well for additional supply or for blending with the Coast Guard supply. One is currently at the site with a reliable capacity of approx. 120 GPM. It is assumed that additional wells at Gallagher are required to provide a fully redundant 700 GPM well field. (which will be a future project(s))						
Baseline Cost Estimate	2007 (Est.) \$	2014 (Est.) \$	Expended To Date	Baseline Schedule	Start	Finish (Est.)	Finish (Actual)
Project Dev.		13,000	12,627	Project Dev.	2007		2/2013
Design (1)	115,000	100,000	74,158	Design	3/2013	10/2013	2/2014
Geotechnical Review & Testing(2)	30,000	40,000	9,900	Geotechnical Review			
Environmental Review(3)	15,000	25,000	17,161	Environmental Review		2009	
Encroachment Permit(4)	65,832	5,000		Permitting			
Grant funding and Pre-Const.project admin(5)	30,800	18,000	1,562	Bid Phase			
Construction(6)	856,000	1,037,000		Construction		10/2014	
CM/Inspection.(7)	60,000	60,000		Project Closeout			
Wells (8)	241,200	25,000					
Admin/Design Support(9)	27,000	20,000					
Project Closeout(10)	12,000	13,000				12/2014	
Project Contingency(11)	219,440	130,000					
Total	1,672,272	1,486,000	115,408				
	Comments: (Note: for the 2007 Cost Estimate, the original 1999 costs were inflated to represent current (2007) costs based on San Francisco Construction Cost Index published in Engineering News Record. CCI (Dec. 1998) = 6845.6, CCI (Dec, 2007) = 9131.8. Increase in costs= 9131.8 / 6845.6 =1.3339.). The following represents 2013 (1) 10% of construction cost - includes topo survey, CSW bridge crossing design and NMWD eng. (2) Material testing and geotech services estimate including geotech report (3) Consultant for CEQA + SWPPP (4) Estimate County Encroachment Permit (5) 2% of construction cost for Staff costs for funding application preparation, plan check, Easements and ROW, bid evaluation and general pre-design project administration. expended cost is DM time. (6) Current construction cost updated by Carmela C on January 30, 2014 (see file 7087.01\ cost estimate-7087.01.xls) (7) NMWD Inspection cost. (8) 2007 estimate for two additional wells. 2014 estimate is only for rehabilitation of existing well. (9) Engineering svcs during construction plus overall admin. (10) 1.5% of construction. Includes As-built drawings and close out (11) 12.5% Contingency based on Construction cost only						

12

MEMORANDUM

To: Board of Directors
 From: David L. Bentley, Auditor-Controller
 Subj: Purchase of New Phone System
\\actword\phone\purchase 2014.docx

January 31, 2014

RECOMMENDED ACTION: Approve
FINANCIAL IMPACT: \$18,000

The FY14 Equipment Budget includes \$35,000 for replacement of the District's 10-year old Avaya phone system with a new system that is consistent with communication protocols used on the District 's computer network and the internet - known in the industry as TCP/IP compliant. Proposals were solicited from six vendors, representing the major manufacturers for small office phone systems. The request for proposal required that the new system provide all the features that the existing Avaya system offers, plus 24 new features that employees requested. We are able to obtain almost all of the new features requested¹. All six vendors attended the pre-bid meeting and on-site walk through. Four vendors submitted proposals:

Vendor/Location	Model	Price Installed
Synectic - Sacramento	Avaya - Server Hardware and Software Upgrade ²	\$15,135
Synectic - Sacramento	Avaya - Full System	\$35,609
Top Speed Data - Petaluma	Allworx	\$49,555
KIS Computer - Freemont	Mitel	\$50,099
LC Networks - San Jose	Shoretel	\$57,685
Resource Telecom - San Rafael	Digium	Did not submit
Bridge to Bridge Tech - San Rafael	Cisco	Did not submit

Synectic made a creative proposal by recommending we reuse most of the existing desk sets and the voicemail system, thereby saving significant money. To fully utilize the new phone system features, the existing incoming analog phone line will be replaced with a digital (T-1) line & PRI switch (\$1,845 hardware cost), allowing each extension to have a unique phone number, thereby eliminating the 4-digit extensions now required. Synectic provided the District's existing phone system in January 2004, and has served the District well.

Recommendation:

Approve Purchase of the Avaya Phone System for a not-to exceed cost of \$16,000 (includes 5% contingency) plus \$2,000 for the T-1 PRI switch.

¹ Significant new features include: Call-accounting software, ability to digitally record calls, unique phone number for each employee, ability to interface incoming calls with utility billing software allowing retrieval of customer account information onto the customer rep's computer screen simultaneous with answering the call.

² Proposal includes new receptionist console, digital desk phones for heavy phone users and STP, reusing the existing voicemail and most desk sets, on-site training, and includes the first year's maintenance.

13

MEMORANDUM

To: Board of Directors
From: Chris DeGabriele, General Manager CD
Subject: Stafford Lake Agreement
L:\gm\bod misc 2014\stafford lake agreement backfeeding.doc

January 31, 2014

RECOMMENDED ACTION: Board authorize General Manager to enter into Stafford Lake Agreement
FINANCIAL IMPACT: Up to \$602,500

At the January 7th and January 21st meetings the Board was informed that back feeding of Stafford Lake could occur to augment local storage. The Board also was apprised that Marin Municipal Water District had been approached to pay the cost of back feeding. The attached agreement has been negotiated between NMWD and Marin Municipal with terms suitable to each District to back feed up to 500 acre feet into Stafford Lake by April 30th and deliver said amount to Marin Municipal beginning June 1st. Marin Municipal will pay the NMWD's cost, estimated at \$745 acre feet for each acre foot backfed to Stafford Lake and \$460 for each acre foot produced from Stafford Lake Treatment Plant.

RECOMMENDATION:

Board authorize General Manager to enter into the Stafford Lake Agreement.

STAFFORD LAKE AGREEMENT

between

**North Marin Water District
and
Marin Municipal Water District**

February 2014

STAFFORD LAKE AGREEMENT

THIS AGREEMENT, made this _____ day of February, 2014 by and between **NORTH MARIN WATER DISTRICT**, a public body, herein called "North Marin," and **MARIN MUNICIPAL WATER DISTRICT**, a public body, herein called "Marin Municipal."

RECITALS

- A. The State of California is experiencing record dry conditions, with 2013 being the driest year on record.
- B. Both North Marin and Marin Municipal are concerned that if said dry weather persists the water supply available to their respective customers will be diminished.
- C. Both North Marin and Marin Municipal receive a portion of their water supply from the Sonoma County Water Agency (SCWA) Russian River project via the Sonoma Marin Aqueduct owned and operated by North Marin.
- D. Delivery of Russian River Project water to Marin Municipal through the Sonoma Marin Aqueduct is governed by the terms of the "Intertie Agreement" between North Marin and Municipal dated March 11, 1993.
- E. There is currently water available in the Russian River project system beyond the needs of North Marin and Marin Municipal and all other Russian River project customers.
- F. There is currently capacity in the Sonoma Marin Aqueduct beyond the current needs of both North Marin and Marin Municipal.
- G. North Marin owns and operates Stafford Lake Reservoir and the Stafford Lake Treatment Plant that processes water from Stafford Lake Reservoir.
- H. North Marin has the ability to transfer Russian River Project water into Stafford Lake Reservoir for later use.
- I. Marin Municipal owns and operates the Ignacio Pump Station on Hamilton Drive in Novato and uses said pump station to deliver water from SCWA to Marin Municipal.

NOW, THEREFORE, in consideration of these recitals and the mutual promises made herein, North Marin and Marin Municipal agree as follows:

1. OBJECTIVE OF AGREEMENT

It is the objective of this agreement to provide for the cooperative operation of the North Marin and Marin Municipal water systems to make use of surplus water in

the Russian River Project and surplus capacity in the Sonoma Marin Aqueduct to help meet the water needs of the customers of both Districts during the dry weather season of 2014.

2. WATER DIVERSION PROVISIONS

Starting in January 2014 North Marin shall divert up to 4 million gallons per day (mgd) of water from the Sonoma Marin Aqueduct into Stafford Lake Reservoir.

Such pumping rate shall be decreased by the amount necessary to allow Marin Municipal to receive from the Sonoma Marin Aqueduct:

- In February, 9 mgd;
- In March, 8 mgd; and,
- In April, 7 mgd.

Said diversions shall continue until the first of the events below occurs:

- A. 500 acre-feet is diverted to Stafford Lake Reservoir;
- B. Either District determines that there is sufficient water available in Stafford Lake Reservoir, the Marin Municipal reservoir system and/or from the Russian River project to meet the needs of its customers during the 2014 dry weather season.
- C. April 30, 2014.

3. WATER DELIVERY PROVISIONS

- A. Starting on June 1, North Marin shall commence treatment and delivery of the water diverted to Stafford Lake Reservoir per the provisions of Section 2, above. The water delivered to Marin Municipal by North Marin pursuant to this agreement shall be considered Stafford Lake water, and not Russian River water, regardless of the actual origin of the water that passes through the Ignacio pump station meter. North Marin shall deliver said water to the Marin Municipal Ignacio Pump Station at a rate of 3 mgd. Deliveries shall continue at this rate until the volume of all water diverted to Stafford Lake Reservoir pursuant to Section 2 and paid for by Marin Municipal pursuant to section 4.A. is delivered to Marin Municipal.
- B. Risk of loss and responsibility for the handling and control of all water delivered hereunder shall pass from North Marin to Marin Municipal at the Ignacio Pump station. Both parties agree to exercise due diligence in inspecting their various pipelines and appurtenances and to take steps to guard against unreasonable loss of water.

C. The quality of water delivered by North Marin to Marin Municipal shall be equivalent to the quality of water served by North Marin in its potable Novato area water system.

D. Metering

Meters used to measure diversions to Stafford Lake Reservoir shall be the responsibility of North Marin and shall meet the standards of the Intertie Agreement. The meter used to measure deliveries to Marin Municipal at the Ignacio Pump station shall be the responsibility of Marin Municipal and shall meet the standards of the Intertie Agreement

4. PAYMENT PROVISIONS

A. Payment for Diversion of Water to Stafford Lake Reservoir

Marin Municipal shall pay North Marin \$745 for each and every acre-foot of water diverted to Stafford Lake Reservoir pursuant to the terms of Section 2 of this agreement. Said payment shall represent the total costs of North Marin for purchasing and diverting said water.

B. Payment for Delivery of Stafford Lake Reservoir Water to North Marin's Russian River Water

Marin Municipal shall pay North Marin \$460 for each and every acre-foot of Stafford Lake water delivered to Marin Municipal's Ignacio Pump Station pursuant to the terms of Section 3 of this agreement. Said payment shall represent the total costs of North Marin for treating said water at the Stafford Lake treatment plant and for delivering said water to Marin Municipal.

C. Billing and Payment

North Marin shall bill Marin Municipal monthly, at the rates prescribed by Section 4.a. and 4.b above, for water diverted pursuant to Section 2 and water delivered pursuant to Section 3 of this Agreement. Marin Municipal shall pay such bill promptly.

Notwithstanding any dispute between the parties hereto, Marin Municipal party shall pay all bills when due and shall not withhold all or any part of any payment pending the final resolution of such dispute. In the event of a dispute, the receiving party may pay its bills under protest and if the resolution of the dispute results in a refund, said refund shall include any interest earned by investment of the disputed funds.

5. COOPERATION PROVISIONS

Each party hereto shall make its best efforts to support and assist the other party's

requests to other agencies for water supply or pipeline capacity and for rulings that will preserve and enhance said other party's ability to deliver a reliable supply of water to its customers if the dry weather of the winter of 2013-14 continues such that neither agency's customers, to the extent reasonable and practical, suffers disproportionately during the ongoing drought.

6. MISCELLANEOUS PROVISIONS

A. Existing Agreements

Nothing in this agreement shall modify the terms of the Intertie Agreement nor the terms of the North Marin and Marin Municipal contractual agreements with SCWA.

B. Method and Place of Giving Notice and Making Payments

All notices shall be in writing and notices and payments may be given by personal delivery or by mail. Notices and payments sent by mail shall be addressed as follows:

North Marin: North Marin Water District
 Attn: General Manager
 P. O. Box 146
 Novato, CA 94948-0146

Marin Municipal: Marin Municipal Water District
 Attn: General Manager
 220 Nellen Avenue
 Corte Madera, CA 94925

Changes may be made in the addresses of the persons to whom notices and payments are to be given by giving notice pursuant to this section.

C. Third Party Beneficiaries

No third party beneficiaries are intended or established by this agreement.

D. Representation by Counsel

North Marin and Marin Municipal each were represented by independent counsel in the negotiation and execution of this agreement. For the purposes of interpretation of this agreement, neither party shall be deemed to have been the drafter of this agreement.

E. Severability

If any one or more sections, provisions, promises or conditions of this

agreement is declared null and void or voidable for any reason by a final judgment or order of a court of competent jurisdiction, it is hereby declared to be the intention of both parties and agreed that each and all of the other sections, provision, promises and conditions of this agreement shall be and remain in full force and effect.

F. Term of Agreement

The term of this agreement shall extend from the date of execution hereof until December 31, 2014.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first above written.

NORTH MARIN WATER DISTRICT

General Manager

ATTEST:

Secretary

MARIN MUNICIPAL WATER DISTRICT


General Manager

ATTEST:

Secretary

14

MEMORANDUM

To: Board of Directors
From: Chris DeGabriele, General Manager 
Subj: Preparing For Dry Year Conditions
L:\gm\water shortage 2014\dry year conditions 020414.docx

January 31, 2014

RECOMMENDED ACTION: Information Only
FINANCIAL IMPACT: None at this time

General

The Marin County Board of Supervisors presentation on January 28th was made by Marin Municipal's General Manager, Krishna Kumar (slides included as Attachment 1). The water district's involved include Marin Municipal, North Marin, Bolinas Community Public Utility District, Inverness PUD, Muir Beach Community Services District, Coast Springs Water Company, Estero Mutual Water Company, and Stinson Beach County Water District. Other Marin County staff members (fire, farm adviser, agricultural commissioner, parks and public works) also made verbal reports. 14 public members addressed the supervisors. Supervisor Kinsey provided an excellent perspective by encouraging residents to "not panic, but participate" in water saving measures.

Each of the supervisors received a copy of the NMWD Winter 2014 *WaterLine* newsletter and the Sonoma Marin Saving Water Partnership 2013 Annual Report.

West Marin Water System

On January 28th the District learned that Marin Municipal is beginning conversations with the State Water Resources Control Board to request modification of their water release schedules into Lagunitas Creek and Walker Creek. It's likely that Marin Municipal will submit a Temporary Urgency Change Petition. Currently, they indicate they are not in a position to say what release schedule may be requested and report it's unlikely that any modification of Lagunitas Creek stream flows would occur before early March. I have advised Marin Municipal that North Marin does not want to see summer flows reduced below the restrictive 6cfs included in Water Right Order WR 95-17.

Current Lagunitas stream flows are at 20cfs pursuant to dry year requirements. Lagunitas Creek stream flows are scheduled to drop to 14cfs on April 1st, to 10cfs on May 1st and to 6cfs on June 16th.

Novato Water System

Marin Municipal has accepted North Marin's offer to backfeed Russian River water into Stafford Lake. The subject Stafford Lake Agreement is on this agenda for the Board's authorization. District staff has communicated this action to Sonoma County Water Agency and will notify the Regional Water Quality Control Board of the water transfer. Additional physical requirements are needed to dechlorinate Russian River water before discharge to Stafford Lake.

At Monday's WAC meeting on February 3rd, the WAC will be requested endorse a Sonoma Marin Saving Water Partnership resolution which includes seeking 20% voluntary water conservation consistent with Governor Jerry Brown's emergency drought declaration (Attachment 2).

Sonoma County Water Agency has not declared any water shortage emergency, yet is encouraging voluntary water conservation. A status of the water contractor voluntary water conservation efforts is included as Attachment 3.

Finally, North Marin has received some negative press both in the Novato Patch and the Novato Advance (Attachment 4) regarding our flushing program. My letter to the Novato Advance editor in response is enclosed as Attachment 5.

The Board will continue to be appraised at each meeting on the status of dry year conditions as the year progresses.

MARIN COUNTY DROUGHT AND WATER SUPPLY UPDATE

Marin County Board of Supervisors

January 28, 2014



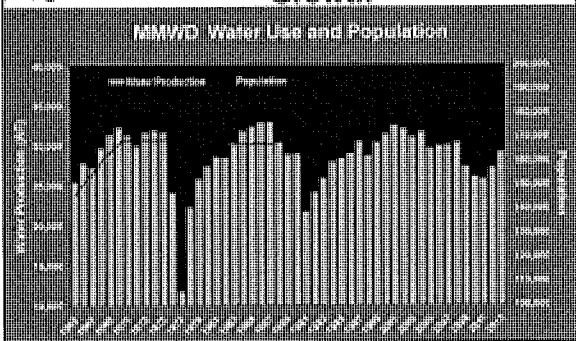
MARIN MUNICIPAL WATER DISTRICT MMWD Service Area

- Serves
 - Ten cities: San Rafael, Fairfax, San Anselmo, Larkspur, Corte Madera, Mill Valley, Tiburon, Belvedere, Ross, Sausalito
 - Portions of unincorporated areas
- 60,000 service connections (185,000 people served)
- 83% of customers are residential



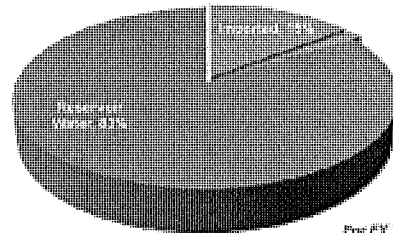
MARIN MUNICIPAL WATER DISTRICT

Historical Production and Population Growth



MARIN MUNICIPAL WATER DISTRICT

FY 2013 Total Water Sources (acre-feet)

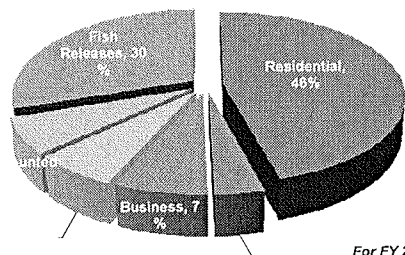


For FY 2013, total is 40,050 acre-feet (or 13 billion gallons)



MARIN MUNICIPAL WATER DISTRICT

FY 2013 Total Water Uses (acre-feet)

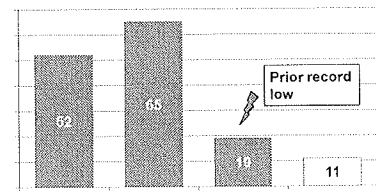


For FY 2013, total is 40,050 acre-feet (or 13 billion gallons)



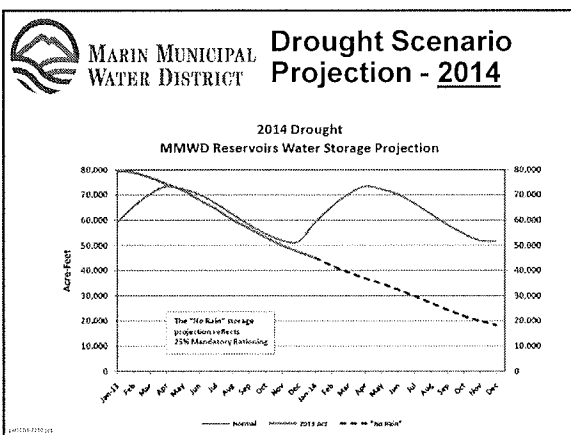
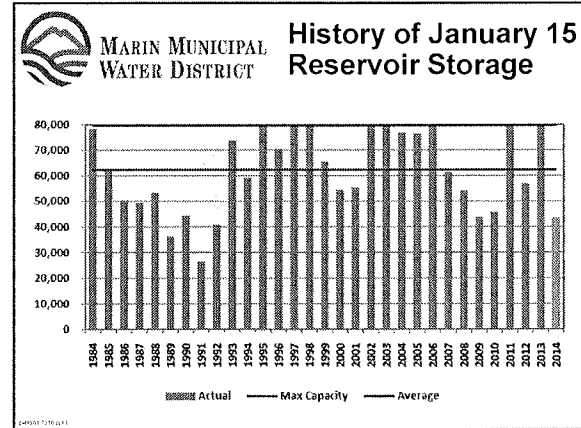
MARIN MUNICIPAL WATER DISTRICT

Calendar Year Rainfall



MARIN MUNICIPAL WATER DISTRICT **Current Storage Conditions**

Parameter	Storage (acre-feet)	% Full	% Normal
Full	79,566	100	N/A
Last Year	79,141	99	122
Average	64,770	81	100
Current	42,762	54	66



MARIN MUNICIPAL WATER DISTRICT **January 17 Drought Proclamation**

- Governor Brown calls on Californians to reduce water usage by 20%
- Implement Water Shortage Contingency Plans now

MARIN MUNICIPAL WATER DISTRICT **District Board Actions January 21**


- Activated District's Water Shortage Contingency Plan
- Called for 25% voluntary usage reduction
 - No associated rate increase at this time
 - Customers using 6 ccf (4,500 gallons) per month or less are encouraged to continue their good work
- Formed Drought Task Force
 - Reviewing mandatory rationing program
 - Program will be based on water usage before 2014
 - Evaluating short and long-term supply options

MARIN MUNICIPAL WATER DISTRICT **Additional District Actions Taken**

- Maximized use of Nicasio Reservoir
- Utilizing reserve reservoir (Phoenix)
- Maximized use of recycled water
- Optimized use of imported water
- Re-started conservation rebates
- Suspended flushing program
- Reprioritized leak repair


MARIN MUNICIPAL WATER DISTRICT **Next Steps**

- Prepare for 25% mandatory rationing effective April 1 assuming storage below 40,000 AF
- Early start of recycled water use
- Utilize reserve reservoir (Soulajule)
- Extensive public outreach
 - Letter to all water users
 - Weekly drought updates in the media
 - Community ambassador program
- Implement cost saving measures

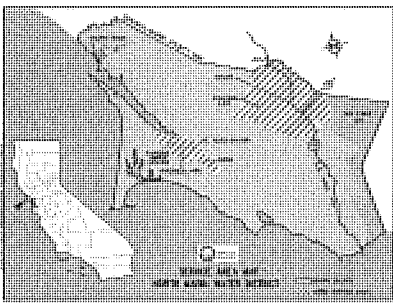


MARIN MUNICIPAL WATER DISTRICT **How to Achieve 25% Savings**

- Get a CAP survey
 - Call 945-1523, or
 - Perform Do-It-Yourself Home Water Survey (visit marinwater.org)
- Check for leaks
 - CAP surveys reveal leaks in 30% of homes
- Install high efficiency toilets
- Turn off automatic irrigation systems
 - Water as needed with hose



NMWD Service Area



NORTH MARIN WATER DISTRICT **NOVATO SERVICE AREA**

- Active Service Connections - 20,480 (61,770 people served)
- Annual Water Demand - 3,178MG (9,756 AF)
- Current Available Supply - 3,350MG (10,275 AF)

2014 Anticipated Supply/Delivery Challenges

- Limited Stafford Lake Supply
- Lake Mendocino Impact on Russian River Deliveries
- Governors Drought Declaration

Known Timeline for Drought Related Actions

- January – Winter WaterLine Newsletter Issued – Informing Customers of Drought Conditions
- February – Begin Back feeding Stafford Lake
- February – Likely Call to Comply w/ Governors Directive
- April – SCWA Temporary Urgency Change Petition to SWRCB
- June – SCWA Temporary Urgency Change Petition to SWRCB

NORTH MARIN WATER DISTRICT **WEST MARIN WATER SERVICE AREA**

- Active Service Connections - 776 (1,700 people served)
- Annual Water Demand - 83MG (255 AF)
- Current Available Supply - 112MG (343 AF)

2014 Anticipated Supply/Delivery Challenges

- Lagunitas Creek Dry Year Designation (per WR Order 95-17)
- WR Permit 19725 can't be used
- Low Stream Flows

Known Timeline for Drought Related Actions

- Feb & Mar – Notice customers of Dry Year Conditions on Lagunitas Creek
- April 1 – Notice public hearing to consider Water Shortage Emergency
- April 1 to June 30 – 15% Voluntary Water Use Reduction
- July 1 to Nov 1 – 25% Mandatory Water Use Reduction

STINSON BEACH COUNTY WATER DISTRICT

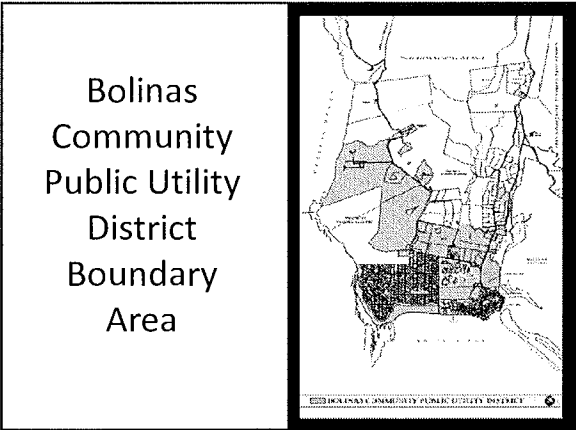
- Active Service Connections 727
- Annual Water Demand 50MG

2014 Anticipated Supply/Delivery Challenges

- Low Stream Flows
- Lowered groundwater supply

Known Timeline for Drought Related Actions

- January 2013 – Stage 1 Water Conservation Program Implemented
- April 2013 – Stage 2 Water Conservation Program Implemented
- February 2014 – Stage 3 Rationing to be enacted (110gpd)



Bolinas Community Public Utility District

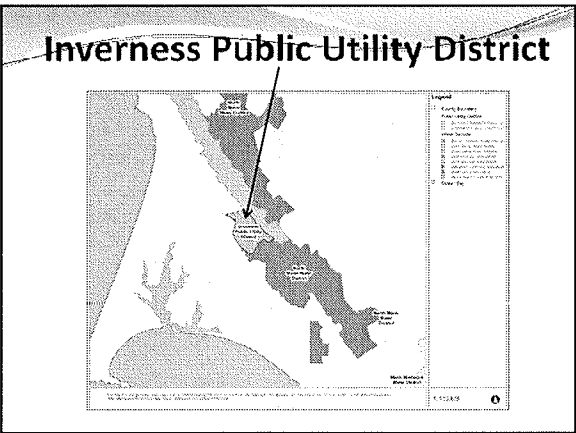
BCPUD Water Service Area

- Active Service Connections - 587 (1,500 – 2,000 people served)
- Annual Water Demand - 37MG (113 AF)
- Current Available Supply - 10 MG in Emergency Storage
- 50,000 – 80,000 GPD from Arroyo Hondo

2014 Anticipated Supply/Delivery Challenges
 •Limited Stored Water Supply & Low Stream Flows

Known Timeline for Drought Related Actions

- January 2014 - Heightened Voluntary Conservation Alert (25% requested)
- Targeted Appeal to High Water Users for 50% Reduction
- Date TBD - Mandatory Rationing when:
Emergency Stored Water Supply reaches 8MG
And/or Stream Flows decline
And/or Consumption increases



Inverness Public Utility District

Active Service Connections: 509 (491 Residential, 18 Commercial)

2013 Annual Water Demand: 26 MG

2014 Anticipated Supply/Delivery Challenges

- Limited Storage Capacity (400,000 gallons)
- Low Stream Flows
- Limited Fog Recharge (weather dependent)

Potential Timeline for Drought Related Activities

- March 30: Evaluate Rainfall To Date
- April 15: Begin Public Outreach on Drought Conditions
- June 25: Declare Water Shortage Emergency
- June 30-July 31: Voluntary Reductions in Water Use
- August 1: Mandatory Reductions in Water Use

COAST SPRING WATER COMPANY (California Water Service Company)

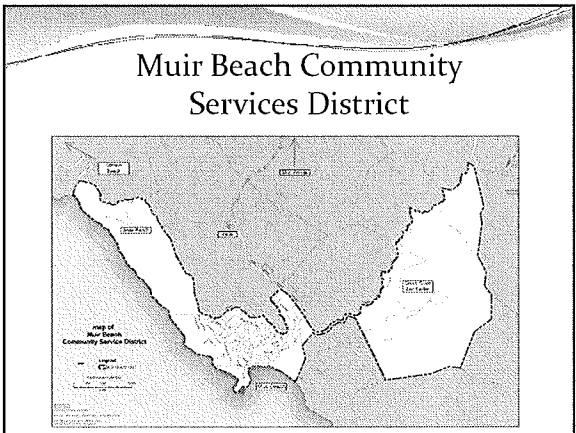
- Active Service Connections 253 (Dillon Beach)
- Annual Water Demand 9.7MG (30AF)
- Current Available Supply Adequate

2014 Anticipated Supply/Delivery Challenges

- 8 wells with limited capacity
- Limited treatment plant capacity
- Emergency Interties to private wells in vicinity

Known Timeline for Drought Related Actions

- Ongoing service moratorium in place



Muir Beach Community Services District

- Active Service Connections 159 (310 people served)
- Annual Water Demand 8.8MG (27 AF)
- Current Available Supply 16.5MG (50.6AF)

2014 Anticipated Supply/Delivery Challenges

- Water rights permit mandates reduction in supply to 12.8MG during drought conditions

Known TimeLine for Drought Related Actions

- Low stream flows (anticipated June, 2014) trigger reduction in well pumping.
- Conservation ordinance establishes limits that affect largest users (other conservation voluntary).

ESTERO MUTUAL WATER COMPANY
(serves Dillon Beach)


- Active Service Connections 145 (175 @ Buildout)
- Annual Water Demand 4.2MG (13AF)
- Current Available Supply 6MG (18AF)

2014 Anticipated Supply/Delivery Challenges

- Lost water due to storage pond evaporation
- Limited well water capacity (2 wells @ 1.3 - 1.5 gpm)
- Rental Home water use during summer and holidays

Known TimeLine for Drought Related Actions

- Service Area is low water use due to no landscaping
- Already notified customers to voluntarily conserve water.



MARIN MUNICIPAL WATER DISTRICT **Questions?**

DRY YEAR

Please Save Water This Winter!

Thank you for doing your part!

- Turn off your irrigation system when you are not watering.
- Fix all pipe leaks, faucets, showers, and other leaks.
- Monitor soil levels. Water your lawn lightly or consider xeriscape landscaping.
- If you have water leaks, please call the Marin Municipal Water District at 415.499.2222.

Visit our website at marinwater.org to learn more about our services.



BOD item

State Water Resources Control Board

January 17, 2014

NOTICE OF SURFACE WATER SHORTAGE AND POTENTIAL FOR CURTAILMENT OF WATER RIGHT DIVERSIONS

With California facing water shortfalls in the driest year in recorded state history, Governor Edmund G. Brown Jr. has proclaimed a State of Emergency and directed state officials to take all necessary actions to prepare for these drought conditions.

The State Water Resources Control Board (State Water Board) administers California's water rights system and is closely monitoring water availability. The water rights system is designed to provide for the orderly allocation of water supplies in the event that there is not enough water to satisfy everyone's needs. In the coming weeks and months, if dry weather conditions persist, the State Water Board will notify water right holders in critically dry watersheds of the requirement to limit or stop diversions of water under their water right, based on their priority. The right to divert surface water in California is based on the type of right being claimed and when the right was initiated. In times of drought and limited supply, the most recent ("junior") right holder must be the first to discontinue use. Some riparian¹ and pre-1914² water right holders may also receive a notice to stop diverting water if their diversions are downstream of reservoirs releasing stored water and there is no natural flow available for diversion.

If you are in a water short area, you should be looking into alternative water supplies for your water needs. Alternative supplies include groundwater wells, purchased water supplies under contractual arrangements, and recycled wastewater. Water right holders are cautioned that groundwater resources are significantly depleted in some areas. Water right holders in these areas should make planting and other decisions accordingly.

We hope that significant precipitation occurs in the next few months and the need to curtail water diversions is unnecessary. However, this notice is to encourage you to plan ahead. Whether you are a water right holder or a residential or business customer of a water service provider, all of California's water users are urged to conserve and use water wisely.

For more information, go to: [Drought State of Emergency](#)
[State Water Board Drought Information](#)

¹ Riparian rights entitle the landowner to use a share of the water flowing past their property. While riparian rights require no permits or licenses, they apply only to the water that would naturally flow in the stream and they do not allow the user to divert water for storage or use it on parcels that are not adjacent to the stream or on land that is outside its watershed.

² An appropriative water right is one obtained for the use of water on non-riparian land, for diversion to storage, or otherwise beyond what can be done under a riparian right. An appropriative right claimed before 1914 is referred to as a "pre-1914 appropriative water right" and is not subject to permit or license requirements. Water right permits and licenses issued after 1914 by the State Water Board and its predecessors are referred to as "post-1914 appropriative water rights".

Water Conservation Status among Russian River Water Contractors

Water Contractor	Voluntary conservation % reduction goal	Stage 1 declared?	If no, when?
Cotati	10%	no	Early February
NMWD	15%	no	Not yet known
Marin Municipal	25%	Yes - 1/21/14	1/21/14
Petaluma	15%	no	February
Rohnert Park	unknown	unknown	unknown
Santa Rosa	15%	no	Not yet known
Sonoma	10%	no	Feb. 3
VOMWD	unknown	no	Not yet known
Windsor	15%	no	Feb. 19 (est)



A North Marin Water District employee waters down a Novato street during a Red Flag Warning Day. COURTESY PHOTO

Is the drought over?

My dog just alerted me that the North Marin Water District was outside flushing thousands of gallons of our precious water down the street, in spite of today being a Red Flag Warning Day and the water districts asking the United States to conserve. Now that I see the water district doesn't think they need to conserve, I'm going outside to wash my cars.

*Don Foster
Novato*

~~NUSD discourages advanced students~~

~~"No Child Gets Ahead" must be the new motto of the Novato Unified School District. Instead of celebrating advanced sixth grade math students working at a seventh grade level, a recent district decision forces some of these students to repeat the entire year of seventh grade math.~~

~~Many of these students recently received Honor Roll commendations,~~

See LETTERS A5

January 31, 2014

Novato Advance
Editor
1301B Grant Ave.
Novato, CA 94945

Re: Is the Drought Over?

Emphatically no!

Last week's Novato Advance letter to the editor under this heading (including a photo of the North Marin Water District flushing program) is an example of the competing interests that NMWD is attempting to balance in this extremely dry year.

Each day NMWD employees strive to carry out their work mindful of four basic principles: Good Water, Good Service, Good Value and a Safe Place to Work. Good Water (Water Quality) is NMWD's top priority. This year, due to drought conditions, NMWD has limited its' annual water quality flushing program. In a normal year, NMWD strives to flush all Novato water distribution pipelines and this typically uses about 10 million gallons of water. This year, the limited flushing used just over 4 million gallons of water. This amount is less than one day's typical water use for all customers in Novato during the winter.

Currently all Novato's water is being delivered from the Russian River and NMWD has avoided any restrictions on water use. Nevertheless, this is a drought and customers are asked to voluntarily conserve water: turn off all unnecessary outside irrigation, fix leaks promptly, and participate in NMWD Water Conservation programs.

Chris DeGabriele
General Manager NMWD

t:\gml\water shortage 2014\response to novato advance notice.doc

15

MEMORANDUM

To: Board of Directors

January 31, 2014

From: Dianne Landeros, Human Resources Supervisor 

Subj: Employee Handbook February 2014 Revision and New Supervisor Handbook
I:\hr supervisor\bod employee handbook update draft february 2014.docx

RECOMMENDED ACTION: Review Revised Employee Handbook and New Supervisor Handbook

FINANCIAL IMPACT: None

Attached for your review is the February 2014 draft revision (with changes noted as underline/strikeout) to the NMWD Employee Handbook which incorporates the changes made to the Employee Association Memorandum of Understanding (MOU) dated December 28, 2012 and numerous wording changes recommended by the District's labor legal counsel, Wiley, Price and Radulovich. This revision to the Employee Handbook incorporates the following policies and provisions negotiated and incorporated in the December 2012 MOU:

1. The District contribution for health insurance changed from 90% to 85% (Page 37, 38);
2. For employees hired on or after January 1, 2013, retirement benefits are in accordance with the Public Employees' Pension Reform Act (PEPRA) of 2013, which stipulates a 2% @ 62 plan based on the highest 3-years of compensation (Page 47);
3. By October 1, 2016, employees will contribute 8% (6.25% if on 2% @ 62 plan) of their salary toward the cost of the CalPERS retirement benefits (Page 47, 48).

Also attached is the draft of the new Supervisor Handbook. Upon advice from legal counsel, portions of the Employee Handbook were moved to the Supervisor Handbook along with other sections relevant to supervisors such as the Hiring Procedure and the Employee Performance Review Policy.

The Table of Contents for both documents will be updated after the review by the Board. The proposed revisions have been reviewed and accepted by the NMWD Employee Association.

After reviewing the proposed Handbook revision, provide any comments or recommended changes to the Auditor-Controller by Friday, February 7, 2014. The final Handbook will then be presented for acceptance at the February 18, 2014 Board meeting.

North Marin Water District

**EMPLOYEE
HANDBOOK**



February 2014

DISCLAIMER

The policies in this Handbook apply to all District employees. To the extent this handbook summarizes benefits or benefit plans offered by the District, employees are reminded that the descriptions in this handbook are summaries only. Employees should review the plan documents regarding these benefits, which control eligibility for and the nature of the benefits provided. Copies of these documents can be obtained from the Auditor-Controller or the Human Resources (HR) Supervisor.

If a policy exists in the Employee Association Memorandum of Understanding (MOU) and in this Handbook and there is a change in the policy in the Handbook, the MOU prevails.

This handbook does not create a contract, express or implied. The handbook does not guarantee employment for any definite period of time. [Any employment relationship with the District \(unless otherwise defined by applicable law and/or any memorandum of understanding that may govern employment\) is "at will," which means that employees may resign at any time and the District may discharge employees at any time with or without cause, and with or without advance notice. It is further understood that this "at will" employment relationship may not be changed by any agreement or by conduct unless such change is specifically acknowledged in writing by an authorized executive of the District.](#)

No employee handbook can anticipate every circumstance or question about personnel policy. Because this handbook is not a contract of employment, it does not limit, constrain or in any way control the District's right to address employment situations as they arise. The District will address said circumstances or questions not addressed herein as it becomes aware of them.

This handbook supersedes any previous handbook and can only be changed in writing by the General Manager of the District.

NORTH MARIN WATER DISTRICT

999 Rush Creek Place

P.O. Box 146

Novato, CA 94948

(415) 897-4133

www.nmwd.com

BOARD OF DIRECTORS

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RICK FRAITES

STEPHEN PETERLE

DENNIS RODONI

JOHN C. SCHOONOVER

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General Manager

KATIE YOUNG
District Secretary

DAVID L. BENTLEY
Auditor-Controller

DREW McINTYRE
Chief Engineer

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DAVID L. BENTLEY
Administration

DOUG MOORE
Construction/Maintenance

DREW McINTYRE
Engineering

ROBERT CLARK
Operations/Maintenance

CONSULTANTS

BOLD, POLISNER, MADDOW, NELSON and JUDSON
Legal Counsel

WILEY, PRICE RADULOVICH, LLP
Labor Relations Counsel

CHARLES Z. FEDAK & COMPANY
Outside Auditor

D.B. CLAIMS SERVICES GROUP
Risk Management

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THE DISTRICT

The North Marin Water District (NMWD) was formed in 1948 under County Water District Law to furnish an adequate water supply for the residents of the Northern Marin County area and is a growing and progressive utility. The District also furnishes recycled water ~~for~~ to large irrigation customers ~~to the Stone Tree Golf Course, and has plans to distribute to other irrigation customers~~ in Novato. The District offices are located in the City of Novato, County of Marin, about 30 miles north of San Francisco. The community enjoys a pleasant climate and combines the advantages of suburban living with a close proximity to the metropolitan Bay Area. The area of the District is approximately 100 square miles, including areas in West Marin and Southern Sonoma counties, with an estimated population of 61,000 currently being served. The District also provides sewage collection and disposal services in the West Marin village of Oceana Marin. District administration is headed by the General Manager, who serves at the pleasure of a five-person Board of Directors, who are in turn elected by popular vote for staggered four-year terms.

MISSION STATEMENT

"We provide an adequate supply of safe, reliable and high-quality water and deliver reliable and continuous sewer services to our customers at reasonable cost consistent with good conservation practices and minimum environmental impact."

VISION STATEMENT

"We carry out our mission with a highly-motivated and competent staff empowered to conduct the District's business by placing customer needs and welfare first. We seek continual dialogue from our staff, peers, and all those we serve so that we may continually improve service to our customers."

SALARY RANGES AND STEP INCREASES

The District has a 5-step salary range for each [regular](#) position. Typically, newly hired employees will be placed at the first step of the pay range of the position for which they are hired. If the individual possesses extraordinary qualifications for the position through former training and/or experience, employment may be authorized at a higher salary step.

Generally, advancement to the next salary step will be on the following schedule:

Beginning step (probationary) - At employment

Step 2 - After 6 months and successful completion of probationary period

Step 3 - After 18 months from date of hire

Step 4 - After 24 months from date of hire

Step 5 (~~merit~~)—After 48 months from date of hire (~~if merited~~—see [specific criteria in Merit Pay Policy](#))

No increase in salary shall be automatic merely upon completion of a specified period of service. All increases shall be based on merit as established by record of the employee's performance and shall require recommendation of the Department Head and approval of the District's General Manager. The General Manager may defer a step increase for unsatisfactory performance, [as well as for other business needs, such as District organizational, financial or budgetary concerns, subject to any obligation to meet and confer with the Employee Association.](#)

Full-time and Part-time Regular Employees

Full-time employees are scheduled and expected to work a 40-hour week. Employees on an approved 9/80 [or 4/10](#) alternative work schedule are [normally](#) scheduled and expected to work 80 hours over a two-week period. Part-time employees are [normally](#) scheduled to work 20 or more hours per week, but less than 40. ~~Employment for full-time and part-time employees is expected to exceed one year.~~

Temporary Employees

Temporary ([including](#) seasonal or intern) employees work less than 1,000 hours per year, are paid on an hourly basis, and do not receive benefits. Temporary employment is ~~not~~ [usually for a limited period of time that typically is not](#) expected to exceed one year. The hourly wage is determined by the General Manager.

Disaster Services Workers

Per California Government Code, Title 1, Division 4, Chapter 8, Section 3100, "all public employees are hereby declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law.

Work in Higher Class

~~An employee who is assigned by the District to work in a higher classification for a period of more than 160 consecutive hours (one work month) shall receive a differential of a 5% increase over their base hourly rate or the lowest step of the higher classification, whichever is greater, but in no event more than the top step of the higher classification, for all hours worked in the higher classification after 40 consecutive hours so long as they continue to be assigned to work in the higher classification.~~

A regular employee who is assigned by the District to work in a higher classification for a period of more than 160 consecutive hours (one work month) shall, after working 40 consecutive hours in the higher classification, receive a differential of a 5% increase over their base hourly rate or the lowest step of the higher classification, whichever is greater, but in no event more than the top step of the higher classification.

Longevity Bonus

Employees receive a one-time bonus payment of \$500 at 25 years of service, and \$1,000 at 30 years of service.

MERIT PAY AWARD POLICY

Policy

It is the policy of the District to reward regular employees whose work is exemplary, whose quantity and quality of work are exceptional, whose efforts are recognized as outstanding, and whose work habits and attitudes reflect favorably on their work and on the District.

Eligibility

Each regular employee who has completed four years of employment with the District and has completed at least two years employment at salary step 4 (~~24-month level~~) in any his/her current job category shall, subject to the provisions hereof, be eligible ~~to receive for consideration for~~ all or part of the ~~merit~~ Merit pay Pay award Award.

Consideration and Recommendation

Each Department Head shall evaluate the performance of each eligible employee in his/her department based on the Merit Pay Performance Evaluation for each such employee prepared by the employee's supervisor. Performance Evaluation forms with the Supervisor's and/or Department Head's recommendation shall be forwarded to the General Manager for review and determination. The General Manager has the discretion to decide whether to grant the Merit Pay Award as well as the amount of any Merit Pay Award, taking into consideration the recommendations of the Supervisor and/or Department Head.

Continuation of Merit Pay Award

Each ~~merit~~ Merit pPay ~~a~~Award previously granted shall be reviewed by the ~~Department Head~~ Supervisor annually, and if, in his/her opinion, continuation of the ~~merit~~ Merit pay Pay Award is no longer justified, his/her recommendation for decrease or discontinuance of ~~a the~~ Merit Pay Award shall be included in a completed Merit Pay Performance Evaluation, which shall be reviewed by the Department Head and forwarded to the General Manager for review and determination.

Decrease or Discontinuance of Merit Pay Award

A Merit ~~p~~Pay Award shall may be continued only while an employee's service remains exceptional. Decrease or discontinuance may be ordered by the General Manager at any time. A Merit ~~pay~~ Pay Award which has been decreased or discontinued may be reinstated or restored up to the original amount through the usual recommendation, review and approval process, but an employee shall not normally be ~~restored~~ eligible for consideration for

[reinstatement up to the original amount](#) until one year after the date of decrease or discontinuance.

Disposition of Merit Pay Evaluation

The original Merit Pay [Performance](#) Evaluation shall be filed in the employee's personnel file with a notation thereon of the action taken. District decisions regarding ~~merit~~ [Merit pay](#) [Pay Awards](#) including, but not limited to, whether an employee's performance warrants ~~merit pay~~ [Merit Pay Award](#), may not be appealed or grieved.

WORK HOURS

Regular Work Schedules

Regular full-time employees shall [typically](#) work forty hours each week. [Unless otherwise determined by the District's General Manager, the work schedules are typically as follows:](#)

District Office	Monday through Friday 8:00 a.m. through 5:00 p.m. One hour unpaid lunch
Field Construction Maintenance and Operations Crews	Monday through Friday 7:00 a.m. through 3:30 p.m. One-half hour unpaid lunch
	At the discretion of the District, Field Crews may be assigned to report directly to a field location to begin their workday.
Treatment Plant Operators	Specific start and stop times of shifts vary seasonally and are determined by the Distribution and Treatment Plant Supervisor based upon the needs of the District.

[Various factors, such as workloads, operational needs, and staffing needs, may require variations to an employee's normal hours, the employee's starting and quitting times, and total hours worked each day or each week. In addition, employees may be assigned to work overtime or hours other than those normally scheduled when necessary.](#)

Alternate/Flexible Work Schedules-~~Temporary Trial~~

An individual employee's or group of employees' request (i.e. crew) for an alternate/flexible work schedule (e.g. 9/80, 4/10, flexible start/end times) shall be considered on an individual or departmental basis and may be approved at the District's sole discretion, provided there is no adverse effect on District operations as determined by the employee's Department Head and the General Manager. [A 9/80 schedule alternates one week with four 9-hour days \(36 hours\) and one week with four 9-hour days and one 8-hour day \(44 hours\).](#) It is understood that [any such alternate/flexible work schedules and the continuation of any such alternative/flexible work schedule](#) ~~may not be permanent~~ [are at the sole discretion of the District.](#) Alternate/flexible work schedules may be revoked [by the District](#) upon ten (10) working days notice to the employee or group of employees affected by the revocation.

~~Alternate/Flexible Work Schedules authorized for District employees shall be evaluated on a trial basis. The General Manager will make a determination whether to continue the trial Alternate/Flexible Work Schedules prior to September 30, 2011.~~

To apply for an Alternate/Flexible Work Schedule use the form at <t:\hr\forms\alternateflexible schedule application form.doc>.

(STAFF POLICY NUMBER: 29)

Work Breaks

~~Full-time regular and temporary employees (and part-time regular and temporary employees when working an 8-hour workday)~~ [Employees working a minimum 8-hour workday](#) are entitled to two 15-minute breaks per workday, one in the morning and one in the afternoon. ~~Part-time, regular and temporary e~~ [Employees](#) working more than four hours, but less than ~~six~~ [eight](#) hour days, are entitled to a one 15-minute work break. Work breaks should be taken as scheduled and cannot be accumulated, paid for, or used to offset early departure, to extend a lunch period, or other such use.

Employees are also entitled to a 15-minute work break when working more than four consecutive hours of overtime.

~~Part-time regular and temporary~~ [Non-exempt](#) employees [\(except Treatment Plant Operators when operating the plant\)](#) must take a minimum half-hour unpaid lunch break when working more than six hours in a day.

APPEARANCE AND DRESS

To present a business-like, professional image to our customers and the public, all employees are required to wear appropriate clothing on the job. By necessity, the dress standards for the business office are somewhat different than for jobsites.

- For the business office, casual to business-style dress is appropriate. Employees should be neatly groomed and clothes should be clean and in good repair. Leisure clothes such as shorts, spaghetti straps, sundresses and/or bare-midriff tops are not acceptable attire for the business office. Footwear should be chosen with safety in mind for walking around the office and corporate yard, warehouse and parking lot. The District will provide Field Service Representatives (FSR's) with caps, shirts and jackets bearing the District's logo, which FSR's are expected to wear [to identify them as District employees](#). (See also Uniform Purchases Guidelines.) FSR's may wear shorts to the knee, and are also required to wear steel-toed boots per the Safety Boot Policy.
- For jobsites (Construction, Maintenance, Engineering and Lab) and the treatment plant, employees are expected to wear work clothes appropriate for work to be done. Employees should be sensitive to the location and context of their work and should be ready to adjust their dress if the circumstances so warrant. Employees at a jobsite must wear clothing that protects their safety and wear clothing in such a way as to be safe (e.g., shirts tucked in when working around machinery). The District will provide employees in certain job classification with shirts and jackets, which employees are expected to wear on the jobsite, in accordance with the Uniform Purchases Guidelines and Safety Boot Policy.

UNIFORM PURCHASES GUIDELINES

District uniform purchases are ~~to be~~ made semi-annually on or about July 1 and January 1 of each year to obtain quantity discounts and reduce shipping costs. Department Heads ~~are~~ ~~to~~ authorize uniform purchase requests and maintain consistency with the guidelines below.

1. Field Service Representatives shall be required to wear an assigned uniform shirt and cap provided by the District which clearly identifies the individual as a District employee.
2. Other field personnel may be assigned uniform shirts by their department head for safety or identification purposes, and, upon assignment are expected to be worn.
3. Field personnel may be assigned jackets and rain gear including rain boots for work in inclement weather.
4. Styles and colors are limited to work, polo or T-shirt, in navy or orange.
5. Treatment Plant Operators, Electrical Mechanical Technicians, Cross Connection Control Technician and Mechanic ~~shall be~~ are assigned work coveralls.
6. Laboratory personnel are assigned laboratory coats.
7. All embroidery shall be kept to a minimum.
8. Safety equipment provided by the District shall be worn by all employees when required by the particular work circumstances.

~~**Note:** These are *guidelines*, not a true policy, as a “policy” restricts the flexibility of being able to deal with the needs as they arise.~~

(STAFF POLICY NUMBER: 23)

SAFETY BOOT POLICY

Personnel in job classifications where there is significant exposure to foot injury are required to wear safety boots. These job classifications are:

Cross Connection Control Technician	Maintenance Foreman/Supervisor
Electrical/Mechanical Technician	Pipeline Foreman
Heavy Equipment Operator	Pipeworker
Laborer	Safety Coordinator/Storekeeper
Treatment Plant Operator	Field Service Representative
Grounds/Building Maintenance Assistant	Others as designated by Department Head

On a strictly as-needed basis, as defined below, ~~The the~~ District will reimburse employees in classifications noted above for safety boots purchased by the employee ~~on a strictly as-needed basis~~. Purchase of safety boots by employees in these positions is reimbursed up to a limit of \$200 per year. Reimbursement payment will be made when worn-out or otherwise damaged boots are turned into the Construction Superintendent, and the employee provides a receipt demonstrating proof of purchase of new safety boots including the price. Boots purchased by the employees in the above classifications shall meet the following specifications:

1. Uppers will be all leather or combination leather-corduroy nylon
2. Class 75 safety toe
3. Soles and heels to be of oil resistant materials
4. Steel shank for construction work force positions
5. Shoe height minimum 6", maximum 10"; Wellington height maximum 12"; Western height maximum 14"
6. Waterproof protection.

It shall be the employee's responsibility to check with the boot supplier to be sure the boots meet the above specifications. Employees are responsible for the proper care and maintenance of their boots. ~~Designated point of contact is the employee's Department Head.~~

"As-needed" includes new employees in the above required classifications, ~~temporary construction laborers~~, job classification change into one of the required classifications, worn-out boots or otherwise damaged boots as determined by Department Head.

Worn-out boots will be judged by the Department Head on their ability to maintain safe work practices for job specifications. Examples of worn-out boots are those with worn soles no longer able to grip as designed, separated stitching, deformed toe protection or bent shank, torn or worn leather.

PROBATIONARY PERIOD

All new or rehired regular employees shall serve a probationary period of six months from the date of hire (date of hire means the employee's first day of employment). Employees whose date of hire is from the 1st through the 7th day of any month shall be considered to have started their probationary period as of the first day of the month, and those whose date of hire is from the 8th through the 23rd day of any month shall be considered to have started their probationary period as of the 15th day of the month. Employees whose date of hire is from the 24th through the end of the month shall be considered to have started their probationary period as of the 1st day of the month following the date of hire. Temporary employees are not subject to a probationary period.

Extension of Initial Probationary Period

At the sole discretion of the District, the initial probationary period may be extended for up to six additional months.

Promotion to a New Position

Employees shall also serve a ninety calendar-day probationary period upon promotion or transfer to a new position. Such probationary employees may be returned by the District to their prior position at any time during the ninety-day probationary period with or without cause and such decision shall not be subject to the grievance procedure.

Benefits During Probationary Period

All employees are eligible to receive Social Security, State Disability Insurance, Unemployment Insurance and Workers' Compensation benefits from their date of hire. Full-time and part-time regular employees are also eligible to participate in the District's Pension Plan from their date of hire.

Full-time and part-time regular employees may participate in the District's Group Health Insurance, Group Dental Insurance and Group Vision Care plans commencing on the first of the month following three full months of employment.

Full-time and part-time regular employees begin to accrue other benefits on the first of the month following six full months of employment or upon satisfactory completion of an extended probationary period, whichever occurs later. In the case of ~~special~~ other probationary arrangements as stipulated by the General Manager, eligibility for benefits will be determined by the General Manager.

Termination

During the probationary period, employees shall be subject to termination at any time with or without cause and with or without notice. Probationary employees shall not have recourse to the Grievance Procedure.

WHEN DO BENEFITS START?

Benefit	Full-Time & Part-Time <u>Regular</u> Employee	Temporary Employee
Floating Holiday Leave	At employment	Not applicable
Health, Dental & Vision Insurance	First of the month following 3 months of employment	Not applicable
Holiday Leave	At employment	Not applicable
Life Insurance	First of the month following 6 months of employment	Not applicable
Retirement	At employment	Not applicable
Sick Leave	After 6 months and successful completion of probationary period	Not applicable
Social Security & Medicare	At employment	At employment
State Disability Insurance (SDI)	At employment	At employment
Unemployment Insurance	At employment	At employment
Vacation Leave	After 6 months and successful completion of probationary period	Not applicable
Workers' Compensation	At employment	At employment

VACATIONS

Regular Full-time employees shall ~~commence to~~ accrue vacation upon the completion of their probationary period at the following rates:

Completion of Probation through 5 years continuous employment <u>with the District</u>	10 days per year (3.34 hours / semi-monthly pay period)
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More than 5 years through 10 years of <u>continuous</u> employment <u>with the District</u>	15 days per year (5.00 hours / semi-monthly pay period)
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More than 10 years through 20 years of <u>continuous</u> employment <u>with the District</u>	20 days per year (6.67 hours / semi-monthly pay period)
--	--

More than 20 years of <u>continuous</u> employment <u>with the District</u>	25 days per year (8.34 hours / semi-monthly pay period)
---	--

Regular Part-time employees ~~begin to~~ accrue vacation upon completion of their probationary period, on a pro-rata basis of the rates set forth above, based on the percentage of their full-time equivalent rate. For example, a regular part-time employee who works 20 hours per week will accrue vacation at 50% of full-time equivalent rate (i.e. 5 days per year at the completion of probation through 5 years of continuous employment with the District.)

Temporary employees are not eligible to accrue vacation.

Vacation shall accrue each pay period and be added to the employee's vacation balance. There shall be a cap on the vacation balance of one and one-half times the annual accrual rate. No employee shall have more than one and one-half times his/her annual accrual in his/her vacation balance. Thus, a full time regular employee who earns vacation at the rate of 10 ~~(80 hours)~~ days (80 hours) per year shall not have more than 15 days (120 hours) accrued vacation. Employees who reach the cap shall cease accruing vacation until such time as their vacation balance drops below the cap, at which time the employee shall again accrue vacation.

Vacation time will be used to cover absences due to illness or injury when an employee has an illness/injury and has no remaining sick leave. However, employees are not required to use vacation time for absences due to pregnancy disability, but may elect to do so. Refer to the Family and Medical Leave ~~Act (FMLA)~~ section if absence has been designated family and medical leave ~~FMLA leave~~.

Transfer of Vacation and Floating Holiday Earned Credit

Subject to the approval of the General Manager, employees may voluntarily transfer vacation and floating holiday leave credit to a regular employee who has an extremely serious or catastrophic illness, injury or other such condition as determined by the General Manager and who has exhausted all of his/her vacation, floating holiday and sick leave.

If approved by the General Manager, the employee making the donation must authorize in writing that a designated portion of his/her accrued vacation and/or floating holiday be transferred from his/her leave account to the recipient employee's vacation and/or floating holiday account. Once made, donations are irrevocable.

Any award of vacation/floating holiday credits will be at the sole discretion of the General Manager, and any decision to deny a transfer will not be subject to the grievance procedure.

MANDATORY VACATION POLICY

All employees who handle cash payments, inventory, or work in financial and/or information systems technology areas will be required to take a minimum of five consecutive working days off each fiscal year. This policy applies to employees working in the following classifications:

General Manager

Auditor-Controller

Administrative Assistant

Consumer Services Supervisor

Engineering Services Representative

Storekeeper/Safety Coordinator

Cashier/Receptionist

Accounting Clerk [I and II](#)

Account Credit Clerk I and II

Accounting/HR Supervisor

Senior Accountant

(STAFF POLICY NUMBER: 14)

HOLIDAYS

District Holidays

New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Eve afternoon (if regular work day)	December 24
Christmas Day	December 25
New Year's Eve afternoon (if regular work day)	December 31

Regular full-time employees who do not work on a District-designated holiday will receive eight (8) hours pay. Part-time regular employees who do not work on a District-designated holiday will receive eight (8) hours pay multiplied by the percentage of the full-time equivalent rate.

Holidays Falling on Saturday or Sunday

Holidays falling on Saturday will be observed on the preceding Friday. Holidays falling on Sunday will be observed the following Monday.

Working on Observed Holidays

Except for exempt positions, ~~time and one-half shall be paid to full-time and part-time employees for all hours worked on holidays observed by the District~~ regular employees who work on holidays shall be paid overtime in accordance with the Overtime Policy for all hours worked on the District-designated holiday, in addition to receiving 8 hours (pro-rated for part-time regular employees) of holiday pay at the straight time rate.

~~Full-time employees who do not work on a District-designated holiday will receive eight (8) hours pay. Part-time employees who do not work on a District-designated holiday will receive eight (8) hours pay multiplied by the percentage of the full-time equivalent rate.~~

Temporary employees are not eligible for holiday pay. If they work a District-designated holiday, they will receive their regular straight-time and, if applicable, overtime rate for all hours worked over 40 hours in that work week.

Observed Holidays for Employees on Shift or Alternate Work Schedules

Regular ~~Full~~ employees working on a shift or alternate schedule ~~who~~that have a holiday fall on their regular day off will not be eligible for the above holiday pay or compensatory time off for such holiday, but will be credited with an additional floating holiday, provided such an addition to

the floating holiday balance does not exceed the 32 hour cap. If a holiday falls on an employee's normal work day which has a duration greater than eight (8) hours, they will receive 8 hours holiday pay and report the difference as vacation or floating holiday leave.

Floating Holidays (4)

The District does not observe the below-listed holidays. Instead, regular employees accrue up to four floating holidays that may be taken on dates selected by the employee and approved by the District.

Lincoln's Birthday	February 12
Admission Day	September 9
Columbus Day	2nd Monday in October
Veteran's Day	November 11

For regular full-time employees, floating holidays shall accrue as follows: January 1 of each year – one day; July 1 of each year – 3 days. Regular Part-time employees accrue floating holiday time on a pro-rata basis, based on the percentage of their full-time equivalent rate. Temporary employees are not eligible to accrue floating holiday leave. In no case can an employee take a floating holiday that has not yet been earned/accrued. Employees must have prior approval from the District before taking a floating holiday. Employees shall cease to accrue floating holiday leave if their accrued unused balance has reached four days (32 hours) for regular full-time employees and a— prorated amount for regular part-time employees). Once an employee uses accrued floating holiday leave to bring the accrued amount below the cap, the employee will resume accruing floating holiday leave up to the cap.

Notwithstanding the above, when~~An~~a regular full-time employee ~~initially is~~ hired, he/she will accrue floating holiday leave during the first calendar year of employment as follows. When the regular employee is initially hired between January 1 and February 12, the employee shall receive credit for one floating holiday at the completion of his/her first pay period, and shall accrue credit for the three remaining holidays on July 1. ~~A~~ regular employee initially hired after February 12, but before July 1 shall ~~be accrue~~ credited for three floating holidays on July 1. A regular employee initially hired on or after July 1 will accrue credit for ~~with~~ the number of floating holidays during the calendar year that have not yet elapsed at the completion of his/her first pay period. Newly hired regular part-time employees shall accrue floating holiday leave on a pro-rata basis, based on the percentage of their full-time equivalent rate, based upon this same schedule.

Floating holiday time will be used to cover sick time off when an employee has an illness/injury and has no remaining sick or vacation leave. Refer to the Family and Medical Leave Act (FMLA) section if absence has been designated [as leave under the Family and Medical Leave Act \(FMLA\)](#) ~~leave~~ and/or California Family Rights Act (CFRA). Refer to the [Pregnancy Disability section if the absence is related to a pregnancy or pregnancy related disability.](#)

SICK LEAVE

Eligibility

[Regular F](#)full-time and [regular](#) part-time employees shall be eligible to earn sick leave on the first of the month following the completion of their initial probationary period.

Annual Sick Leave

[Regular F](#)full-time employees shall earn one day (8 hours) of sick leave per month. Accrued sick leave shall be added to the employee's sick leave balance each pay period. [Regular P](#)part-time employees shall accrue this benefit on a pro-rata basis based on the percentage of their full-time equivalent rate. On December 1 of each year, [accrued, unused](#) sick leave days earned in excess of 90 [days](#) (720 hours) ~~either shall~~ [may](#) be paid to the employee as compensation at 50% of their regular base daily pay rate or the employee may choose to add 50% of the ~~value~~ [hours](#) of the earned sick leave in excess of 90 days to their accrued unused vacation balance, provided that such addition to the vacation balance does not exceed the vacation cap. ~~Employees~~ [The employee have has](#) the additional option of carrying over all of their unused sick leave balance in excess of 90 days into the subsequent year.

[Regular P](#)part-time employees shall accrue sick leave [on a pro rata basis computed](#) based on the percentage of their full-time equivalent ("FTE") status (e.g. [employee who works a part-time schedule that is 80% FTE will accrue as follows](#): 80% x 1 day = 0.8 days per month). On December 1 of each year, sick leave days earned in excess of the part-time employee's FTE status multiplied by 90 days (e.g. 80% x 90 days = 72 days) may be paid to the part-time employee as compensation at 50% of their regular base daily rate or be converted to vacation at 50% of the ~~value~~ [hours](#) of the earned sick leave, provided that such addition to the vacation balance does not exceed the vacation cap. [The regular part-time employee has the additional option of carrying over all of their unused sick leave balance in excess of 90 days multiplied by his/her FTE into the subsequent year.](#)

Sick leave shall be used only for:

1. the illness or injury of the employee which prevents the employee from working;
2. medical or dental appointment of the employee or employee's child (where the employee is required to transport the child to or from the appointment or attendance at the child's appointment is otherwise necessary); provided that the amount of sick leave used for such appointment is the amount of time reasonably necessary to travel to and from and attend the medical appointment; or
3. to attend to the illness of a member of the employee's immediate family (defined as the employee's spouse, registered domestic partner, child, and parent) where that illness requires the attendance of the employee, provided that, if the sick leave exceeds three days, the employee shall provide the District a medical certification issued by the family member's health care provider ~~documenting~~ verifying the illness of the immediate family member.

Abuse of sick leave, including but not necessarily limited to using sick leave for purposes not herein specified, excessive use of sick leave, or a pattern of the use of sick leave which demonstrates its abuse, is grounds for disciplinary action, including termination of employment.

Regular attendance by every employee is important and necessary to the successful operation of the District. Excessive absenteeism causes a hardship on both the District and its employees.

Verification of Illness

Upon request by the District, an employee will be required to submit a ~~written~~ doctor's written verification of their illness or medical appointment and ~~that whether~~ the doctor has released the employee to return to duty with or without restrictions.

Bereavement Leave

Regular ~~Ex~~ employees shall be entitled to use up to three days sick leave for the purpose of attending the funeral services and/or making necessary arrangements for such services for members of the employee's immediate family. Immediate family means the employee's spouse, registered domestic partner, children, grandchildren, parents, grandparents, brothers, and sisters, as well as the children of the employee's spouse or registered domestic partner. Based upon particular circumstances and with the approval of the General Manager, employees may be permitted to expand the definition of immediate family.

"Immediate Family" Defined

For purposes of this policy, immediate family means the employee's spouse, spouse's children, children, grandchildren, parents, grandparents, brothers, and sisters. Based upon particular circumstances and with the approval of the General Manager, employees may be permitted to expand the definition of immediate family.

Work-Incurred Injury

Leave taken within the first 72 hours following a work-incurred injury is not deducted from accrued sick leave.

Disability and Workers' Compensation Insurance

Employees who receive either Workers' Compensation benefits or State Disability Insurance (SDI) benefits (except California Paid Family Leave) will have their benefit integrated with their sick leave compensation, if any, to provide the employees on leave when possible, with an amount equivalent to their full pay. Employees shall submit a copy of their Workers' Compensation or SDI checks to the payroll clerk for this purpose. When the leave is also being charged against the employee's FMLA leave entitlement, the above integration will occur only upon the agreement of the District and the employee.

Termination Due to Disability

When an regular employee leaves District employment because, due to disability, he/she can no longer perform the essential functions of the position with or without reasonable accommodation, the employee shall receive pay at the rate of their straight time for 100% of any accrued, unused ~~for any unused~~ sick leave.

Termination Due to Retirement

When an regular employee hired on or before October 1, 2000 ~~leaves-retires from~~ the District due to normal non-disability retirement, the employee may opt to:

1. Receive payment at his/her straight time ~~the rate for 50% of the employee's accrued, unused sick leave s/he has accumulated, but in no event will the employee be paid for more than 50% of a maximum 90 days of accrued, unused sick leave~~ up to 90 days of accumulated total sick leave plus 50% of the ~~earned~~ accrued but unused sick leave for the current year.
2. Apply his/her sick leave credit to enhance CalPERS retirement benefits, to the extent permitted by CalPERS.

Employees hired after October 1, 2000 may ~~only~~ apply his/her sick leave credit to enhance CalPERS retirement benefits to the extent permitted by CalPERS, but in such case are not eligible to receive from the District any pay for accrued, unused sick leave.

Termination Due to Death

In the event an employee hired on or before October 1, 2000 dies while an active employee of the District, the employee's beneficiary(s) (as established by the employee's group life insurance enrollment application) ~~shall~~ may receive payment at the deceased employee's straight time rate ~~of~~ 50% of the accrued, unused sick leave, but the payment shall not exceed 50% of a maximum of 90 days of accrued, unused sick leave ~~the employee had accumulated up to 90 days of accumulated total sick leave~~ plus 50% of the ~~earned but~~ accrued, unused sick leave for the current year; or the sick leave credit can be applied to enhance CalPERS retirements benefits, to the extent permitted by CalPERS.

Termination Due to Other Reasons than Disability, Retirement, Death

In the event an employee's employment terminates voluntarily or involuntarily for reasons other than disability, retirement or death, the employee's shall not receive any cash payout or retirement service credit for any accrued, unused sick leave.

MILITARY DUTY LEAVE

Employees shall be granted military leave in accordance with the provisions of the California Military and Veterans Code, section 395 et seq. (www.leginfo.ca.gov/html/mvc_table_of_contents.html)

LEAVE WITHOUT PAY

The District General Manager, at his or her sole discretion after considering the needs and interests of the District, may grant regular employees leave without pay (LWOP) provided that such leave shall not impose an undue hardship on the District. ~~The granting of such LWOP is at the sole discretion of the District General Manager.~~ Employee insurance benefits (health, dental, vision and life) shall continue during the period of the LWOP at the employee's expense, and the employee shall pay said insurance cost to the District prior to commencement of the LWOP. Employees shall be eligible to request LWOP upon completion of probation. The employee requesting LWOP shall exhaust all vacation and floating holiday leave before commencing unpaid leave.

PREGNANCY DISABILITY LEAVE (PDL)

Eligibility and Leave Purposes

An employee who is disabled due to pregnancy, childbirth, or a related medical condition may request an unpaid pregnancy disability leave (PDL). An employee is “disabled” if, in the opinion of her health care provider, she is unable due to pregnancy to work at all or is unable to perform any one or more of the essential functions of her job or to perform these functions without undue risk to herself, the successful completion of her pregnancy, or to other persons. An employee is also considered to be “disabled” if she is suffering from severe morning sickness or needs to take time off for prenatal care, or postnatal care, bedrest or needs time off from other complications due to pregnancy or childbirth.

Duration of Leave

Subject to the conditions of this section, eligible employees may take a maximum of four months of pregnancy disability leave, as defined by law. This is in addition to any family and medical leave available to eligible employees under the California Family Rights Act (CFRA). ~~during the relevant family and medical leave 12-month period.~~

For employees who are also eligible for family and medical leave under the Family and Medical Leave Act (FMLA) (they have been employed for at least one year, have worked at least 1,250 hours during the preceding year, and work at a worksite at which the District employs 50 or more employees within a 75 mile radius), the first 12 weeks of pregnancy disability leave ~~is also considered family and medical leave in that~~ will be considered and counted against available family and medical leave:

Group health insurance (health, vision, dental) will continue to be provided by the Employer, assuming that the employee has not already taken the maximum amount of ~~pursuant to District policy for the duration of the pregnancy disability leave up to four months, as defined by law, in a 12 month period~~ family and medical leave and assuming that provided the employee is ~~otherwise~~ qualified for the insurance. ~~For employees who are eligible to take Pregnancy Disability Leave, but who do not also qualify for Family and Medical Leave, the employer-sponsored health insurance benefits will cease during any unpaid PDL. Under those circumstances, the employee may be eligible to continue health coverage pursuant to COBRA; and~~ Employees eligible for family and medical leave under the CRFA, who take such leave for certain qualifying purposes discussed below, may be eligible for up to an additional 12 workweeks of group health insurance coverage.

~~1. Pregnancy disability leave counts against the amount of leave required to be provided under the federal Family and Medical Leave Act, but not under the California Family Rights Act. An employee may take pregnancy disability leave~~

~~(as provided above), as well as family and medical leave, if the employee is so eligible.~~

Leave may be taken intermittently or on a reduced work schedule if the employee's health care provider determines that it is medically advisable for the employee to take such leave. Intermittent leave may also be taken for prenatal care and postnatal care appointments, ~~and~~ for morning sickness, or other complications due to pregnancy or childbirth. The District may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates the employee's need for intermittent or reduced schedule leave than the employee's regular position.

Reasonable accommodations, such as modifications of job duties or transfer to another available position, are available to employees who because of their pregnancy are not able to perform one or more essential functions of their job position. A transfer will also be considered when, in the opinion of the employee's health care provider, a transfer to a less strenuous or less hazardous job is medically advisable. Employees who need a reasonable accommodation as a result of pregnancy should notify the Human Resources Supervisor. The District will engage in an interactive process with the employee to identify reasonable accommodations. The District may require medical verification from the employee's health care provider that a reasonable accommodation is medically advisable, and of any restrictions on the employee's ability to perform her job duties.

Requirements Regarding the Use of Paid Leave

During the pregnancy disability leave,~~All of~~ the employee's accrued sick leave will be applied to enable the employee to continue to receive pay during the leave~~must be exhausted before unpaid pregnancy disability leave may be taken.~~ Employees may elect to use accrued vacation ~~time~~/floating holiday leave for pregnancy disability leave, but are not required to do so.

Notification Requirements

An employee requesting pregnancy disability leave or needing a reasonable accommodation or transfer must provide proper notification of the need for the leave, reasonable accommodation and transfer, as well as its anticipated timing and duration. If the leave, transfer or reasonable accommodation is foreseeable, the employee must provide notice at least 30 days before the date the leave, transfer or reasonable accommodation is needed. If 30 days advance notice is not practicable or foreseeable (due to, for example, a lack of knowledge of when leave will be required, a change in circumstances, or a medical emergency), notice must be given as

soon as practicable. A failure to comply with these notification requirements may result in a denial or postponement of the requested leave, [transfer or reasonable accommodation](#) until the employee complies with these requirements. However, if the need for a pregnancy disability leave, [transfer or reasonable accommodation](#) results from an emergency or is otherwise unforeseeable, the leave, [transfer or reasonable accommodation](#) will not be denied for failure to provide advance notice. [In addition, the District will not delay a reasonable accommodation or transfer due to lack of timely notice when the delay would endanger the employee's health, pregnancy or the health of co-workers.](#)

Certification by Health Care Provider

Employees requesting a pregnancy disability leave must provide the Employer with a certification verifying her eligibility for Pregnancy Disability Leave issued by the employee's health care provider.

As a condition of an employee's return from pregnancy disability leave, the employee must provide a certification from her health provider verifying that she is able to return to work ~~in the same manner as employees who return from other types of medical leave.~~

FAMILY AND MEDICAL LEAVE ~~ACT (FMLA)~~

Eligibility and Leave Purposes

Under the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA (California Family Rights Act)) ~~A~~ any employee who has completed at least 12 months of service and has worked at least 1,250 hours during the 12-month period preceding the date the leave would begin, and works at a worksite at which there are at least 50 employees within a 75 mile radius may request, or the District may designate, family and medical leave of absence for any of the following reasons:

1. For the birth of a child or to care for the employee's child after birth or after placement for adoption or foster care, as long as leave is taken within 12 months of the birth, adoption or placement [see pregnancy disability leave policies above regarding how the employee's leave will be charged to both the pregnancy disability leave and FMLA for times when the employee is disabled by pregnancy, childbirth or related medical conditions];
2. To care for the employee's spouse, child, registered domestic partner, or parent who has a serious health condition, as defined by law ~~requiring more than three days~~; or to care for a spouse, child, registered domestic partner, parent or next-of kin who is recovering from a serious injury or illness ~~injured sustained~~ in the course of active military service; or
3. Due to ~~a~~ the employee's own serious health condition that prevents the employee from performing one or more of the essential functions of his or her position ~~for more than three days~~; or
4. Because of a qualified situation or exigency (as determined by the regulations of the Secretary of Labor) when an employee's ~~When a~~ spouse, parent, registered domestic partner, or child is on active military duty or has been notified of an impending call or order to ~~has been called to, or is on~~ active military duty.

For purposes of this policy, serious health condition is defined by the FMLA/CFRA as "an illness, injury, or physical or mental condition" that involves any of the following:

1. Inpatient care in a hospital or other treatment facility and related treatment;
2. Continuing treatment by a health care provider plus a period of incapacity of more than three consecutive calendar days related to the treatment;

3. Continuing treatment or supervision by a health care provider following periods of incapacity;
4. Any period of incapacity or treatment due to a chronic serious health condition (such as severe asthma, diabetes, epilepsy, etc.); or
5. Any period of absence to receive multiple treatments for post-accident or injury restorative surgery for a condition that would result in a period of incapacity in the absence of medical treatment (such as chemotherapy or radiation treatments for cancer or dialysis for kidney disease).

Duration of Leave

Subject to the conditions of this section, eligible employees may request, or the District may designate, up to 12 weeks of family and medical leave during a rolling 12-month period (measured backwards from the date upon which family and medical leave is taken). The sole exception to this is that an employee who is required to care for a family member injured in the course of military service maybe eligible for up to 26 weeks of ~~FMLA-~~family and medical leave (referred to as “military care-giver leave”).

To the maximum extent permitted by law, any leave that is granted to an employee under this section (~~other than Pregnancy Disability Leave~~) for a purpose specified above shall be credited against the 12-week limit contained in this policy.

If family and medical leave is taken to care for a family member with a serious health condition or due to the employee’s own serious health condition, leave may be taken intermittently or on a reduced work schedule when medically necessary.

If family and medical leave is taken for the birth or care of a child, leave may be taken intermittently for a minimum duration of two weeks, except that twice in a 12-month period the leave may be for shorter periods.

Requirements Regarding the Use of Paid Leave

Family ~~Medical~~and medical leave provides a maximum of 12 weeks leave (and 26 weeks for military care-giver leave) which may include a combination of paid vacation, paid sick leave and unpaid leave time as specified further below.

1. For ~~FMLA-~~Family and medical leaves that are taken due to the employee’s serious health condition —~~all of~~— the employee’s accrued sick and vacation/floating holiday leave must be used during the period of the leave; when such accrued paid leave is exhausted, any remaining period of the

leave will be unpaid ~~first be exhausted before the unpaid leave begins.~~
(Employees taking a pregnancy disability leave are not required to ~~exhaust~~
use their accrued vacation/floating holiday time, but may elect to do so in
order to receive pay during the family and medical leave.) The District will
not charge the employee's paid leave benefits for any portion of the leave
for which the employee is receiving workers' compensation benefits or
benefits from another plan providing disability leave benefits, unless the
District and the employee agree to integrate the employee's accrued, paid
leave with the workers' compensation benefits or disability leave benefits,
so that the employee will receive up to the amount of their regular pay.

~~2.~~ For ~~FMLA~~ Family and medical leaves that are taken due to a family member's serious health condition – all of the employee's accrued sick and vacation /floating holiday leave must ~~first~~ be used during the Family Medical leave; when such accrued paid leave is exhausted, any remaining period of Family Medical leave will be unpaid. ~~before the unpaid leave begins. If paid leave is exhausted, the remainder of the leave up to 12 weeks total will be unpaid.~~

2. For ~~FMLA~~ Family and medical leaves that are taken to care for newborn, adopted or foster children – all of the employee's accrued vacation/floating holiday leave time must be used during the family and medical leave; when such accrued paid leave is exhausted, any remaining period of family and medical leave will be unpaid. ~~before any unpaid portion of the leave begins.~~

3. Employees ~~can~~ applying for California Paid Family Leave (PFL), a program administered by the State Disability Insurance Program (SDI). It provides a certain percentage of pay for up to six weeks for time to care for a child, parent, spouse or registered domestic partner with a serious health condition, or to bond with a new child. Employees must first exhaust two weeks of accrued vacation/floating holiday leave before receiving PFL benefits. If an employee is still on leave after the PFL benefits expire, he/she must then exhaust any remaining accrued vacation/floating holiday leave. Employees are not permitted to use accrued sick leave during ~~FMLA~~ family and medical leave taken for ~~this~~ the purpose of baby bonding.

Notification Requirements

An employee requesting ~~family-family~~ and ~~medical-medical~~ leave must provide proper notification to the District in writing ([using the "Request for Leave" form obtained from the HR Supervisor](#)) of the need for the leave, the date it will commence, and the anticipated duration of the leave. If the leave is foreseeable, the employee must provide notice in writing at least 30 days before the date the leave is needed. If the need for the leave is not foreseeable, the employee must provide as much advance notice as is practicable, preferably as soon as the employee learns of the need for the leave. A failure to comply with these notification requirements may result in a denial or postponement of the requested leave until the employee complies with these requirements. However, if the need for a ~~family-family~~ and ~~medical-medical~~ leave results from an emergency or is otherwise unforeseeable, the leave will not be denied for failure to provide advance notice.

Certification by Health Care Provider

If an employee requests a leave due to a serious health condition of the employee or a family member, the employee must provide the ~~Employer-District~~ with a certification issued by the health care provider of the individual with the serious health condition. With respect to a medical verification regarding an employee's own serious health condition, the ~~Employer-District~~ may request a second certification and, if necessary, a third, at the ~~Employer's-District's~~ expense.

An employee who takes a ~~Family-family~~ and ~~Medical-medical leave Act leave~~ because of his or her own serious health condition must provide a certification from the employee's health care provider verifying that he or she is able to return to work ~~in the same manner as employees who return from other types of medical leave.~~

Benefits and Seniority

~~The total combined amount of Employer-provided health insurance available for unpaid leaves due to any combination of family and medical leave and pregnancy disability leave will not exceed 12 weeks in a 12-month period.~~ [Employees, who are otherwise eligible for District group health insurance coverage, will continue to receive such coverage under the same terms and conditions for up to 12 weeks of the family and medical leave.](#) Employees may choose to continue other insurance benefits at their own expense. ~~Other B~~enefits and seniority do not accrue during a family and medical leave, except that benefits and seniority will accrue during any period that paid leave is used, and will accrue pro-rata during any [intermittent or](#) reduced-scheduled leave.

Transfers

If an employee requests intermittent leave or reduced schedule leave that is foreseeable based on planned medical treatment, the employee may be transferred to an alternative position for the duration of the leave (unless the employee's health care provider disapproves for medical reasons).

In addition, an employee may request a transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties. Such a request must be based on the certification of the employee's health care provider that the transfer is medically advisable and will be granted if the transfer can be reasonably accommodated.

Reasonable Accommodation for Disabilities

The District will, consistent with the law, provide reasonable accommodations to employees who, because of a physical or mental impairment(s) or medical condition(s) that limit a major life activity, are unable to perform one or more essential functions of their position. Any employee who believes that he or she requires a reasonable accommodation, should make a request to the Human Resources Supervisor. The District and the employee will meet (or otherwise communicate if an in-person meeting is not feasible) as part of the interactive process to discuss whether the person has a physical or mental impairment or medical condition that limits a major life activity, such as caring for oneself, performing manual tasks, seeing, hearing, eating and others as defined by the rules and regulations of the Equal Employment Opportunity Commission/Department of Fair Employment and Housing (the employee is not required to disclose the diagnosis), how the condition affects his/her ability to perform the job, and possible reasonable accommodations that will enable the employee to perform the essential functions of the job. The District may require the employee to provide medical verification to confirm that the person has a disability within the meaning of the law, as well as whether and how the employee's physical or mental impairment or medical condition limits the employee's ability to perform the functions of his/her job, and the expected duration of any such limitations.

JURY SERVICE

All employees may attend jury duty in accordance with their legal obligations to do so, and employees will be granted a leave of absence for such purpose provided that they give the District reasonable advanced notice of their obligation to serve as provided below. Non-probationary regular full-time ~~and part-time~~ employees are eligible for up to a maximum of 15 days of paid leave for jury duty in any calendar year. This 15-day period will be prorated for non-probationary regular part-time employees. Any time served beyond the amount of available paid jury service leave days will be unpaid unless the employee elects to use vacation or floating holiday pay.

An employee who receives a notice to appear for jury service shall immediately notify the General Manager of the notice. Depending upon the needs of the District, the General Manager may request that the employee postpone or defer jury duty. Employees must provide the Payroll Department with a statement showing the jury fees received from the Court, and either (i) provide those fees to the District for any day(s) the employee received pay from the District or (ii) such amounts received from the Court will be deducted from the employee's pay for that day. ~~Any monies paid to the employee for jury duty service shall be deducted from the employee's pay for that day. Part-time employees shall have this paid leave prorated. Employees who exhaust their paid jury duty leave shall be provided unpaid jury duty leave for the duration of the jury duty. Nothing in this policy shall prevent an employee from using his/her vacation or floating holiday time for jury duty.~~

On any work day that the employee is released from jury duty before the end of the employee's normal work day, the employee must call in to his/her supervisor to find out whether he/she must report to work.

WORKERS' COMPENSATION

Eligibility

All employees are covered upon employment.

Coverage

Pays all medical expenses for job-incurred injuries.

Makes extended weekly payments after a 72-hour waiting period when employee is disabled and unable to work. Workers' Compensation benefits are integrated with a [regular](#) employee's accrued, unused sick leave benefits, if any. [See restrictions on integration when the leave is also charged as family and medical leave as set forth in the Family and Medical Leave Policy.](#)

Procedures

If you suffer a work-related injury or illness, you may be eligible for benefits under California's worker's compensation program.

If you are injured while working, report it in writing to your supervisor immediately, regardless of how minor the injury may be. Any injuries sustained at work must be reported in order to be considered valid claims under California's Workers' Compensation law. The District must be informed of any work-related injuries in order to comply with federal and state injury recordkeeping requirements.

If you are injured and treatment is required, the District's [Secretary-Administrative Assistant](#) will direct you to a physician of its choice for treatment. An employee who wishes to be treated by a personal physician must file a form in advance of the injury (available from the [District Secretary-Administrative Assistant](#)) with the Auditor-Controller. Also, if injured, you will need to complete the Worker's Compensation Claim Form (DWC-1), available from the [District's District Secretary/-Administrative-Assistant](#), within 24 hours of your notice of injury, except in cases of an emergency. In the case of an emergency, these forms must be completed as soon as possible.

Employees should follow all instructions given by the doctor as to treatment, medication, and return visits, for their own protection against loss of compensation benefits.

After seeing a physician for a work-related injury, you are required to report directly back to your supervisor and submit the paperwork from that physician regarding your return-to-work status. If your shift has ended and/or the physician sends you home, you must contact your

supervisor prior to your return to work. If you are unable to contact your supervisor, notify your Department Head and the ~~District's~~ [District Secretary/Administrative Assistant](#).

If your work-related injury causes you to be out of work for more than three days, you must complete a "Request for Leave" form, available from the HR Supervisor. For details, see the Family and Medical Leave policy in this handbook.

It is extremely important that you follow these procedures. If you fail to keep your supervisor advised, you may be subject to disciplinary action up to and including termination of employment.

You will be permitted to return to work following an injury resulting in an absence ~~of more than three days~~ only upon presenting to your Department Head a sufficient medical release signed by your physician.

Workers' Compensation Fraud: The District will not tolerate Workers' Compensation fraud under any circumstances. Worker's Compensation fraud is a felony, and any employee found guilty of such conduct may be subject to fines, imprisonment, and immediate discharge. Any such information should be reported in confidence to the General Manager or the Auditor-Controller. Fraudulent Workers' Compensation claims damage the District's ~~financial health~~ and its employees (thereby threatening employee jobs).

Cost

The District pays the cost of Workers' Compensation ~~insurance benefits~~ for all employees.

RETURN TO WORK POLICY

One of the District's primary goals is to ensure that North Marin Water District remains **A Safe Place to Work**. In the event that employees become ill or injured on the job, it is the District's policy to ~~provide the best possible recovery program so that employees can return to work with minimal emotional and financial disruption in their lives. We endorse a Return-to-Work policy that~~ when possible, ~~returns~~ return injured employees to their regular job assignments as soon as they are able.

In order to assist injured employees in returning to their jobs, the District may provide temporary work assignments tailored to the physical capabilities and limitations of employees who become ill or injured on the job, and that are consistent with restrictions identified by the medical provider. ~~The District strives to bring its employees back to work as soon as they are able following an injury. We will ask employees to perform only those job functions that their medical provider has determined can be safely performed during the recovery process. When possible any alternative or modified job assignments will be structured to meet the physical capabilities and therapy needs of the injured employee.~~ Reasonable accommodations, when possible, will be identified to enable the employee to perform the essential functions of his or her regular position.

The success of our program depends on ~~the assurance that~~ all employees understanding and adhering to the roles and responsibilities outlined in this policy. As part of the District's safety and injury management program, we have identified a number of responsible ways in which employees can help.

ROLE & RESPONSIBILITY OF ALL EMPLOYEES IN INJURY MANAGEMENT

1. Work safely. Use appropriate safety equipment and adhere to safety practices and procedures.
2. Report unsafe practices, procedures or conditions.
3. Immediately report any illness or injury (both work and non-work related) to your supervisor.

ROLE & RESPONSIBILITY OF INJURED EMPLOYEE IN INJURY MANAGEMENT

1. Report all work-related illness or injuries immediately to your supervisor.
2. Seek immediate medical attention for emergencies, and contact the Auditor-Controller to arrange for an appointment for non-emergency injuries.
3. Discuss with the medical provider the physical symptoms, current job requirements, diagnosis/prognosis and treatment plan, and effects of prescription medication.
4. Report illness/injury status and any work restrictions to your supervisor immediately after each and every medical evaluation.

5. Keep all medical appointments and follow prescribed medical restrictions, treatment, and therapy plans at work and at home.
6. If your medical provider prescribes time off work, immediately inform your supervisor and stay in contact with your supervisor at least weekly.
7. If your medical provider prescribes restricted or limited duty, you may be assigned to a temporary, modified work assignment, assuming such work assignment is available, as determined solely by the District.
8. Immediately notify supervisor if job tasks in any way exacerbate the illness/injury symptoms.
9. Respond without delay to inquiries from the Workers' Compensation claims administrator and supply information when requested.
10. See the procedures in the Workers' Compensation section of the Employee Handbook.

~~ROLE & RESPONSIBILITY OF SUPERVISORS & MANAGERS IN INJURY MANAGEMENT~~

~~One of our goals is to help ensure that our employees work in a healthy and safe environment. It is essential that supervisors and managers understand and follow the District's return-to-work policies and procedures. Understanding and fulfilling your roles and responsibilities in implementing this program is critical to the success of the program.~~

~~You have a role in both pre-injury planning and post-injury response. Responsibilities for Managers and Supervisors include:~~

~~Pre-Injury Planning~~

- ~~1. Be cognizant of high-risk activities that are prone to result in lost time injuries and take action to mitigate the possibility of injury.~~
- ~~2. Regularly communicate the importance of safety.~~
- ~~3. Immediately take action to eliminate any hazards or unsafe behaviors as they occur.~~

~~Post-Injury Response~~

- ~~1. Provide caring, non-judgmental response to injured worker.~~
- ~~2. Arrange for employee transport to the medical provider.~~
- ~~3. Promptly complete first report of injury form and forward it to the Auditor-Controller.~~
- ~~4. Ensure employees follow the procedures in the Workers' Compensation section of the Employee Handbook.~~
- ~~5. Maintain weekly contact with employees out on workers' compensation leave.~~
- ~~6. Coordinate with employee, medical provider, and HR Supervisor to determine eligibility for FMLA and to return to work on restricted-duty or full-duty status.~~
- ~~7. Engage in the Interactive Process with the employee (and the Human Resources Supervisor) to explore what reasonable accommodations are available to return to work at modified duty if possible. Document all~~

Role & Responsibility of Supervisors & Managers in Injury Management

This section was moved to the Supervisor Handbook

~~conversations with employee during this process.~~

- ~~8. At least two weeks prior to the injured employee's return to work date, consult with the HR Supervisor to determine if a Fit for Duty exam should be scheduled.~~

(STAFF POLICY NUMBER: 28)

GROUP TERM LIFE INSURANCE

Eligibility

Coverage is effective the first of the month following six months of continuous employment for regular full-time and part-time employees. The service waiting period is waived for previously-covered employees rehired to a regular position within one year of termination.

Amount of Insurance

Eligible ~~E~~employees receive policies with a benefit equal to their basic annual earnings, up to a maximum of \$200,000. For more details concerning this benefit, including its terms and exclusions from coverage, refer to the summary plan description and/or plan booklet of the insurance carrier.

Life Insurance and Accidental Death & Dismemberment Insurance

Amount of policy is paid in one lump sum in the event of death unless employee's beneficiary elects to have insurance paid in installments.

Payment for accidental death is double the policy amount with certain exclusions and the plan pays from a portion to the full amount of policy for loss of limb(s) or eye(s).

Policies are term insurance and have no cash surrender value.

For more details concerning this benefit, including its terms and exclusions from coverage, refer to the summary plan description and/or plan booklet of the insurance carrier.

Beneficiary

Employees name the beneficiaries of their insurance and may change beneficiaries from time to time by completing a form for this purpose.

Continuation of Insurance After Leaving District

Depending upon the insurance carrier engaged by the District at any given time, insurance may be continued after retirement or termination of employment in amounts up to coverage in effect by exercising the privilege of converting to any individual policy then regularly issued by the insurance carrier. The individual will be charged the current rates for his/her age for this type of individual coverage.

Cost

The District pays the total cost of the insurance (with the exception of the continuation conversion option noted above).

HEALTH INSURANCE

Eligibility

Coverage is available the first of the month following three full months of employment for [regular](#) full-time and part-time employees.

Programs Available

The District contracts for health insurance through the California Public Employees' Retirement System (CalPERS). Through the CalPERS health program, employees can choose from a number of different plans. Some are Health Maintenance Organizations (HMO) and some are Preferred Provider Organizations (PPO) Plans. The CalPERS Basic Health Plans booklet contains information about the HMO and PPO Plans. Detailed information for each plan is available for your review by contacting the Auditor-Controller or Human Resources Supervisor. ~~This Plan~~ information supersedes and takes precedence over the summary of these plans set forth in this handbook.

The District reserves the right to change these plans at any time, in its sole discretion, consistent with any legal obligations it may have.

Cost

The District shall contribute up to \$3,830 per year [to the CalPERS Health Plan](#) ~~(90% of the 2005 employee-only Kaiser Basic Medical Plan premium amount)~~ proportionate to the employee's FTE status.

Under IRC Section 125, the District will make the following contributions for employees into a qualified Cafeteria Plan to offset the cost of health insurance:

Single employees shall receive \$137 plus ~~90~~[85](#)% ~~if of~~ the current year Kaiser Basic Medical Plan annual employee-only premium amount less \$3,830 proportionate to the employee's FTE status, e.g. $(\$137 + ~~90~~[85](#)% \times \text{Current Premium Amount}] - \$3,830) \times \text{FTE status}$.

Employees with one dependent shall receive \$137 plus ~~90~~[85](#)% ~~if of~~ the current year Kaiser Basic Medical Plan annual 2-party premium amount less \$3,830 proportionate to the employee's FTE status.

Employees with two or more dependents shall receive \$137 plus ~~90~~[85](#)% ~~if of~~ the current year annual family Kaiser Basic Medical Plan annual family premium amount less \$3,830 proportionate to the employee's FTE status.-

Employees who provide acceptable proof of alternative insurance for themselves and all dependents may use the Cafeteria Plan contribution for purposes other than supplemental medical insurance.

Employees shall be provided with the following options for utilizing this [Cafeteria Plan](#) contribution:

- a) Employee may utilize this money to purchase supplemental medical, dental and vision insurance for self or dependent family members.
- b) Employee may elect to contribute the money to the District's 457 deferred compensation plan.
- c) Employee may take this money as a cash payment.

The Cafeteria Plan contributions shall be adjusted in an amount equal to ~~90~~[85](#)% of the change in the Kaiser Basic Medical Plan premium amount based on family status, i.e., employee only, employee and one dependent, employee and two or more dependents [as defined by CalPERS](#).

Changing Programs

Open enrollment periods (no physical required) for coverage effective January 1st are held annually.

Retiree Eligibility

Retirees Who Retire Between the Ages of 55 to 65 with a Minimum of 12 Years Service [with the District](#)

[The following will apply to eligible retirees who retire on or after January 1, 2013.](#) The District ~~pays the cost of~~[will contribute the following for](#) health insurance for [eligible](#) retiree (age 55 to 65) [as defined further below](#), and spouse (~~regardless of age~~) under any group [health](#) plan offered by CalPERS. The District's contribution toward the ~~chosen~~ plan [chosen by the retiree](#) will be ~~90~~[85](#)% of the Kaiser Basic Medical Plan premium amount. ~~Coverage—The District contribution~~ terminates for the spouse when the spouse becomes eligible for Medicare, or both the retiree and spouse when the retiree becomes eligible for Medicare. The District's eligibility restrictions provide that the retiree be at least age 55 at the date of retirement, within a minimum of 12 years' FTE service. If a retiree covered under the medical plan dies before age 65, his/her spouse may continue District-paid group health coverage until age 65 if ineligible for other health insurance coverage, i.e., through employment or remarriage.

The above retiree medical benefits may be reduced, changed or eliminated at the discretion of the District, subject to meet and confer or agreement with the Employee Association. As a result, employees should not view the retiree medical benefits as a guaranteed benefit upon retirement.

For retirees who retired prior to January 1, 2013, the District's contribution toward the chosen plan is based on the agreement at the time of retirement.

Retirees - Other (not meeting the age and/or service requirements stated above)

Subject to the eligibility restrictions of the group health insurance contract with CalPERS, the District will make a monthly contribution toward the cost of health insurance coverage.

Continuing Health Benefit Coverage for the Surviving Spouse and/or Eligible Surviving Family Members of Employees Who Die While Actively Employed

Non-CalPERS Annuitants¹:

The benefit under this section is for the spouse and/or any eligible family member(s) who are not eligible and/or do not opt to receive a monthly annuity benefit from the employee's CalPERS pension plan. To continue to have access to the employee's CalPERS health insurance plan, the spouse and/or any eligible family member(s) must have been enrolled in a CalPERS health insurance plan at the time of the employee's death. Survivors may opt to continue (at their own expense) group coverage as permitted under COBRA legislation.

CalPERS Annuitants²:

The benefit under this section is for a surviving spouse and/or any eligible surviving family member(s) who is eligible for and opts to receive a monthly annuity from the CalPERS pension plan. To continue to have access to the CalPERS insurance plan, the surviving spouse and/or any eligible family member(s) must have been enrolled in a CalPERS health insurance plan at the time of the employee's death. For this class the District will contribute the amount paid for other CalPERS annuitants.

Notes:

1. Non-CalPERS annuitants are any of the following:
 - a. Surviving spouse and/or surviving family member(s) eligible and enrolled at the time of the employee's death in the employee's CalPERS health insurance plan where the employee dies before becoming vested in the CalPERS pension plan or is vested but was not yet eligible for retirement at the time of death.
 - b. Surviving spouse enrolled at the time of the employee's death in the employee's CalPERS health insurance plan where the employee is vested and eligible for retirement at the time of death and provided said spouse opts for a lump sum distribution of the demised employee's pension contributions.
2. CalPERS annuitants are limited to a surviving spouse and/or surviving dependent children under age [2926](#), including any surviving family member(s) who were eligible and enrolled in the employee's CalPERS health insurance plan at the time of the employee's death provided employee was vested in the CalPERS pension plan and was eligible for retirement at the time of death and provided further (in the case of a surviving spouse) the surviving spouse opts for a monthly annuity from CalPERS.

Other Health Care Insurance Available (Duplicate Medical Coverage)

Employees participating in, or eligible to participate in, the District's group health insurance plan, who have alternative health insurance coverage through another provider, may elect to decline District health coverage for themselves, their spouse and/or their children. The following conditions and provisions apply to employees making this election:

1. The employee shall deliver to the District a written statement declining to participate in the District's group health insurance plan and designating which family members are so affected. Children must be treated as one group or class.
2. The employee shall, at the time of submitting such declination and annually thereafter, submit evidence acceptable to the District that the employee, his/her spouse, and all their dependent children are covered by another provider's health insurance plan or policy.
3. In the event that the alternative health plan is for any reason canceled, the employee shall notify the District within 30 days and shall immediately apply to enroll all family members who have lost coverage into one of the plans offered by CalPERS. CalPERS is only required to accept applications for health coverage during the open enrollment period with coverage effective beginning January 1st. At other times, a Health Statement Request can be submitted and the health plan may selectively approve or deny the application based on the health status of the applicants. If the employee is unable to enroll into one of the District's health plans due to open enrollment restrictions or other CalPERS restrictions, the employee shall immediately make application for COBRA coverage through the alternative health plan provider or such other coverage as may be available to the employee and family members on an individual plan basis. The District shall contribute up to the premium amount the employee is otherwise eligible to receive had they not declined District health coverage toward the cost of the coverage procured by the employee pending the next CalPERS Group Health Plan Open Enrollment period.

Part-Time Employee Participating in District ~~Medical Plan~~ Dental & Vision Plans

The spouse and the children of the part-time employee are not required to be covered by any of the District's ~~medical~~ dental or vision benefits ~~(health, dental or vision)~~. However, if the part-time employee opts for District dental or vision benefits for a dependent, then all said employee's dependent family members eligible for coverage must be enrolled by the employee in the District's dental and vision plans unless the employee submits evidence of alternative coverage acceptable to the District. In order to be acceptable, said alternative coverage together with coverage provided by the District shall cover each and every eligible member of the employee's family. In the event any alternative dental and/or vision coverage is canceled or otherwise terminated, the employee's spouse and all eligible dependent family members no longer covered must be enrolled in the District's plan within thirty days. If the employee fails to make said enrollment within thirty days after loss of said alternative coverage, the non-enrolled employee's spouse and eligible dependent family member(s) shall thereafter be denied enrollment in the District's plan.

Rules for Coverage of Dependent Children

<u>Plan</u>	<u>Conditions</u>	<u>Coverage Extended</u>
Medical	Qualify as dependent under CalPERS Health Plan	To age <u>26</u>
Dental	Qualify as dependent under CalPERS Health Plan	To age 23
Vision Care	Qualify as dependent under CalPERS Health Plan	To age 23

Note: CalPERS defines a dependent child as "your child under age 23-26 who has never been married." "Child" includes an adopted child or stepchild, or a child living with you in a parent-child relationship and economically dependent upon you.

DENTAL INSURANCE

NMWD Self-Insured Dental Plan

Eligibility

Coverage is available the first of the month following 3 full months of employment for [regular](#) full-time and part-time employees.

Coverage

Diagnostic	X-rays; examination and diagnosis
Preventative	Office visits; sealants; topical application of fluoride; 4 cleanings per fiscal year.
Oral Surgery	Extractions including anesthesia and routine post-operative visits
Restorative Dentistry	Fillings
Endodontics	Pulpal therapy; root canal filling
Prosthodontics	Bridges/dentures; crowns; gold and cast restorations (replacement is limited to once in each 5-year period)
Periodontics	Tissue treatment
Space Maintainers	Other than cosmetic
Orthodontics	\$1,000 lifetime limit for children under age 18

Primary Exclusions

Cosmetic
Orthodontics for adults

Benefits

Pays 105% of the "Shirrell average" of fees charged in local area, for employee and eligible family members. The Districts' Dental Plan Administrator provides the names of dentists in Marin and Sonoma County that subscribe to their fee schedule. The maximum covered expense is limited to \$1,500 per person per fiscal year.

Cost

The District self-insures dental costs and pays the cost of employee and dependent coverage for [regular](#) full-time employees and a prorata share for [regular](#) part-time employees in accordance with the percentage of their full-time equivalency status.

The District reserves the right to eliminate and/or change this benefit and/or the amount it pays for the cost of this benefit, at any time and within its sole discretion, consistent with any legal obligations it may have.

[For additional detail concerning the plan and the coverage it provides, please refer to the copy of the plan available from the Auditor-Controller or HR Supervisor. The terms of the plan control over the summary set forth above.](#)

The information above is a summary of the District's self-funded Dental Insurance plan. The plan documents supersede and take precedence over this summary description. For a complete copy of the plan, see the Auditor-Controller or HR Supervisor.

Re-Enrollment

See policy statement regarding re-enrollment in District's self-insured dental and vision plans ~~on page 41.~~

Retiree Eligibility

~~Dental coverage for a~~ retiree (age 55 to 65) and spouse ~~who retired after May 19, 1987,~~ may ~~be continued~~ dental coverage on the District's self-insured plan at the option and expense of the retiree and at ~~no cost (on average) to~~ a premium cost determined solely by the District. The cost of the coverage is recalculated annually by the Auditor-Controller. Coverage terminates for the spouse when the spouse becomes eligible for Medicare, or for both the retiree and spouse when the retiree becomes eligible for Medicare. Retiree must make payments on a timely basis, and may not re-enroll after discontinuing coverage.

VISION CARE

NMWD Self-Insured Vision Care Plan

Eligibility

Coverage is available the first of the month following three full months of employment for [regular](#) full-time and part-time employees.

Coverage

Plan will pay for eye examinations and corrective eye wear. This includes frames and the following types of lenses:

Bifocals	Oversize
Blended	Photochromic
Coated	Progressive Multifocal
Corrective Contact	Single Vision
Laminated	Tinted
Lenticular	Trifocals

Exclusions

Non-corrective or cosmetic lenses.

Services for which employee or eligible dependent is entitled to recover costs from any other vision or health care plan.

Benefits

On July 1 of each fiscal year \$184 shall be credited to each eligible family member's vision plan account. Covered Vision Care costs incurred during the fiscal year (July 1 to June 30) will be reimbursed by the plan. Up to \$184 of each eligible family member's vision plan account remaining at the end of the fiscal year shall be carried over to the following fiscal year for use by the eligible family member, subject to the limitation that in no event shall the total in eligible family member's vision plan account exceed \$368, and no employee shall receive reimbursement for more than \$368 per eligible family member during any fiscal year. The amount in each eligible family member's vision plan account is not convertible to cash, and any amount remaining in a family member's vision plan account reverts to the District up termination of employment.

The District self-insures vision care costs and pays the cost of employee and dependent coverage (subject to the maximum annual limit) for full-time employees and a prorata share for part-time employees in accordance with the percentage of their full-time equivalent status.

The District reserves the right to eliminate and/or change this benefit and/or the amount it pays for the cost of this benefit, at any time and within its sole discretion, consistent with any legal obligations it may have.

~~The information above is a summary of the District's self-funded Vision Care plan. The plan documents supersede and take precedence over this summary description. For a complete copy of the plan, see the Auditor-Controller or HR Supervisor.~~

POLICY STATEMENT – REGARDING RE-ENROLLMENT IN SELF-INSURED DENTAL AND VISION PLANS

The District provides dental and vision benefits for all full-time and part-time regular employees. The District self-insures these benefit plans. In order to maintain eligibility for coverage in these plans, each employee, their spouse and all dependent family members eligible for coverage, shall be enrolled by the employee in the District's dental and vision plans unless the employee submits evidence of alternative coverage acceptable to the District. In order to be acceptable, said alternative coverage, together with coverage provided by the District, shall cover each and every eligible member of the employee's family. In the event any alternative dental and/or vision coverage is canceled or otherwise terminated, the employee, their spouse and/or all eligible dependent family members no longer covered must be enrolled in the District's plan within thirty days. If the employee fails to make said enrollment within thirty days after loss of said alternative coverage, the non-enrolled employee, their spouse and/or eligible dependent family members(s) shall thereafter be denied enrollment in the District's plan.

EXTENDED COVERAGE – COBRA

Under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their eligible dependents may opt to continue (at their own expense) group coverage under the District's health, dental and vision care plans.

For more information on COBRA, go to www.dol.gov/dol/topic/health-plans/cobra.htm.

STATE DISABILITY INSURANCE (SDI)

Eligibility

Effective upon employment. Participation is mandatory for all employees ~~by~~ in the State of California.

Coverage

Pays a weekly benefit based on wages when certain disabilities exceed seven days in duration and for paid family leave, subject to eligibility. ~~Weekly benefits may extend for 52 weeks.~~ Employees are responsible for filing claims with the Employment Development Department to obtain State Disability Insurance benefits. More information and claim forms may be found at www.edd.ca.gov.

Exclusions and Limitations

An employee must have paid into the State Disability Insurance plan for nine months to be eligible for benefits. All work-incurred injuries are exempt from this coverage.

Cost

This benefit is fully paid by the employee through payroll deduction.

UNEMPLOYMENT INSURANCE

Eligibility

Effective upon employment.

Coverage

Pays a weekly benefit while an unemployed person is actively seeking new employment. ~~Weekly benefits may extend for 26 weeks.~~ More information and claim forms may be found at www.edd.ca.gov.

Exclusions

A participant must have earned sufficient wages as determined by the State of California during his "base period" (usually a 12-month period ending 6 months before the application date) to be eligible to apply for benefits. Quitting employment "without good cause" may make a person ineligible for immediate benefits.

Cost

The District pays the cost of this program.

PENSION PLAN

Eligibility

Participation in the California Public Employees' Retirement System (CalPERS) Pension Plan is mandatory and is effective upon employment for all regular full-time and part-time employees.

Retirement

~~Early retirement may be applied for upon attainment of age 50 provided the employee has a minimum 5 years of CalPERS service credit.~~

Retirement Benefits

Classic Member. A Classic Member is defined by CalPERS as an employee who was hired prior to January 1, 2013; or who came to the District from another agency with a retirement system recognized by CalPERS as eligible for reciprocity; or who came to the District from another CalPERS agency after a break in service of less than six months. Benefits are based on the average monthly pay earned during the final (or highest) year of service. The basic, unmodified formula is $2.5\% \times \text{number of years of credited service} \times \text{monthly pay} = \text{monthly benefit for retirement at age 55}$. Employees who have been covered under Social Security during their CalPERS employment must use the modified formula in calculating their monthly benefit; i.e. $2.5\% \times \text{number of years credited service} \times (\text{monthly pay less } \$133.33) = \text{monthly benefit for retirement at age 55}$.

New Member. For employees hired on or after January 1, 2013, who CalPERS classifies as "New Members", benefits are in accordance with the Public Employees' Pension Reform Act of 2013, which stipulates a 2% at age 62 formula based on the highest average 3-years of compensation as defined by law.

~~Several options are also available to have benefits paid to a surviving beneficiary in the event of death or retirement.~~ For more information, go to www.calpers.ca.gov, or call the CalPERS Customer Contact Center at 1-888-225-7377.

Costs

Effective January 1, 2013, all regular employees contribute 1.6% of salary toward the cost of CalPERS retirement benefits. ~~The District pays the total cost of this coverage.~~

Effective October 1, 2013 and on each subsequent October 1 through October 1, 2016, all employees will contribute an additional 1.6% of salary toward the cost of CalPERS retirement

[benefits, until employees are paying a total of 8% \(6.25% if hired on or after January 1, 2013\) of salary toward the cost of CalPERS retirement benefits.](#)

Termination – Refund of Contributions and Vesting

Should an employee leave the District before retirement, he/she may elect to receive a refund of contributions in his/her CalPERS employee account plus interest, or providing he/she has a minimum of 5 years of CalPERS service credit, he/she may elect to leave the accumulated contributions on deposit and apply for a monthly benefit when he/she reaches retirement age.

Note: The above is a brief summary of the California PUBLIC EMPLOYEES' RETIREMENT SYSTEM benefits, and does not outline all of the details of the pension plan. Copies of the complete plan and information on interpreting various benefits and options supersede and take precedence over the above summary and are available from the Auditor-Controller or HR Supervisor or by going to www.calpers.ca.gov

SOCIAL SECURITY / MEDICARE BENEFITS

Eligibility

All employees of the District are covered by Social Security and Medicare.

Cost

Employee and employer contribute ~~equal amounts~~ into Social Security and Medicare.

Note: The Social Security program is currently undergoing numerous changes - contact your local Social Security office (or go to www.socialsecurity.gov) for any additional information. Benefits (and contributions) may be changed over the ensuing years.

LONG-TERM DISABILITY

NMWD Self-Funded Long-Term Disability Plan

Eligibility

On the first of the month following completion of the probationary period, the District provides a self-funded long-term disability plan to ~~for~~ all regular full-time and part-time employees participating in the California Public Employees' Retirement System.

Definition

For purposes of this policy, "Totally Disabled" and "Total Disability" mean that, as a result of an Injury or Sickness, the employee is so severely impaired, mentally or physically, that he or she cannot perform any substantial gainful work. The impairment must be expected to last at least 12 months or to result in earlier death. This determination must be made by the Social Security Administration.

Amount of Benefit

66-2/3% of base salary.

Waiting Period

Five full calendar months.

Benefit Period

To normal Social Security retirement (currently age 65).

Survivor Benefit

One lump sum equal to three times the employee's monthly benefit.

Cost-of-Living Freeze

Increases in other disability benefit payments as a result of cost-of-living adjustment (COLA) will not reduce benefit. No adjustment applies to the monthly benefit.

Exclusions

Intentionally self-inflicted injury, acts of war, employee committing a crime, pre-existing conditions.

Cost

The District self-insures the long-term disability benefit and pays the cost of employee coverage.

The information above is a summary of the District's self-funded Long-Term Disability plan. The plan documents supersede and take precedence over this summary description. For a complete copy of the plan, see the Auditor-Controller or HR Supervisor.

SECTION 125 FLEXIBLE SPENDING PLAN

Eligibility

Effective upon completion of the six-month probationary period for regular full-time and part-time employees.

Description

Section 125 of the Internal Revenue Code allows employees to purchase certain benefits on a “pre-tax basis”. The District has contracted with American Family Life Assurance Company (AFLAC) to administer this program. The benefits that may be purchased with pre-tax payroll dollars include unreimbursed health care expenses and dependent care expenses. The advantage of the Section 125 Plan to employees is derived from tax savings. Expenses run through the Plan are not included in gross income for purposes of calculating income and social security taxes ~~(saving the typical employee approximately 40%)~~.

How It Works

Employees electing to participate in the Section 125 Plan annually determine an amount to be deducted from their pay to go into the health or dependent care account or both. This annual election amount is irrevocable, i.e., it cannot be changed mid-year. Under IRS guidelines, if the payroll deduction selected exceeds the expenses submitted for reimbursement, the excess is not refunded to the employee - it reverts to the District. Employees, therefore, need to be conservative in determining the amount they wish to pay into the plan.

The employee submits AFLAC claims to the Accounting Department for reimbursement. Eligible health expenses include medical co-payments, dental, orthodontia and vision care expenses in excess of the District’s eap contribution, chiropractic expenses, hearing devices, ~~over the counter drugs if for medical care,~~ and health-related insurance co-payments and deductibles. Dependent care expenses include those incurred for both children and elderly dependents. More information may be found at www.aflac.com.

Limits

Employees may contribute up to ~~\$6,000~~2,500 per year as defined by law for unreimbursed medical expenses, and up to \$5,000 per year for dependent daycare expenses.

The information above is a summary of the District’s Section 125 Flexible Spending Plan. The plan documents supersede and take precedence over this summary description. For a complete copy of the plan, see the Auditor-Controller or HR Supervisor.

Other Insurance

American Family Life Assurance Company (AFLAC) offers a number of insurance policies, including cancer insurance policy, a "Hospital Intensive Care Only" policy and a disability plan. Contact the Auditor-Controller, HR Supervisor, or the District's AFLAC representative for details, or go to www.aflac.com.

DEFERRED COMPENSATION PLAN (457(b) Plan)

Eligibility

Effective upon completion of the six-month probationary period for [regular](#) full-time and part-time employees.

Purpose

To enable employees to defer portions of their compensation and to provide retirement, disability and death benefits. The amount deferred does not constitute taxable income until received.

Participation

Employee must complete a participation agreement with the District, whereby he/she may defer receipt of gross compensation up to the current IRS allowance. Funds deferred are not subject to Federal or State income tax at the time of deferral. The employee may invest the deferred compensation into either a money-market fund with a guaranteed rate of return, or may select from a number of mutual fund options.

Benefits

Funds may only be withdrawn following the participant's retirement, termination, total disability, death, or a hardship in accordance with regulations prescribed by the Internal Revenue Service for an unforeseeable financial emergency beyond control of the participant.

Benefits may be paid in a lump sum or in monthly, quarterly or annual payments depending on the participant's selected plan of distribution. Benefits are subject to Federal and State taxes at the time of distribution.

Note: The above is a brief summary of the NMWD DEFERRED COMPENSATION PLAN. Copies of the complete plan and participation agreements supersede and take precedence over this summary and are available from the Auditor-Controller or HR Supervisor.

OTHER COVERAGES

Vehicles

The District self-insures all its vehicles to cover public liability and property damage caused while operating the vehicle. ~~District policy is that private~~Private vehicles will only be used on any District business with prior authorization of the General Manager or the Auditor-Controller. Permission to use private vehicles will only be considered upon providing evidence confirming that valid personal auto insurance coverage is in effect with liability coverage for bodily injury in an amount not less than \$100,000 per person and \$300,000 per occurrence and liability coverage for property damage in an amount not less than \$50,000 per occurrence.

DISCIPLINARY ACTION , INCLUDING DISCHARGE,

AFTER THE PROBATIONARY PERIOD

The discipline and grievance procedures in this section apply to regular employees on, and they do not apply to probationary or temporary employees.

The levels of disciplinary action may include, but are not necessarily limited to, warning/reprimand (oral and/or written), suspension, demotion, and/or discharge. The District shall use the principals of progressive discipline in meting out disciplinary action; however, depending upon the circumstances, discipline may be imposed at any level without invoking prior disciplinary steps.

Examples of conduct that will warrant disciplinary action are: failure to meet District performance standards, excessive absenteeism, tardiness, failure to report to work, theft, dishonesty, violation of District policies.

~~When imposing disciplinary action, the District will comply with any applicable due process requirements of state and federal law.~~The District may place the employee on paid or unpaid (at the discretion of the District) administrative leave at any time when a charge(s) is pending against an employee or the District or its designee is conducting an investigation concerning possible disciplinary action.

All disciplinary actions shall be reported in writing, given to the affected employee, and placed in his/her personnel file. An oral warning shall be memorialized in writing and placed in the employee's personnel file.

Except for oral warnings, Eemployees who wish to challenge the level of discipline may do so by utilizing the Grievance Procedure. Grievances involving written reprimands shall in the first instance be filed at Step II (of the Grievance Procedure) with the Department Head. Grievances involving other discipline, including termination of employment, shall be filed in the first instance at Step III with the General Manager. If no such appeal is filed in a timely manner, the determination of disciplinary action shall stand.

~~It is the responsibility of each supervisor to take or recommend disciplinary action whenever a situation warrants it.~~

~~All disciplinary actions shall be reported in writing, given to the affected employee, and placed in his/her personnel file. The fact that an oral warning has been given shall be~~

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~~memorialized in writing and placed in the employee's personnel file.~~

~~Each disciplinary case shall be considered on an individual basis taking into account all relevant factors including, but not limited to:~~

- ~~1. Nature of offense.~~
- ~~2. Employee's previous work, productivity and conduct record.~~
- ~~3. Length of service of employee concerned.~~

Disciplinary Action by Immediate Supervisor

~~When an employee engages in misconduct, violates a District policy or rule, and/or fails to meet performance expectations of the District, the immediate supervisor, upon consideration of all relevant circumstances, shall take appropriate action as follows:~~

Warning – Oral or Written

- ~~1. Oral warning to the employee that is memorialized in a written memorandum placed in the employee's personnel file; or~~
- ~~2. Written warning to the employee, placed in the employee's personnel file.~~
- ~~3. Copies of such documentation will be sent to the Department Head and to the HR Supervisor.~~

Recommendation of Suspension or Discharge

~~Where the employee's conduct or performance warrants more serious discipline, the supervisor may recommend suspension, demotion, pay reduction, or discharge to the Department Head concerned.~~

Disciplinary Action by Department Head

Unpaid Suspension, Demotion, and Reduction in Pay of Five Days or Less

~~Upon receipt of a supervisor's recommendation for unpaid suspension, demotion, or reduction in pay of five days or less, the Department Head shall review the matter. If the Department Head~~

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~~agrees with the recommendation, he/she will give the employee notice of the disciplinary action. This notice shall include:~~

- ~~1. the action taken, the date it will be effective and the specific grounds and particular facts upon which the disciplinary action is being taken;~~
- ~~2. the materials upon which the action is based or a statement indicating where the materials upon which the action is based are available for inspection, or a combination of the two; and~~
- ~~3. a statement informing the employee of his/her right to appeal by filing a grievance at and including Step III only of the grievance procedure below.~~

Unpaid Suspension, Demotion, or Reduction in Pay of More Than Five Days

~~Upon receipt of a supervisor's recommendation for unpaid suspension, demotion or reduction in pay of more than five days, the Department Head shall review the matter. If the Department Head agrees with the recommendation, he/she will:~~

- ~~1. Give the employee notice of the proposed disciplinary action. This notice shall include:
 - ~~a) the proposed action to be taken, the date it is intended to become effective and the specific grounds and particular facts upon which the proposed disciplinary action will be taken;~~
 - ~~b) the materials upon which the charge(s) is based or a statement indicating where the materials upon which the charge is based are available for inspection, or a combination of the two; and~~
 - ~~c) a statement informing the employee of his/her right to respond, either orally or in writing, to the charge(s), by the date specified in the notice.~~~~
- ~~2. The District may, at any time during the time when a~~

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~~charge(s) is pending against an employee, place the employee on paid or unpaid (at the discretion of the District) administrative leave.~~

~~3. If the employee does not respond to the charge(s) within the time specified in the notice of proposed discipline, the proposed discipline shall take effect as described in the notice. The employee still has the right to a “post-deprivation” hearing in this circumstance. See Steps IV and V of the Grievance Procedure.~~

~~4. If the employee does respond to the charge(s) within the time specified in the notice of proposed discipline, the District shall consider the employee’s response, if any, and all of the information upon which the charges(s) is based. The District shall then issue a determination on the notice of proposed discipline. If the determination includes discipline consisting of unpaid suspension, demotion or reduction in pay of more than five (5) days, the employee may appeal such determination in writing, within ten (10) calendar days of the date the District issued the determination, commencing at Step IV of the Grievance Procedure, below. If no such appeal is in a timely manner filed, the determination of disciplinary action shall stand.~~

Discharge

~~Upon receipt of a supervisor’s recommendation for discharge, the Department Head shall review the matter. If the Department Head agrees with the recommendation of the supervisor, he/she shall fully inform and confer with the General Manager. If the General Manager approves, the Department Head shall take the following actions:~~

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- ~~1. Give the employee notice of the District's intent to discharge him/her from employment at the District. This notice shall include:
 - ~~a) the proposed discharge, the date it is intended to become effective and the specific grounds and particular facts upon which the proposed discharge will be taken;~~
 - ~~b) the materials upon which the charge(s) is based or a statement indicating where the materials upon which the charge is based are available for inspection, or a combination of the two; and~~
 - ~~c) a statement informing the employee of his/her right to respond, either orally or in writing, to the charge(s), by the date specified in the notice.~~~~
- ~~2. The District may, at any time during the time when a charge(s) is pending against an employee, place the employee on paid or unpaid (at the discretion of the District) administrative leave.~~
- ~~3. If the employee does not respond to the charge(s) within the time specified in the notice of proposed discharge, the proposed discharge shall take effect as described in the notice.~~
- ~~4. If the employee does respond to the charge(s) within the time specified in the notice of proposed discharge, the District shall consider the employee's response, if any, and all of the information upon which the charges(s) is based. The District shall then issue a determination on the notice of proposed discharge. If the determination includes discipline consisting of unpaid suspension, demotion or reduction in pay of more than five (5) days, or discharge, the employee may appeal such determination in writing, within ten (10) calendar days of the date the District issued the determination,~~

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~~commencing at Step IV of the Grievance Procedure, below. If no such appeal is in a timely manner filed, the determination of disciplinary action shall stand.~~

Grievance Procedure

A grievance is an allegation by an employee that the District has violated an express provision of this handbook. For purposes of this policy, a workday is any day that the District office is open for regular business. Discipline, except for oral warnings, may be grieved. For employees covered by a MOU, the grievance procedure in the MOU will apply.

Step I. Written Notice to Immediate Supervisor. No later than two workdays after the event giving rise to the grievance, the employee must submit a written grievance to his/her immediate supervisor stating the nature of the grievance, the provision of the Handbook allegedly violated, and the nature of the remedy sought. The immediate supervisor shall give a written response to the employee within two workdays thereafter.

Step II. Appeal to the Department Head. If the employee is not satisfied with the response, he/she shall, within five workdays of the response at Step I, notify his/her Department Head in writing of the appeal. The Department Head shall confer with the employee and his/her representative, if any, and respond to the grievance within five workdays following the meeting.

Step III. Appeal to the General Manager. If the grievance is not resolved at Step II, the employee may, within five workdays of the response at Step II, file a written appeal with the General Manager or his/her designee. The General Manager or designee shall confer with the employee and his/her representative, if any, and respond to the grievance within ten workdays of that meeting. The General Manager's/designee's response shall be final and binding in all grievance matters except the disciplinary actions specified in Step IV, below.

Step IV. Appeal to the Board of Directors for Disciplinary Actions Consisting of Suspension, Demotion, or Reduction in Pay ~~of More Than Five Days~~ or Termination of Employment . An employee subject to disciplinary action consisting of an unpaid suspension, demotion, or reduction in pay ~~for more than five days~~, or a termination, may file a written appeal with the Board of Directors. Such appeals must be filed within five workdays of the date of the District's notice of determination of discipline or, if the employee did not respond to the notice, the effective date of discipline set forth in the District's notice of proposed discipline. The Board of Directors, or a subcommittee thereof, shall hold a hearing as soon as reasonable under the circumstances regarding the disciplinary action.

Step V. **Advisory Arbitration.** With the mutual agreement of the grievant and the Board of Directors, the grievance may be referred to Advisory Arbitration. A neutral arbitrator shall be mutually selected from a list provided by the California State Mediation and Conciliation Service. The arbitrator selected shall conduct an informal hearing and issue an advisory opinion to the Board of Directors. The Board of Directors shall render a final and binding decision in writing to the employee within thirty days of the receipt of the arbitrator's advisory opinion, unless this time is otherwise extended in writing by the Board of Directors.

If the Board of Directors does not agree to conduct an advisory arbitration, the Board may, as an option, designate an advisor (or person not in the normal line of supervision) to advise the Board of Directors concerning the grievance. The Board of Directors shall render a final and binding decision within thirty days after its receipt of the recommendation of the fact finder.

Any final decision by the Board of Directors shall include the rationale upon which its decision is based.

Each party shall bear its own cost and fees. The cost and fees of the Arbitrator, if any, shall be split evenly between the parties.

EQUAL EMPLOYMENT OPPORTUNITY

Purpose

This policy is adopted by North Marin Water District to assure equal employment opportunity consistent with federal, state and local laws.

Commitment to Equal Employment Opportunity

North Marin Water District shall:

1. provide equal employment opportunity for all applicants and employees without regard to race, color, creed, marital status, physical or mental, disability, medical condition, ancestry, religion, national origin, sex, age, sexual preference, [genetic information, gender identity, gender expression,](#) or any other consideration made unlawful by federal, state or local laws;
2. give equal employment opportunity in all employment practices, such as recruitment, selection, transfers, promotions, training, compensation, benefits and termination; and
3. require all employees to abide by this policy.

Responsibility of Each Employee

Each employee shall share responsibility for creating a work climate conducive to the District's goals herein set forth.

EDUCATIONAL REIMBURSEMENT POLICY

Purpose

To provide assistance to employees in their personal development during off-duty time for training not required by the District.

Eligibility

Financial assistance ~~shall~~may be granted only to regular employees of the District who have successfully completed their probationary period. Temporary employees are not eligible for reimbursement under this policy.

Policy

To qualify for reimbursement, ~~T~~he course of instruction and/or training ~~shall~~must be given by a university, college, junior college, trade school or other public or private school approved by the General Manager and ~~shall~~must relate to the employee's present duties at the District or which otherwise increases the employee's potential for advancement in the District.

Reimbursement may be made for tuition, registration fees, laboratory fees, and/or required textbooks and materials in connection with the course of instruction. Reimbursement for transportation and parking will not be made, unless the course work is required by the District. If books are claimed in the covered expenses, the books will become the property of the District for the benefit of other employees and be made a part of the District library.

In the District's discretion, ~~E~~mployees may be reimbursed the full amount (100%) of said costs if the instruction is of direct benefit to the District and half the amount (50%) of said costs if the instruction is of indirect benefit to the District. Instruction shall be deemed to be of direct benefit to the District if, in the District's sole judgment, it is clearly related to the employee's work and will have immediate and specific application in his/her job. Instruction shall be deemed to be of indirect benefit to the District if, in the District's sole judgment, it is generally related to water, wastewater, environmental or administrative issues or will be of value to the employee in the foreseeable future in his/her present position or a higher position in District service. Reimbursement for eligible part-time employees will be prorated consistent with proration of other District benefits for part-time employees.

It is the responsibility of the employee requesting assistance to follow the procedures of this policy. Requests for educational reimbursement that fail to follow this policy will be denied.

Procedures

1. Requests for financial assistance/[reimbursement](#) shall be made in writing by the employee through his/her Department Head prior to enrollment in the course of instruction, using the Request for Educational Reimbursement form found at [\\server\administration\forms\request for educ. reimb.doc](#). Recommendations of the level of financial assistance (0%, 50%, 100%) are made by the employee's Department Head in writing. Final ~~approval of educational reimbursement recommendations are~~[approval of educational reimbursement recommendations](#) ~~is~~ made by the General Manager or his/her designee in writing.
2. Reimbursement for books and supplies shall be only for required items and not for supplemental or recommended materials.
3. Employees are not eligible for assistance under this policy if the training for which assistance is requested is covered, all or in part, from any other source.
4. An employee ceases to be eligible [for reimbursement](#) under this administrative procedure upon termination of employment [\(voluntary or involuntary\)](#).
5. Upon satisfactory completion of the course of instruction, the employee will be eligible for reimbursement for the amounts previously authorized in writing by submitting official receipts for all covered expenses and a transcript indicating the final course grade of "C" or better, or "Pass" in Pass/Fail graded course, or if a grade is not given, a letter written on official stationery of the training program indicating satisfactory completion of the course of instruction.

REQUEST FOR EDUCATIONAL REIMBURSEMENT

\\server\administration\forms\request for educ. reimb.doc

Employee Name: _____ Date: _____
Course Title: _____
Description of Course: _____
How Will This Course Contribute to Improving Skills Required in Your Present Job?

Tuition Amount \$ _____

Textbook and Materials Amount \$ _____

Reimbursement: \$ _____
Total Amount Requested For

Approved: _____ (Department Head) Date: _____

Approved: _____ (General Manager) Date: _____

At the conclusion of course attach receipts and proof of successful completion and submit to accounting for payment.

EMPLOYEE COMPUTER PURCHASE POLICY AND PROGRAM

Purpose

The Employee Computer Purchase Policy defines an employee loan program for the private purchase of personal computers and software. The purpose of the program is to enable employees to purchase personal computers for use in the home and thus elevate computer literacy and productivity at the District.

Policy

Any regular employee, who has successfully completed the probationary period, is eligible to participate in the Employee Computer Purchase Program.

Program

1. Eligible Purchase Employees are encouraged to purchase computer hardware and software similar to and compatible with that used by the District. Eligible software does not include any games or entertainment software. All purchases are subject to approval by the General Manager.

2. Loan Application and Approval Any employee wishing to participate in the Employee Computer Purchase Program may apply by completing the Employee Computer Purchase Program Application Form and Specification Sheet found at [\server\administration\forms\empl_computer_purchase_form.doc](#). ~~Application Form and Specification Sheet, a copy of which is attached to this policy as Exhibit A.~~ The loan application must be reviewed by the Auditor-Controller and approved by the General Manager in writing.

3. Loan Limits and Payments The term of each loan shall not exceed 36 months, and no loan amount shall exceed \$3,500. All monies loaned shall be repaid by the employee with interest at the rate earned on the District's investment portfolio plus 1 percent as determined by the District's Auditor-Controller at the time of the loan. The interest rate, once determined, will not change during the term of the loan.

An employee shall be eligible for only one loan under this policy in every 36-month period. Any subsequent loan is at the sole discretion of the General Manager, and ~~provided~~ the employee's repayment history must be ~~is~~ satisfactory as determined by the General Manager.

Loan repayments will be made through semimonthly payroll deduction (authorized by the employee in writing) as specified in Employee Computer Purchase Program Loan Agreement (~~Exhibit B~~ [\server\administration\forms\empl_computer_purch_loan_agreement.doc](#)). The Auditor-

Controller will determine the semimonthly repayment amount and provide a loan repayment schedule at the time the loan is approved.

Employees may request a loan term of less than 36 months and may prepay the entire loan. There will be no prepayment penalties. Loans are due and payable in full upon termination of employment. Employees on approved leave of absence and not receiving pay will be billed monthly for payment due.

4. Equipment Purchase No computer system, computer components, software or any equipment eligible under this program should be purchased until the District has approved the purchase in writing. The employee is required to submit copies of payment invoice/receipts within ten days of receipt of loan proceeds.

5. Termination The Board may cancel this policy at any time. Thereafter new loans will no longer be made available. Payroll deductions for employees already in the program will continue as indicated in their promissory notes.

North Marin Water District

~~Employee Computer Purchase Program
Loan Agreement~~

\\server\administration\forms\empl-computer-purch-loan-agreement.doc

Employee Name: _____

~~The above-named employee ("Employee") of the North Marin Water District ("District") has been provided a copy of the North Marin Water District Computer Purchase Policy and Program ("Plan") and hereby elects to purchase a personal computer and/or certain related equipment and software ("Equipment") and participate in the financing arrangement offered under the Plan, and further, agrees to and accepts the following terms and conditions:~~

- ~~1. _____ The price of the Equipment to be purchased (including taxes and any other fees/costs) is \$ _____ and is identified on the attached Application Form and Specification Sheet.~~
- ~~2. _____ The District agrees to make an interest-bearing loan to the Employee in the amount of \$ _____ for period of _____ months to purchase specified Equipment, with a fixed interest rate of _____ percent.~~
- ~~3. _____ Employee agrees to provide copies of the paid invoice/receipts for the specified Equipment within ten days of receipt of loan proceeds. Employee understands and agrees that failure to provide said paid invoice/receipts will result in cancellation of this Agreement and acceleration of the payment of the full outstanding balance. In this event, the District will request that the employee provide written authorization for the District to deduct the outstanding balance from his or her payroll checks on a payment schedule determined by the District. In the event the employee fails to provide such authorization, the employee agrees to repay the District the remaining amount owed in 12 equal monthly installments. The employee agrees to make such monthly payment to the District by the 15th of each month.~~
- ~~4. _____ Employee authorizes the District to deduct \$ _____ from each semimonthly paycheck of the Employee, beginning _____ until the amount identified in Paragraph 2 above, plus interest, has been paid in full. Employee may elect to prepay the remaining unpaid balance at any time prior to the last payroll deduction with no prepayment penalty.~~
- ~~5. _____ Employee agrees not to sell, trade or otherwise dispose of the Equipment or any portion thereof until the loan has been paid in full. Employee also agrees that use of the Equipment will be limited to the Employee's own use and that of his or her immediate family. Any reassignment or transfer of the Equipment or this Agreement is prohibited and will result in cancellation of this Agreement and acceleration of the payment of the full outstanding balance. Violation of these provisions will require Employee to immediately pay to the District the remaining amount due on the loan, including any amount of interest.~~
- ~~6. _____ Upon termination of Employee from the employment of the District for any reason, any remaining amount to be paid to the District under this Agreement will become immediately due and payable. In this event, the District will request that the employee provide written authorization for the District to withhold from his or her final pay, including vacation payoff, any amount remaining under this Agreement, including interest and principal due. If sufficient funds are not available on the final paycheck, the balance due and payable will be set up on a monthly payment schedule. In the event that the employee fails to provide authorization for payroll deduction, or there is a balance remaining after the authorized deduction(s) have been made (i.e., the balance owed exceeds the amount of final pay), the employee agrees to repay the District the remaining amount owed in 12 equal monthly installments. The employee agrees to make such monthly payments to the District by the 15th of each month. The employee understands that, in the event he/she fails to provide authorization for the remaining balance to~~

~~be deducted from his/her final payroll check and/or any accrued, unused vacation time, the regular installment amount set forth above will still be deducted from the employee's final check.~~

~~7. If, during the term of this Agreement, Employee is on approved leave of absence, not receiving pay, Employee will receive a monthly bill from the District for an amount equal to the monthly payment due under this Agreement and Employee agrees to pay same.~~

~~8. All warranties and service or maintenance contracts shall be between the vendor and the Employee. Employee shall deal directly with the vendor and in no event shall Employee make any claims against the District relating to warranty, service or maintenance.~~

~~9. This Agreement may be changed only by a written document signed by the District and the Employee and supersedes any written or oral agreements, proposals and communications concerning the Plan.~~

~~10. Should Employee default on this Agreement, District may request that the employee provide written authorization for the District to accelerate payments by increasing the amount of payroll deductions, or the District may require any remaining amounts due, including interest, be paid in full, at the District's sole discretion. In the event that the District is required to pursue legal action to obtain any amount due, Employee agrees to pay for any legal costs and fees incurred by the District in connection with its doing so.~~

Accepted by:

Employee _____ Date

General Manager _____ Date

EMPLOYER ASSISTED HOUSING PROGRAM FOR EMPLOYEES OF NORTH MARIN WATER DISTRICT

[This program is currently suspended.](#)

~~1. Objective of Program. NMWD may make loans to full-time regular employees for the purpose of purchase of a home located within the District service territory that will enable the employee to respond rapidly to emergencies affecting the operation of the District.~~

~~2. Source of Funding. Loans granted under this program will be funded from the District's Liability Contingency Reserve Fund. The cumulative principal amount of all outstanding loans may not exceed one and a half million dollars.~~

~~3. District Control of Assistance. Whether to provide financial assistance in any specific home purchase and the amount, terms and conditions of loans are within the discretion of the Board of Directors. Such assistance is voluntary on the part of the District, is not a matter of right of any employee and is at all times subject to the availability and allocation of District funds. If the District determines at any time that it is not beneficial to the District to continue this program, it may be terminated. In the event the program is revised or terminated, existing loans outstanding will remain in effect in accordance with the terms and conditions of the promissory note previously executed.~~

~~4. Loan Conditions.~~

~~a) Loans shall be made for the sole purpose of paying a part of the purchase price of the fee title to a dwelling within the District service territory. "Dwelling," means a single-family residence or condominium unit that shall be the principal residence of the employee.~~

~~b) For market rate housing, the loan shall be evidenced by the promissory note of the employee secured by a second deed of trust on the property. For below market rate "workforce" housing such as Meadow Park in Novato, the loan shall be evidenced by the promissory note of the employee secured by a deed of trust on the property that will be subordinate to the interests of the primary lender and of the Redevelopment Agency of the City of Novato or the City of Novato. The District's interest under the deed of trust shall be insured by a title company acceptable to the District at the expense of the employee.~~

~~c) The employee shall enter into an agreement with the District to participate when requested by the District in the District's standby duty, and when within ten miles of the District headquarters, carry a pager or cellular phone at all times and be available to respond to emergencies upon call.~~

~~5. Terms of Note, Market Rate Housing.~~

~~_____ a) Amount. The principal amount of the loan shall be determined by the District and shall not exceed any of the following:~~

~~_____ (1) \$300,000;~~

~~_____ (2) 50% of the purchase price or appraised value of the property as the District shall elect, appraisals to be made at the employee's expense by an appraiser approved by the District;~~

~~_____ (3) The difference between the purchase price (or appraised value as the District shall elect) less the employee's down payment and the amount owing on the first deed of trust.~~

~~_____ b) Interest. The interest owed on the note may be calculated using either of the two following methods at the employee's discretion:~~

~~(1) The interest owed on the note shall be contingent upon and directly proportional to the appreciation in value occurring on the property. In the event there is no appreciation, no interest will be due. Appreciation is defined as the difference between the purchase price and the sale price (net of broker's commission and County transfer tax, if any) of the property. The District may, at its option, use the appraised value of the property to calculate the appreciation. Said appraisal shall be made at the employee's expense by an appraiser approved by the District.~~

~~(2) The interest owed on the note shall be the amount of interest revenue foregone by the District on the note amount over the period of the loan based on the District's investment portfolio yield as reported in the Auditor-Controller's Monthly Report of Investments. Said amount of interest revenue foregone shall be solely determined by the District.~~

~~_____ c) Maturity. The principal amount of the note and interest thereon shall be due and payable in full upon the first of the following events to occur:~~

~~_____ (1) The sale or rental of the property secured thereby.~~

~~_____ (2) One hundred sixty (160) days after the employee ceases to be a full-time resident of the property.~~

~~_____ (3) One hundred sixty (160) days after receipt of notice of, and failure to cure, breach of any provisions of the promissory note.~~

~~_____ (4) One hundred sixty (160) days after the date of termination of the employee's full-time employment.~~

~~_____ (5) The employee, in the judgment of the District, fails to satisfactorily carry out the terms of the agreement noted in Section 4(c).~~

~~_____ (6) Refinancing of the first deed of trust with cash out.~~

~~_____ (7) Fifteen years from the date of the note.~~

~~_____ d) Employee Down payment. The employee shall make a down payment equal to a minimum of 5% of the purchase price of the property.~~

~~_____ e) Sale or Refinancing. Upon sale or refinancing of the property the District shall be entitled to the return of its original loan amount plus interest calculated using either of the two following methods at the employee's discretion.~~

~~_____ (1) Fifty percent of the appreciation, less one percent of the appreciation for each percent that the employee's down-payment exceeds five percent. In no event shall the District be entitled to less than 25% of the appreciation.~~

~~_____ (2) The amount of interest revenue foregone by the District on the note amount over the period of the loan based on the District's investment portfolio yield as reported in the Auditor-Controller's Monthly Report of Investments. Said amount of interest revenue foregone shall be solely determined by the District.~~

~~6. Terms of Note, Below Market Rate Workforce Housing~~

~~_____ a) Amount. The principal amount of the loan shall be determined by the District and shall not exceed any of the following:~~

~~_____ (1) \$150,000~~

~~_____ (2) 40% of the purchase price of the property;~~

~~_____ b) Interest. The interest owed on the note shall be contingent upon and directly proportional to the appreciation in value occurring on the property. In the event there is no appreciation, no interest will be due. Appreciation is defined as the difference between the purchase price and the sale price (net of broker's commission and County transfer tax, if any) of the property. The District may, at its option, use the value of the property at maturity for Below Market Rate Workforce Housing set by the Redevelopment Agency of the City of Novato, the City of Novato, or County of Marin to calculate said appreciation.~~

~~_____ (1) The obligation to pay contingent deferred interest is subject to a superior right of the employee, upon termination of the loan, to receive repayment of money paid by the employee for purchase of the security property, including down payment, installment payment of mortgage principal, escrow fees, transfer taxes, recording fees, brokerage commissions, and similar costs of acquisition actually paid by the employee, and money paid by the employee for capital improvements to the security property, plus not less than the legal rate of interest on those cash payments.~~

~~_____ (2) The amount of contingent deferred interest shall not exceed that percentage of the appreciation in appraised fair market value of the security property that equals the District's proportionate share of the total initial equity in the security property. The amount of the total initial equity and of the District's share of the initial equity shall be agreed upon by the employee and the District at the time of executing the shared appreciation loan, and shall include the District's cash investment, the amount of fees waived by the District (if any), and the value of in-~~

~~kind contributions made by or on behalf of the District (if any). Funds borrowed by the employee, the repayment of which is secured by the security property, shall not be included in the calculation of total initial equity of the employee.~~

~~_____ c) Maturity. The principal amount of the note and interest thereon shall be due and payable in full upon the first of the following events to occur:~~

~~_____ (1) The sale or rental of the property secured thereby.~~

~~_____ (2) Thirty (30) days after the employee ceases to be a full-time resident of the property.~~

~~_____ (3) Thirty (30) days after receipt of notice of, and failure to cure, breach of any provisions of the promissory note.~~

~~_____ (4) Thirty (30) days after the date of termination of the employee's full-time employment.~~

~~_____ (5) The employee, in the judgment of the District, fails to satisfactorily carry out the terms of the agreement noted in Section 4(c).~~

~~_____ (6) Refinancing of the first or second deed of trust with cash out.~~

~~_____ (7) Fifteen years from the date of the note.~~

~~_____ d) Appreciation Distribution. Upon sale or refinancing of the property, due to the subordinate position of the District loan, the District's right to share in the appreciation is subject to the superior right of the superior public agency lender (i.e., the Redevelopment Agency of the City of Novato or the City of Novato in the case of Meadow Park) and the borrower, as defined in the loan documents for the said superior public agency loan. Subject to these limitations, the District shall be entitled to the return of its original loan amount plus a percentage of the appreciation, proportionate to the share of the original loan amount pursuant to 6. b). above to the original purchase price of the property.~~

~~_____ 7. Application for Loans. Employees and prospective employees may request loans for housing assistance. Loans may be made to the applicants who the District determines to be the most valuable for meeting typical emergencies experienced by the District in operating its water and wastewater systems. In making final selections for employee housing loans it shall be the goal of ultimately achieving assemblage of the ideal integrated emergency response force comprised of the skills and/or positions shown in Table 1. It is planned that an initial goal be achieved within five years of the date this revised program is first adopted and the ultimate goal within fifteen to twenty years.~~

~~_____ 8. Capital Improvements by Employee. If the employee wishes to make capital improvements to the property costing in excess of five thousand dollars, written approval by the District's General Manager must be obtained in advance. Capital improvements for Below~~

~~Market Rate Workforce Housing at Meadow Park must be pre-approved by the Redevelopment Agency of the City of Novato or the City of Novato. If the District approves the capital improvement, the amount expended by the employee, evidenced by receipts, will be reimbursed to the employee at the time the note is repaid in full to the District. Said reimbursement amount shall be deducted from the appreciation amount prior to the distribution of appreciation as specified in Sections 5.e) and 6.d).~~

~~(BOARD POLICY NUMBER: 42)~~

TABLE 1

Classification	Existing 03/31/10	Ultimate Goal	Initial Goal
General Manager	1	1	1
Chief Engineer	1	1	1
Operations/Maintenance Superintendent		1	1
Construction/Maintenance Superintendent		1	1
Auditor/Controller	1	1	1
Distribution & Treatment Plant Supervisor	1	1	1
Heavy Equipment Operator (Expertise)	1	1	1
Pipeline Foreman	1*	1	1
Pipe worker, Pipe worker Apprentice, Laborer or other employees who are trained for and regularly perform standby duty	7	4	2
Any Electrical/Mechanical Classification		2	1
Any Certified Treatment Plant Operator Classification	1*	2	1
Any Professional Engineer	1	1	1
Any Engineering Tech Position		2	1
Any Chemist or Lab Tech Classification	1*	1	1
Any Clerical Position	10*	1	1
TOTAL	26	22	17

_____ * 1 Person Renting

REIMBURSEMENT FOR PROFESSIONAL REGISTRATION / CERTIFICATION

When registration or certification is a requirement of the job classification of the [regular](#) employee, the District will reimburse an employee for this cost [as follows](#). Examples of registrations/certifications include Professional Engineers' license, Distribution Operator certificates and Treatment Plant Operator certificates.

CLASS A DRIVERS

The District provides an annual payment of \$600 for the following classifications required to have the Class A license:

1. Pipe Worker
2. Heavy Equipment Operator
3. Pipeline Foreman
4. [Maintenance Supervisor](#)
5. [Senior Electrical/Mechanical Technician](#)
6. [Auto/Equipment Mechanic](#)

The payment will be made once each year on the first pay day in December and is pro rata for employees who are employed in the above classifications with the Class A license for less than the year or retire during the year.

The District requires the Class A [license](#) for hiring into open positions in these classifications. [When needed the General Manager may require that individual employees in other classifications, though the District may internally promote a Laborer conditionally requiring that the individual secure a Class A license in a specific time period and authorize compensation pursuant to this policy.](#)

The District also pays for the cost of the Class A license and the cost of the medical examination associated with the license, [in addition to the annual \\$600 payment](#).

The District recognizes the employees may experience medical impairments that prevent the employee from continuing to hold the Class A license. In such situations, the District will consider [whether a](#) reasonable accommodation [may be provided](#).

OUTSIDE EMPLOYMENT POLICY

It is the responsibility of the District employee to ensure that any secondary employment does not adversely impact job performance with the District. Each District employee will, during hours of duty as a District employee, devote full time, attention, and efforts to District employment.

Acceptable Conditions

Any employee may engage in employment outside of the District as long as it is not inconsistent, incompatible, in conflict with, or harmful to the duties as a District employee, including, but not limited to, regular duties, scheduled overtime and on-call responsibilities, or with the duties, functions, or responsibilities of the District.

Conflict of Interest

The following categories of outside employment are determined to be inconsistent with, incompatible to, or in conflict with the duties of District employment. The examples in this section are provided for illustrative purposes only and do not constitute an exhaustive listing of prohibited conduct. An employee's outside employment, activity, or enterprise is prohibited if:

- It involves the use of District time, facilities, equipment, supplies, customer information or the prestige, influence or position occupied in the employee's District employment; or
- It involves receipt or acceptance by the employee of any money or gratuities from anyone other than the District, for the performance of work that the employee is required or expected to perform in the regular course of District employment, such as:
 - An employee who performs work for the District is hired by a contractor or individual to perform similar work which may be physically or financially related to the work performed for the District; or
- It involves the performance of work outside of the District which may be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement of any other employee of the District, such as:
 - An employee who reviews landscape designs for compliance with conservation guidelines cannot also work for a developer working within the District service territory.
 - An employee cannot assist in the preparation of a bid for a contractor who is bidding on a District contract,
 - An employee cannot receive payment from a neighborhood association to prepare a petition to upgrade the level of water service in their area; or
- It involves time demands which adversely affect performance of duties as a District employee; or
- It involves the performance of work related to the interest of another entity or organization which is harmful to, or in competition with, District interests, operations, influences, business transactions, or contracts, such as:
 - Acting as a technical consultant for an agency competing for the same water rights

as the District.

- It involves being an owner and/or managing the activities of an outside business that contracts with the District.

Disclosure – Employee Responsibilities

It is the employee's responsibility to notify the District before engaging in any outside employment activities using the form at <t:\hr\forms\outsideemploymentnotification.doc>. The employee shall provide information to his/her immediate supervisor concerning her/her outside employment activity, including, but not limited to, the identity of the person and type of activities for which outside services are performed, duration of such activities, and times and hours when such activities are performed. The employee must be able to demonstrate that outside employment is not in conflict with the duties, functions, or responsibilities of employment with the District. Additionally, the District has the right as primary employer to request information of an employee if it believes that the employee has a conflict with outside employment.

Failure of an employee to disclose information about outside employment as set forth above will result in disciplinary action that may include termination of District employment.

Notice of Approval/Disapproval

The employee will be given written notice if it is determined that the outside employment, activity, or enterprise is inconsistent, incompatible, in conflict with, or harmful to the duties as a District employee or with the duties, functions, or responsibilities of the District. The notice will advise the employee that failure to terminate outside employment within 30 days will result in disciplinary action that may include termination of District employment.

Appeal

District disapproval of outside employment may be appealed in accordance with the District's Grievance Procedure or the procedure set forth in the applicable Memorandum of Understanding for represented employees.

Use of District Time, Resources, Equipment

Even if the outside employment, activity or enterprise is approved by the District under this policy, the employee must never use District time, facilities, equipment, supplies, property or resources in connection with the employee's outside employment, activity or enterprise. Such use shall result in disciplinary action including termination of employment.

Authority

State Government Code Sections 1126, 1128, and 1129

Adopted by the District Board of Directors February 21, 2006

SMOKING POLICY

Purpose

- ~~1. To provide fair and equitable smoking guidelines which promote safety and consideration for individual District employees;~~
- ~~2. To protect public health, safety and general welfare by prohibiting tobacco smoking in public places and places of employment;~~
- ~~3. To guarantee the right of nonsmokers to breathe tobacco smoke-free air, and to recognize the need to breathe tobacco smoke-free air has priority over the desire to smoke.~~

Policy

All enclosed District facilities and work places and District vehicles are declared smoke free. Smoking is permitted in outdoor areas adjacent to enclosed District facilities and work places only when located more than 20 feet from any open door, window, intake ventilation duct, or outdoor dining area.

No smoking shall be permitted within 50 feet of fuel storage, dispensers or pumps and any other area where extremely flammable materials are stored or in use.

Scope

- ~~1. The guidelines contained within this policy apply to District employees, Board members, visitors and any other people using District facilities.~~

Responsibility

1. All employees are required to abide by the District smoking policy and bring the policy to the attention of non-employees as necessary.

- ~~2. The General Manager is responsible to insure that this policy is enforced in accordance with the District's Disciplinary Action Policy.~~

DRUG AND ALCOHOL ABUSE POLICY

Employee involvement with alcohol or drugs can be extremely disruptive and harmful to the work place. It can adversely affect the quality of work and the performance of employees, pose serious safety and health risks to the user and others, and have a negative impact on work efficiency, productivity, and the public's trust in the District. Accordingly, the District adopts this policy for the purpose of:

1. further enhancing safety in the work place for all employees;
2. promoting employee health;
3. maintaining a high level of quality in the service to the public;
4. providing protection against public liability; and
5. promoting the public's trust in the District.

There are two components to this policy. The first involves a general prohibition against conduct that is detrimental to the objectives of the policy and the interests of the District and its employees. The second involves methods of detecting inappropriate drug or alcohol use, including the testing of job applicants and employees for illegal drugs and/or alcohol in certain circumstances, as discussed below. For purposes of this policy, a drug will be considered an "illegal drug" if its use is prohibited or restricted by law.

Administration of This Policy

The District has designated its General Manager to answer employee questions about the District's alcohol and drug testing policy and procedures.

Definitions

Alcohol Use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol that result in a blood-alcohol concentration of 0.02-04 or higher.

Refusal to submit to an alcohol or controlled substances test means that an employee:

1. fails to provide adequate breath for alcohol testing, without a valid medical explanation;
2. fails to provide an adequate urine sample for controlled substances testing, without a genuine inability to produce a specimen (as determined by a medical evaluation); or
3. engages in conduct that clearly obstructs the testing process.

Prohibited Activities

1. No employee shall report for duty or remain on duty while having a blood-alcohol concentration of 0.04 or greater.
2. No employee shall possess alcohol while on duty.
3. No employee shall use alcohol while on duty.
- ~~3.4.~~ [No employee shall possess, carry or transport alcohol in a District vehicle.](#)
- 4.5. No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- 5.6. Employees refusing to submit to a post-accident alcohol or controlled substances test, a reasonable cause alcohol or controlled substances test, or a follow-up alcohol or controlled substances test may be subject to discipline including possible termination from employment.
- 6.7. No employee shall report for duty or remain on duty when the employee uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance does not adversely affect the employee's ability to safely perform their work.
- 7.8. No employee shall report for duty or remain on duty if the employee tests positive for controlled substances.

General Rules

The use, possession, distribution, transfer or sale of illegal drugs or alcohol, or being under the influence of illegal drugs or alcohol by any District employee as identified under prohibited activities, is strictly prohibited while on duty, while serving On-Call Duty, while on the District's premises, while performing District business, and/or while operating a vehicle or equipment owned or leased by the District. Any violation of this policy may result in disciplinary action up to and including immediate termination of employment.

Any employee who is ~~taking under the influence of~~ any medication prescribed by a physician or other medical care provider must request the physician's/medical care opinion~~provider's opinion~~ on said medication's possible effects on the employee's job performance, reflexes or judgment. If the physician/medical care provider concludes that the medication may impair the ability of the employee to perform his/her job, the employee must advise his/her supervisor immediately ~~and must advise his supervisor of that fact, and the precise type of medication involved,~~ before reporting to work.

Pre-Employment Testing

~~All job applicants applying for employment with the District must submit to and pass a drug-screening test.~~ All offers of employment are conditioned upon the successful completion

and passing of a pre-employment drug screening test ~~the testing procedure~~. A job applicant who refuses to consent to or does not pass a drug test will be denied employment.

Reasonable Cause Testing

~~When an employee's supervisor or other District superior has reasonable cause to believe that the employee is under the influence of drugs and/or alcohol at work and such use or influence may adversely affect the employee's job performance, or the safety of the employee or co-workers, alcohol and/or drug testing may be requested. The employee's refusal to be tested in this circumstance will result in disciplinary action including possible termination from employment. Reasonable cause shall exist only when a supervisor, who is trained in detection of drug use, articulates and can substantiate in writing specific behavioral, performance or contemporaneous physical indicators of being under the influence of drugs and alcohol. Cause is not reasonable, and thus not a basis for testing, if it is based solely on the observations and reports of third parties. The grounds for reasonable cause must be documented by the use of an Incident Report Form.~~

~~The following may constitute reasonable cause to believe that an employee is under the influence of drugs or alcohol:~~

- ~~1. Incoherent, slurred speech;~~
- ~~2. Odor of alcohol;~~
- ~~3. Staggering gait, disorientation, or loss of balance;~~
- ~~4. Red and/or watery eyes;~~
- ~~5. Paranoid or bizarre behavior;~~
- ~~6. Drowsiness.~~

Post-Accident Testing

Alcohol and/or drug testing may be required following any work-related accident or any violation of safety precautions or standards where there is reasonable cause to believe that drugs or alcohol caused, in whole or in part, the accident or violation.

Testing Procedures

At any of the times outlined above for testing, the District will request that an individual submit to a urine test for controlled substances or a breath test for alcohol. Testing for the

Reasonable Cause Testing

This section was moved to the Supervisor Handbook

presence of alcohol or controlled substances in one's body shall be done in accordance with the standards established by the Department of Transportation (DOT) as set forth in 49 C.F.R. 40.1 *et seq.*

Chain of Custody: These are procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. All DOT standards and procedures for Chain of Custody will be adhered to.

Laboratories: The District shall select the laboratory(ies) to perform the tests under this Policy. The laboratory(ies) shall be certified under the Department of Health and Human Service's "Mandatory Guidelines for Federal Workplace Drug Testing Programs," 55 F.R. 11970, April 11, 1988, and subsequent amendments thereto.

Testing Procedures and Protocols: All DOT testing standards and protocols shall be followed. Procedures for collecting urine specimens shall allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided. Any breath alcohol testing will be conducted in a location that affords privacy sufficient to prevent unauthorized persons from seeing or hearing test results.

Reporting and Review of Results: The laboratory will report the test results to a Medical Review Officer ("MRO") selected by the District. The MRO shall be a licensed physician responsible for receiving laboratory results generated by the District's testing program. The MRO interprets confirmed positive test results by examining alternate medical explanations for any positive test result. Prior to making a final decision to verify a positive test result for an individual, the MRO shall give the employee an opportunity to discuss the test result with him or her. The MRO will report to the District's General Manager or his designee whether an individual tested positive or negative for a prohibited substance. The District's General Manager or his designee shall notify the employee of the result of any reasonable cause or post-accident test with a verified positive result. ~~and advise the employee to contact the MRO within 24 hours to discuss the results, and the substance(s) for which the verified positive result was obtained. If the MRO has been unable to contact the employee, the District's General Manager or his designee shall make reasonable efforts to contact and request each employee who was tested to contact and discuss the results of the controlled substances test with the MRO.~~ The District's General Manager or his designee shall immediately notify the MRO that the employee has been notified to contact the MRO within 24 hours. The employee has 72 hours after learning of the verified positive test result to make a request to the MRO for re-analysis.

Individual Access to Test Results: Any employee who is the subject of a controlled substance and/or alcohol test conducted under this Policy shall, upon written request, have access to any records relating to his or her test.

Cost of Testing: The District will pay the full cost of any testing that it has requested of an applicant or employee.

Disciplinary Action: Employees found to have committed a prohibited activity as set forth above will be removed immediately from duty, and the employee will be subject to discipline in accordance with the District's Disciplinary Policy, up to and including termination of employment. Employees found to have an alcohol concentration of 0.~~02~~04 or greater, ~~but less than 0.04,~~ shall not return to work, and shall be immediately placed upon administrative leave without pay, pending consideration of disciplinary matters. Under no circumstances will such employee be permitted to work until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

~~Among the factors to be considered in determining the appropriate disciplinary response are the nature and requirements of the employee's work, length of employment, current job performance, the specific results of the test, and the history of past disciplinary actions.~~ Any employee who has engaged in conduct prohibited by this policy shall be subject to the following, in addition to any disciplinary action:

1. The District will advise the employee of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances;

Depending upon the nature of the violation, and when the District does not terminate the employee, the District may also require any or all of the following:

- ~~1.~~ (1) The employee to undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance. Return-to-duty testing shall be conducted by the EAP/substance abuse professional; and/or
- ~~2.~~ (2) The employee shall be evaluated by a substance abuse professional, selected by the District, who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use.

If the substance abuse professional, designated by the District, determines that the employee needs assistance in resolving problems associated with alcohol misuse or controlled substance abuse, the employee must properly follow any rehabilitation program prescribed by the substance abuse professional, and the employee shall be subject to unannounced follow-up alcohol and controlled substances tests as determined by the substance abuse professional. The number and frequency of such follow-up tests shall be as directed by the substance abuse professional and shall consist of at least 6 tests in the first 12 months

following the employee's return to duty. The follow-up tests may last up to 60 months from the date of the employee's return to duty.

Any follow-up alcohol testing shall be conducted only when the employee's job duties include operating a motorized vehicle or heavy equipment, just before the employee is to operate a motorized vehicle or heavy equipment on behalf of the District, or just after the employee has ceased operating a vehicle or heavy equipment on behalf of the District. Follow-up tests for controlled substances may occur at any time while the employee is at work for the District. Any verified positive follow-up test result without adequate medical explanation will be grounds for termination of employment under the District's policy. The employee shall be responsible for all costs related to the substance abuse professional, follow-up testing and rehabilitation program;

~~In the event the discipline does not result in termination the employment, the employee shall be subject to the following before returning to duty:~~

- ~~1. The employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance. Return-to-duty testing shall be conducted by the EAP/substance abuse professional.~~
- ~~2. If the substance abuse professional, designated by the District, determines that the employee needs assistance in resolving problems associated with alcohol misuse or controlled substances abuse, the employee must properly follow any rehabilitation program prescribed by the substance abuse professional, and the employee shall be subject to unannounced follow-up alcohol and controlled substances tests as determined by the substance abuse professional. The number and frequency of such follow-up tests shall be as directed by the substance abuse professional and shall consist of at least 6 tests in the first 12 months following the employee's return to duty. The follow-up tests may last up to 60 months from the date of the employee's return to duty. Any follow-up alcohol testing shall be conducted only when the employee is operating a motorized vehicle or heavy equipment on behalf of the District, just before the employee is to operate a motorized vehicle or heavy equipment on behalf of the District, or just after the employee has ceased operating a vehicle or~~

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Supervisor
Handbook

~~heavy equipment on behalf of the District. Follow-up tests for controlled substances may occur at any time while the employee is at work for the District. Any verified positive follow-up test result without adequate medical explanation will be grounds for termination of employment under the District's policy. The employee shall be responsible for all costs related to the substance abuse professional, follow-up testing and rehabilitation program; and~~

[This section was](#)

[moved to the](#)

[Supervisor Handbook](#)

~~3.~~ Employees who seek voluntary assistance for alcohol and/or substance abuse may not be disciplined for seeking such assistance. The District shall make reasonable efforts to keep requests by employees for such assistance confidential and reveal such information to other employees or management personnel only on a need-to-know basis or with the employee's consent. Such participation shall not relieve an employee of the obligation to follow the employer Policy regarding drug/alcohol use, possession or being under the influence on the job.

Prior Notice of Testing Policy The District shall provide a copy of its Drug and Alcohol Policy and any amendments thereto to all current employees following their adoption and to all new hires. The District will, periodically, remind employees regarding the provisions of the policy.

Confidentiality All information from an employee's drug and alcohol test will be used for the sole purpose of determining whether the District's policy has been violated. Every effort will be made to insure that all employee substance abuse problems will be discussed in private and actions taken will not be made known to anyone other than those with a need to know (e.g., directly involved in taking the action, the employee's supervisor or persons who are involved in the disciplinary process). All reasonable steps shall be taken to keep the fact and the results of the test confidential.

Training The District will provide employees with information regarding the importance of maintaining a drug and alcohol free workplace including:

1. the dangers of alcohol and drug abuse in the work place;
2. the District Drug and Alcohol Abuse Policy;
3. the availability of treatment and counseling for employees who voluntarily seek such assistance; and
4. the sanctions the District will impose for violations of its Drug and Alcohol Abuse Policy.

The District shall develop a program of training to assist supervisors in identifying factors which constitute reasonable cause for drug and alcohol testing.

Grievance Procedure All disputes concerning the interpretation or application of this drug and alcohol abuse testing policy will be subject to the grievance [procedure in this handbook or in and](#) ~~arbitration procedure of~~ the collective bargaining agreement, [whichever is applicable](#).

Certificate of Receipt Each employee is required to sign a statement certifying that he or she has received a copy of this policy. The District will maintain the original of the signed certificate and will provide a copy of the certificate to the employee if the employee so wishes.

DRUG TESTING POLICIES FOR DRIVERS (DOT)

Every District employee who operates a commercial motor vehicle in interstate or intrastate commerce, and is subject to the State of California commercial driver's license requirements, is also subject to the Department of Transportation's ("DOT") regulations relating to alcohol and controlled substances use and testing. The following provisions apply to such drivers.

Administration of These Policies

The District has designated its General Manager to answer employee questions about the District's alcohol and drug testing policies and procedures.

Definitions

Driver means any person who operates a commercial motor vehicle on behalf of the District. This includes, but is not limited to: regularly-employed drivers; and casual, intermittent or occasional drivers.

Commercial Motor Vehicle means a motor vehicle or combination of motor vehicles which requires the driver to maintain a California Department of Motor Vehicles Class A driver's license.

Driver safety-sensitive functions include:

1. all time waiting to be dispatched, unless the driver has been relieved from duty by the District;
2. all time inspecting equipment or inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. all driving time;
4. all time, other than driving time, in or upon any commercial motor vehicle;
5. all time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
6. all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Alcohol Use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Refusal to submit to an alcohol or controlled substances test means that a driver:

1. fails to provide adequate breath for alcohol testing, without a valid medical explanation;
2. fails to provide an adequate urine sample for controlled substances testing, without a genuine inability to produce a specimen (as determined by a medical evaluation); or
3. engages in conduct that clearly obstructs the testing process.

Prohibited Activities

1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having a blood-alcohol concentration of 0.04 or greater.
2. No driver shall possess alcohol while engaged in any safety-sensitive function.
3. No driver shall use alcohol while performing safety-sensitive functions.
4. No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
5. No driver shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable cause alcohol or controlled substances test, or a follow-up alcohol or controlled substances test.
6. No driver shall use alcohol within four hours of commencing to perform safety-sensitive functions.
7. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
8. No driver shall report for duty, remain on duty, or perform a safety-sensitive function, if the driver tests positive for controlled substances.

Types of Mandatory Testing

Drivers are required by the DOT regulations to submit to an alcohol and/or controlled substances test, administered as set forth in the "Testing Procedures" section of this Policy, under the following circumstances:

Pre-employment Testing Before a driver performs safety-sensitive functions for the first time for the District, the driver is required to undergo testing for alcohol/controlled substances at a laboratory designated by the District, and must receive a verified negative test result.

Post-Accident Testing The District shall test each surviving driver for alcohol and controlled substances as soon as practicable following an accident if:

1. the accident involved the loss of human life; or

2. the driver receives a citation for a moving violation arising from the accident, if the accident involved bodily injury to a person who receives immediate medical treatment away from the scene of the accident, or involved one or more motor vehicles incurring disabling damage requiring the motor vehicle to be transported away from the scene.

Any driver involved in an accident shall notify his or her supervisor immediately concerning the accident, unless medically unable to do so. If the supervisor is not available, the driver should immediately report the accident to another District official. Any driver involved in an accident must remain readily available for such testing. The driver's failure to make himself or herself readily available shall be deemed a refusal to submit to testing, unless the delay is caused by the need to provide medical attention for persons injured by the accident, or to obtain necessary emergency medical care. After receiving notification by the driver concerning the accident, a supervisor or other District official shall notify the driver to report for a post-accident alcohol and controlled substance test, and the driver shall report immediately to the testing site as directed.

Random Testing Drivers shall be subject to random alcohol and controlled substances testing. A driver shall only be tested randomly for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions. A driver shall be subject to random testing for controlled substances at any time while the driver is employed by the District. The District shall select driver(s) at random on a periodic basis for testing and the selected driver(s) shall report immediately for testing as directed. If the driver is performing a safety-sensitive function other than driving at the time of notification, the driver may cease performance of the safety-sensitive function and proceed for testing as soon as possible.

Reasonable Cause Testing The District shall require a driver to submit to an alcohol and/or controlled substances test when the District has reasonable cause to believe that the driver has violated any prohibition of this policy concerning alcohol and/or controlled substances. Reasonable cause shall exist only when a supervisor or District official, who is trained in detection of drug use, articulates and can substantiate in writing specific behavioral, performance or contemporaneous physical indicators of being under the influence of drugs and alcohol. Cause is not reasonable, and thus not a basis for testing, if it is based solely on the observations and reports of third parties. The grounds for reasonable cause must be documented by the use of an Incident Report Form.

The following may constitute reasonable cause to believe that an employee is under the influence of drugs or alcohol:

1. Incoherent, slurred speech;
2. Odor of alcohol;

3. Staggering gait, disorientation, or loss of balance;
4. Red and/or watery eyes;
5. Paranoid or bizarre behavior;
6. Drowsiness.

The driver shall immediately report to the testing site as directed by the supervisor or District official. The supervisor or District official who has made the required observations shall make a written record of the observations leading to the testing within 24 hours of the observed behavior or before the test results are released, whichever is earlier.

Reasonable cause alcohol testing shall occur only if the supervisor or District official has made the required observations of the driver while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

If for some reason, the reasonable cause alcohol test cannot be administered within eight hours of the incident giving rise to the testing, the District reserves the right, under its own policies prohibiting employees from working under the influence of alcohol or other controlled substances, to take disciplinary action against the driver, including the termination of the driver's employment at the District. Under no circumstances will the driver be permitted to return to work until:

1. the driver undergoes an alcohol test as directed by the District and the driver's alcohol concentration measures less than 0.02; or
2. 24 hours have elapsed following the determination by the District that reasonable cause existed to believe the driver violated the prohibitions concerning use of alcohol.

Privacy in the Collection Process Unless there is a reason to believe that the driver has previously altered a sample, or unless the driver agrees in writing, individuals shall be allowed to provide the required specimen in the privacy of a stall or otherwise partitioned area.

Return-to-Duty Testing and Follow-Up Testing Although it is District policy that a driver who engages in prohibited conduct concerning controlled substances or alcohol will be subject to termination of employment, the District may permit the driver to return to work, at the District's sole discretion and if the District determines that extenuating circumstances exist. If the District permits a driver to return to work, the District shall comply with the DOT policies. At a minimum, before returning to duty after engaging in prohibited conduct concerning alcohol, the driver shall undergo a return-to-duty alcohol test at a laboratory designated by the District, and shall not be allowed to return to work unless the results indicate an alcohol concentration of less than 0.02. At a minimum, before returning to duty after engaging in prohibited conduct concerning controlled substances, the driver shall undergo a return-to-duty controlled substances test at a

laboratory designated by the District, and shall not be permitted to return to work unless the driver receives a verified negative result.

In addition, as set forth below in the section entitled “Discipline, Evaluation, Training and Referral,” the driver shall be evaluated by a substance abuse professional designated by the District. Following a determination by the substance abuse professional that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the driver must properly follow and complete any rehabilitation program prescribed by the substance abuse professional before being permitted to return to work. In addition, the driver will be subject to unannounced follow-up alcohol and/or controlled substances testing. The number and frequency of such follow-up tests shall be as directed by the substance abuse professional, and shall consist of at least 6 tests in the first 12 months following the driver’s return to duty. The follow-up tests may last up to 60 months from the date of the driver’s return to duty.

Testing Procedures

At any of the times outlined above for mandatory testing, the District will direct an individual to submit to a urine test for controlled substances, or a breath test for alcohol. Testing for the presence of alcohol or controlled substances shall be done pursuant to federal law.

Chain of Custody These are procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. All DOT standards and procedures for Chain of Custody will be adhered to.

Laboratories The District shall select the laboratory(ies) to perform the tests under this Policy. The laboratory(ies) shall be certified pursuant to applicable law.

Testing Procedures and Protocols All DOT testing standards and protocols shall be followed. Procedures for collecting urine specimens shall allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided. Any breath alcohol testing will be conducted in a location that affords privacy sufficient to prevent unauthorized persons from seeing or hearing test results.

Reporting and Review of Results The laboratory will report the test results to a Medical Review Officer (“MRO”) selected the District. The MRO shall be a licensed physician responsible for receiving laboratory results generated by the District’s testing program. The MRO interprets confirmed positive test results by examining alternate medical explanations for any positive test

result. Prior to making a final decision to verify a positive test result for an individual, the MRO shall give the driver an opportunity to discuss the test result with him or her. The MRO will report to the District's General Manager or his designee whether an individual tested positive or negative for a prohibited substance. The District's General Manager or his designee shall make reasonable efforts to contact and notify the driver of the result of any random, reasonable cause or post-accident test with a verified positive result, whether the positive test result was for alcohol or a controlled substance, and notify the employee to contact the MRO within 24 hours to discuss the test results. ~~and the substance(s) for which the verified positive result was obtained. The District's General Manager or his designee shall make reasonable efforts to contact and request each driver who was tested to contact and discuss the results of the controlled substances test with the MRO, if the MRO has been unable to contact the driver.~~ The District's General Manager or his designee shall immediately notify the MRO that the driver has been notified to contact the MRO within 24 hours. The driver has 72 hours after learning of the verified positive test result to make a request to the MRO for re-analysis.

Individual Access to Test Results Any driver who is the subject of a controlled substance and/or alcohol test conducted under this Policy shall, upon written request, have access to any records relating to his or her test.

Discipline, Evaluation, Training and Referral

Drivers found to have engaged in a prohibited activity as set forth above will be removed immediately from duty, and the driver will be subject to discipline, including termination of employment due to the District's obligation to preserve the public safety and welfare.¹ The District may, at its sole discretion, take disciplinary action less than termination of employment.

~~Among the factors to be considered in determining the appropriate disciplinary response are the nature and requirements of the driver's work, length of employment, current job performance, the specific results of the test, and the history of past disciplinary actions.~~ Any driver who has engaged in conduct prohibited by this policy shall also be subject to the following:

1. The District will advise the driver of the resources available in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances;
2. The driver shall be evaluated by a substance abuse professional,

¹ Drivers found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall not perform or continue to perform safety-sensitive functions, and shall immediately be placed upon unpaid administrative leave, until the start of the driver's next regularly-scheduled duty period, but not less than 24 hours following administration of the test.

selected by the District, who shall determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substances use; and

3. Drivers who seek voluntary assistance for alcohol and/or substance abuse may not be disciplined for seeking such assistance. The District shall make reasonable efforts to keep requests by drivers for such assistance confidential and reveal such information to other employees or management personnel only on a need-to-know basis or with the driver's consent. Such participation shall not relieve the driver of the obligation to follow the employer Policy regarding drug/alcohol use, possession or being under the influence on the job.

In the event the District does not terminate the employment of the driver, the driver shall be subject to the following before returning to duty:

1. The driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance; and
2. If the substance abuse professional, designated by the District, determines that the driver needs assistance in resolving problems associated with alcohol misuse or controlled substances abuse, the driver must properly follow and complete any rehabilitation program prescribed by the substance abuse professional, and the driver shall be subject to unannounced follow-up alcohol and controlled substances tests as determined by the substance abuse professional. The number and frequency of such follow-up tests shall be as directed by the substance abuse professional, and shall consist of at least 6 tests in the first 12 months following the driver's return to duty. The follow-up tests may last up to 60 months from the date of the driver's return to duty. Any follow-up alcohol testing shall be conducted only when the driver is performing driver safety-sensitive functions, just before the driver is to perform driver safety-sensitive functions, or just after the driver has ceased performing driver safety-sensitive functions. Follow-up tests for controlled substances may occur at any time while the driver is employed by the District. Any verified positive test result without adequate medical explanation will be grounds for termination of employment under the District's policy. The driver shall be responsible for all costs related to the substance abuse professional and rehabilitation program.

Grievance Procedure All disputes concerning the interpretation or application of this drug and alcohol abuse testing policy will be subject to the grievance [procedure in this handbook or in and arbitration procedure of](#) the collective bargaining agreement, [whichever is applicable](#).

Certificate of Receipt Every driver who is covered by the federal alcohol and drug testing regulations as explained in these policies shall be provided with a copy of these policies. Each driver is required to sign a statement certifying that he or she has received a copy of these

policies. The District will maintain the original of the signed certificate and will provide a copy of the certificate to the driver if the driver so wishes.

HIRING OF MINORS
FOR TEMPORARY FULL-TIME AND PART-TIME POSITIONS

Except as set forth below, the District will accept applications from school age children of employees, as well as school age applicants from the general public, for temporary part-time or temporary full-time positions only. The following criteria will apply:

1. Children of Board members or Department Heads are ineligible.
2. Although not preferred, employees' children may work in the same department as their parent, but not under the parent's direct supervision.
3. Employees' children will not be given preference in the hiring process but will be evaluated together with other applicants.
4. If the District's employment of an employee's child creates problems of supervision, safety, security or morale, the District may, in its sole discretion, transfer that employee to another position if one is available for which the employee is qualified, or terminate the school-aged employee.

COMPENSATORY TIME OFF POLICY

Definition

Compensatory time off is scheduled time off taken (paid at the employee's regular rate) in lieu of receiving pay calculated at an overtime rate for overtime hours worked. Non-scheduled overtime hours worked (e.g., work of an emergency nature) will be paid in cash and not in compensatory time off.*

Eligibility

Only non-exempt regular employees are eligible for compensatory time off. ~~In addition to~~ ~~a~~All Department Heads, and administrative and professional positions exempt from the District's Overtime policy are specifically excluded from compensatory time off eligibility.

Approval

Use of ~~E~~earned compensatory time off must be approved in advance by the appropriate Department Head ~~and by the General Manager~~. Approval will be subject to the work load within the department and time off will be scheduled accordingly.

Accrual

Compensatory time shall be subject to a maximum accrual of 40 hours and employees are encouraged to take it within one year of the time earned.

Rate

Compensatory time off will be accrued at the rate of time and one-half for each hour of overtime worked (i.e., hours exceeding 40 hours per week.)**

* Reference "~~Observed Holidays for Employees on Shift or Alternate Work Schedules~~", pg. 15

** ~~In addition to all Division Chiefs, the position of Associate Engineer is specifically excluded from compensatory time off eligibility.~~

OVERTIME POLICY

Due to the vital public necessity nature of District work, overtime work may occasionally be required of full-time and part-time employees. All District employees who are not exempt under the Fair Labor Standards Act (i.e., in positions other than certain executive, administrative and professional positions), are entitled to overtime compensation for hours worked in excess of forty ([44/36 hours per week for employees on a 9/80 work schedule](#)) in a workweek. A workweek commences at 12:01 a.m. on Sunday and ends at midnight the following Saturday. The total hours claimed on the employee's time sheet shall be rounded up to the nearest quarter hour.

Scheduled Overtime

Scheduled overtime work is defined as work required outside of the employee's regular work hours (in excess of forty hours per week, [44/36](#) hours per week for employees on a 9/80 work schedule), which work is assigned with at least twelve hours advance notice. Compensation for scheduled overtime work shall be 150% of the employee's regular hourly rate (time and one-half pay). Compensatory time off may be granted in lieu of pay for scheduled overtime if requested in advance by the employee and approved by the Department Head. Compensatory time off shall be granted on the basis of one and one-half hours for each hour of overtime worked. Time spent traveling from the employees' home to the job site shall be compensated only if the employee is directed to report straight to the job site, and then only to the extent that travel time to the job site exceeds travel time to the District yard.

Non-Scheduled Overtime

Non-scheduled overtime work is defined as emergency work required outside of the employee's regular work hours (in excess of 40 hours per week, [44/36](#) hours per week for employees on a 9/80 work schedule) which is assigned with less than 12 hours advance notice. The first 2 hours of non-scheduled overtime work per day shall be compensated at 150% of the employee's regular hourly rate (time and one-half pay). Non-scheduled overtime work in excess of 2 hours shall be compensated at 200% of the employee's regular hourly rate (double time pay). Non-scheduled overtime work shall include reasonable time to travel one way from the employee's home to the District yard (or to the job site if the employee is so directed) for any additional trips required over and above the employee's normal commute requirement. The minimum time claimed for non-scheduled overtime work including travel time shall be one hour. Compensatory time off may not be earned in lieu of pay for non-scheduled overtime work.

Meetings and Conferences

Attendance at, and travel time associated with, meetings, conferences, training sessions, etc., ~~do not~~ may qualify for overtime compensation. [consistent with the law.](#)

Advance Approval Required

Except for pre-delegated emergency response work, any overtime work performed by an employee must be approved in advance by the Department Head. Pre-delegated emergency response work is work that is performed in responding to an emergency which cannot be anticipated in advance, but which work is authorized in advance by a general written delegation authority.

Exempt Employees

Certain executive, administrative and professional positions, as noted below, are exempt from the provisions of this policy and are not entitled to overtime compensation. [The positions job descriptions will identify whether or not a position is exempt or non-exempt.](#)

List of Exempt Positions

The following executive, administrative and professional positions are exempt from the District's overtime policy as noted above:

General Manager	Facilities Maintenance Superintendent
Auditor-Controller	Water Quality Supervisor
Chief Engineer	Associate Engineer
Operations/ Maintenance -Superintendent	Assistant Engineer (if registered)
Construction/ Maintenance -Superintendent	District Secretary

Call-Out Pay for Employees Receiving Housing Assistance

Employees who receive District housing assistance are subject to call-out as a condition of receiving housing assistance. In the event the employee receiving assistance is an "office" or "non-field" employee (i.e., an employee who does not turn a wrench in the field on a regular basis) the rate of pay for call-out work will be based upon the Laborer salary range. Such non-field employees are to receive pay for call-out work based upon their current salary step (six month, merit, etc.) in the Laborer classification.

Compensation for Weekend Lab Work

~~Lab on-call compensation will be paid to the assigned laboratory analyst for duty on any District holiday (full days only). When a holiday falls on a Monday, the following Saturday will be the assigned day required to complete routine laboratory work. Weekend laboratory labor on-call compensation may be provided for "emergency" conditions if approved by the General~~

~~Manager. The Lab on-call compensation will be in addition to the employee's regular or, if applicable, overtime compensation and a 2-hour minimum will apply. See also On-Call & Standby Duty Policy.~~

Meal Reimbursement Policy

Employees who perform non-scheduled overtime work in excess of four consecutive hours shall receive additional compensation of \$14.00 in lieu of a meal reimbursement for each consecutive four hours of non-scheduled overtime worked. Said additional compensation will be paid with the next regular payroll subsequent to the overtime event.

North Marin Water District

POLICY: Policy for On-Call and Stand-by Duty

BOARD POLICY NUMBER: 26

Effective Date: April 15, 2013

Last Review: January 2010

Date Approved: February 2, 2010

Purpose

The purpose of the on-call and stand-by duty program is to provide immediate attention to water and sewer system problems that occur at times other than during normal working hours.

Duties

On-Call

The duties of the on-call District employees are to respond to all after-hours calls and to resolve all problems as simply and quickly as possible. On-call personnel are expected to resolve problems over the telephone, via computer, in the field and/or to call other District personnel when assistance is needed as appropriate. On-call personnel must possess Distribution Operator certification.

Stand-By

The duties of the stand-by District employees are to respond to the on-call personnel request for assistance on holiday weekends as defined below. Stand-by duty begins at 3:30PM the day before the holiday weekend and ends at 7:00AM on the first working day after the holiday weekend. Stand-by personnel are to resolve problems or make facilities safe and secure for completion during the next regular business day. Stand-by Construction crews may include up to 3 employees from the positions of Pipeline Foreman, Heavy Equipment Operator, Pipe Worker, Pipeworker Assistant, Laborer, Field Service Representative, and Maintenance employees, at the determination of the Construction/Maintenance Superintendent.

Stand-by will be assigned on the following holiday weekends:

1. New Year's weekend (January 1) when New Year's Day falls on a Monday or Friday
2. Martin Luther King Holiday (3rd weekend in January)
3. President's Day (3rd weekend in February)
4. Memorial Day weekend (last Monday in May)
5. Independence Day weekend when July 4th falls on a Monday or Friday
6. Labor Day weekend (1st Monday of September)

7. Thanksgiving weekend (4th Thursday & Friday in November)
8. Christmas weekend (December 25) when Christmas Day falls on a Monday or Friday

The on-call and stand-by employees must be available at all times while serving this duty. This means the employee must:

1. Remain within 20 miles of the District office.
2. Remain within range of the cell phone signal.
3. On-call employee responds to calls from the answering service or automated alarm system within 15 minutes of receiving the call.
4. Stand-by employee responds to calls from on-call employee within 15 minutes of receiving call.

Construction and Maintenance on-call and stand-by duty is voluntary and any regular, full-time employee of the District that resides within 20 miles of the District, and is Distribution Operator certified, trained and capable of performing the required duties, is eligible, subject to the approval of his/her Department Head and the Construction/Maintenance Superintendent. The weekly assignment (3:30PM Tuesday to 7:00AM the following Tuesday) is rotated among the approved on-call duty employees in accordance with a schedule approved by the Construction/Maintenance Superintendent. Substitutions for the Construction and Maintenance on-call duty may be made between on-call personnel with other employees on the schedule with the prior consent of the Construction/Maintenance Superintendent or a Construction Department Foreman. The employee on the schedule shall be responsible to notify the front desk and the answering service of the substitution. Substitutions should be made only when absolutely necessary. An employee should volunteer to be on the on-call schedule for the purpose of serving on-call duty and will lose eligibility to serve on-call duty if they fail to perform the duty regularly.

Operations/Electrical Mechanical (Ops/EM) on-call and stand-by duty is required of the Distribution Collection System Operator, the Water Distribution & Treatment Plant Operators, and the Electrical Mechanical section personnel and will be rotated in accordance with a schedule approved by the Operations/Maintenance Superintendent. Substitutions for the Ops/EM on-call duty may be made between on-call personnel with other employees on the schedule with the prior consent of the Operations/Maintenance Superintendent. The employee on the schedule shall be responsible to notify the front desk, Lab, Treatment Plant On-call personnel and the Construction and Maintenance on-call personnel. The personnel in this program may utilize a District supplied laptop computer to remotely access the Operations SCADA.

Lab on-call and stand-by duty is required of the Lab personnel and will be rotated in accordance with a schedule approved by the Water Quality Supervisor. Substitutions for the Lab

on-call and stand-by duty may be made between Lab personnel with other employees on the schedule with the prior consent of the Water Quality Supervisor. The employee on the schedule shall be responsible to notify the front desk, Treatment Plant, Ops/EM, Construction, and Maintenance on-call personnel.

Consumer Services on-call duty is required of the Field Service Representatives (FSR) on those nights (typically Wednesday) when water service has been discontinued for non-payment. The on-call duty will be rotated in accordance with a schedule approved by the Consumer Services Supervisor. Substitutions for the on-call duty may be made between the FSRs with the prior consent of the Consumer Services Supervisor.

Compensation

On-call and stand-by employees are paid on a daily or weekly basis for serving on-call or stand-by duty. The compensation rates are on file with the Auditor-Controller and adjustments to these rates will be consistent with any adjustments to the District Salary Schedule.

With the prior approval of the Operations/Maintenance Superintendent, Ops/EM employees may ~~accrue~~take 3 hours of compensatory time off in lieu of each day of weekend or holiday on-call duty served.

The on-call or stand-by duty compensation is payment for all on-call or stand-by duty service except for time when the employee must respond in the field. If the assigned on-call or stand-by duty service employee must respond in the field or is called in to work, overtime shall be paid in accordance with the District's overtime policy.

Lab ~~and Consumer Services~~ on-call duty is scheduled overtime which regularly occurs. Lab and Consumer Services on-call duty may be cancelled at any time by the respective supervisor (Water Quality or Consumer Services) resulting in no on-call compensation for the cancelled on-call duty.

CELLULAR PHONE USE POLICY

Use

Cellular phones ("cell phones") are provided as a tool in the conduct of District business. Cell phones should be used only when necessary to meet the requirements of the job. Employees are responsible for managing the cost effectiveness of cell phone use by utilizing the most economical communications available for the situation. Use the radio or a landline when available and appropriate. Employees who use a District cell phone are required to review bills on a monthly basis. Department Heads will also review bills of their staff on a monthly basis and work with employees to make sure that use is appropriate and economical. Employees using a personal cell phone for business purposes may be reimbursed for business related calls with the submission of the invoice detailing the business calls, minutes and associated charges.

Personal Calls

Use of District cell phones for personal calls/[texts](#) is prohibited except in clearly urgent situations (such as when unexpectedly being required to work past the normal end of a shift) when no other telephone is available. The cost to ratepayers for personal calls is improper use of the employees' time.

Cell Phone Use Texting While Driving

In no event (except as described below for hands-free devices for incoming calls only) should any cell phone be used while driving or operating equipment (CA SB1475 and 1613).

Outgoing calls. Drivers and operators of equipment must make calls/[texts](#) from a parked position in a safe location. For vehicle drivers, this includes navigating safely to a well-lit area and parking a safe distance from the road, such as parking spaces, parking lots and rest stops.

Incoming calls. Drivers and operators of equipment should not accept incoming calls/[texts](#) while driving. Incoming calls should be picked up by the voice mail function. Once in a safe location, per above, incoming calls/[texts](#) may be retrieved and responded to. If a driver has been provided by the District with a hands-free device, it is permissible to accept an incoming call while driving.

Drivers should not make calls, ~~or~~ retrieve messages, [text or check text messages](#) while stopped at traffic lights, stop signs, [while waiting in traffic](#) or other locations that are part of travel patterns. Any employee who is operating a District vehicle and is in a driving accident and found to be using any cell phone at/near the time of the accident will be subject to the District's disciplinary policy.

Violation of Policy

Violation of this Policy may constitute just cause for disciplinary action up to and including termination of employment.

(STAFF POLICY NUMBER: 4)

NMWD COMPUTER USE POLICY

Purpose

This policy governs the use of computers by North Marin Water District (NMWD or District) employees to ensure appropriate use and District compliance with all legal requirements pertaining to computer use, acquisition and installation.

Scope

This policy applies to computers and all documents and data contained in or recoverable either electronically or in hard copy from such tools used by NMWD.

This policy applies to all computers provided by NMWD and includes computers, computer peripherals, software, laptops, palmtops, tablets, smart phones, storage media, electronic mail (e-mail), voice mail, internet access, online information services, and any other type of computerized electronic equipment, as well as computers used on NMWD's property for NMWD's business purposes.

Policy

NMWD's computers may only be used for its business purposes, except for incidental use during an employee's unpaid lunch period and before or after work as set forth below. It is the policy of NMWD to provide computers to District employees as necessary to adequately perform their assigned duties. During work hours, except during an employee's unpaid lunch period, these computers may not be used for personal purposes or any other purposes unrelated to NMWD's business. Personal use of District computers during the regular work day is prohibited. Employees may make incidental use of their District computer for personal reasons before or after their regular work day. Employees shall have no expectation that the information they [access](#), convey, create, file, [send](#) or store on NMWD computers, whether during or outside of work hours, will be confidential or private. At no time shall NMWD property including computers be used for commercial purposes outside the scope of NMWD business.

NMWD reserves the right to monitor, copy and/or retrieve the computer files, e-mail, voice mail, or any type of electronic file of any employee, without notice, for purposes, including, but not limited to; obtaining business-related information; investigating violations of this or any other NMWD policy, including, theft, disclosure of confidential business or proprietary information, using the system for personal reasons during work hours, or for monitoring work flow or productivity.

Activity reports will be generated from time to time and will include detailed information concerning computer use by NMWD employees.

Use of Computers

A. Computer Software

All software installation on the file server or Personal Computer hard drives will be coordinated through the Auditor-Controller (the A.C). No District software will be copied for use outside of the District, unless it is legal to do so, and coordinated through the A.C. All software that resides on any of NMWD's computers must be licensed to NMWD. Employees' personal software programs may be installed on NMWD's computers only after receiving advanced approval from the the A.C. Employees understand that data, files, messages and information on NMWD's computers, servers, or voice mail may be subject to disclosure, either as "public records" or pursuant to discovery in litigation.

B. Online Information Service Use

Use of online information services, such as the Internet, shall be accessed on NMWD computers only through the internet service provided by NMWD. Personal access to online information is permitted on a limited and incidental basis only during an employee's unpaid lunch period and before or after an employee's regular work day. Personal access to any internet content of a sexual nature is strictly prohibited. All software on the Internet should be considered copyrighted work. Therefore, employees are prohibited from downloading or modifying any such software without the permission of the A.C. and the copyright holder. External connections to NMWD's internal network are not permitted unless expressly authorized by the Department Head and the A.C.

C. E-mail

Electronic mail addressed to, generated by, or received on NMWD's computers or servers is the property of the NMWD. When using District e-mail, the employee is acting as a representative of NMWD, and should act accordingly so as not to damage the reputation of The District. Confidential financial or customer data should not be sent via e-mail. Employee medical, personal, or financial information must never be divulged by e-mail or other tools and storage media. Incidental personal use of the District's email system is permitted but should be kept to a minimum, comply with all other provisions of this policy and not include any personal broadcast emails. The standard for a minimal amount of messages will be established at the discretion of the Department Head or supervisor.

D. Information Retrieval

Information or files deleted by an end-user from electronic media may not be permanently deleted from the system. Employees understand that it is possible to recover end user deleted computer files, deleted e-mail, deleted voice mail messages, or any other deleted digital data at any time.

E. Virus Protection

NMWD computers have virus protection software installed; however, no virus protection software package will detect every possible virus. Employees should assume that any media from outside the District (diskettes, CD's, zip disks, Internet E-mail attachments, files downloaded from the web, etc.) could contain a virus. Unsolicited files should be extremely suspect. Do not open any file with which you have any concern or suspicion. Report immediately to the A.C. any detected virus or abnormal computer activity after receiving any media from outside the District.

F. Passwords

The District requires passwords to access computer based systems. These passwords, with a login ID, represent a specific individual to the system for security purposes. No employee should attempt to login as another individual. Passwords should be complex enough so that they cannot be easily duplicated. A combination of numbers, letters, and characters is recommended. Passwords must not be shared or compromised. If you suspect your password has been compromised, contact the A.C. for instructions on how to change your password immediately.

G. Use During Public Meetings

During District Board meetings or public committee meetings the computers will be used solely to access the District meeting materials for the current or previous meetings. Pursuant to the Ralph M. Brown Act, the use of technology hardware, including cell phones, smart phones, tablets, notebooks, computers, and other similar devices, by District staff to access the internet, receive or send phone calls, texts, emails or other types of electronic communication, during a public meeting, is not permitted.

Allowable Uses of Computers

Allowable uses of computers for NMWD's business purposes include the following:

- A. Facilitating performance of job functions;
- B. Facilitating communication of information within NMWD;
- C. Coordinating meetings of individuals, locations and resources of the NMWD;
- D. Communicating with outside organizations as required in order to perform assigned job duties.

Prohibited Uses of NMWD's Computers

Prohibited uses of NMWD computers include, but are not limited to, the following:

- A. Using the computer systems for any unlawful purpose, such as in violation of copyright or patent rights or for criminal purposes;
- B. Transmitting confidential financial or customer data or confidential personnel or medical information concerning other NMWD employees;

- C. Displaying, downloading or transmitting material, images, messages or cartoons that are sexually explicit or that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs;
- D. Displaying, downloading or transmitting messages or images that are threatening, derogatory, defamatory, obscene or otherwise inappropriate;
- E. Soliciting others for commercial or personal financial gain (including chain letters, sale of personal property, etc), political or religious lobbying, outside organizations, or other not job-related matters;
- F. Intentionally disrupting network traffic or crashing the network and connected systems (for example, sabotaging, intentionally introducing a computer virus);
- G. Accessing or attempting to access others' accounts or files without authorization and with no substantial business purpose;
- H. Vandalizing the data of another user;
- I. Forging electronic mail messages;
- J. Wasting system resources (for example, downloading unneeded files or images, "spamming" e-mail, and storing unneeded files);
- K. Using computers inappropriately, in a way deemed by NMWD to violate the intended purpose of this computer use policy.

Violations of Policy

Violations of this policy ~~will be reviewed on a case-by-case basis and may~~ shall result in disciplinary action, and may include termination, pursuant to the District's personnel policies.

(STAFF POLICY NUMBER: 40)

DRIVER'S LICENSE OFFENSES POLICY

Effective January 1, 2007, the California State Legislature enacted changes to the California Vehicle Code imposing stricter penalties for Class A and C driver DUI violations, and for Class A driver moving violations. Following are disciplinary guidelines for District supervisory staff to follow:

1. Employees whose job responsibilities include driving must immediately inform the District of any driving infraction that may jeopardize the status of their driver's license. An employee who knowingly withholds information regarding suspension of or restriction to their driver's license is subject to immediate termination of employment.
2. Suspension or restriction of a driver's license required for the employee's job may be grounds for disciplinary action, including termination of employment. If the suspension or restriction is due to a disability, the District will consider whether or not the suspension/restriction can be reasonably accommodated.

All employees who drive in the course of their job duties are subject to these disciplinary guidelines.

- 1. Minor issue with driver's license (such as letting insurance expire) not involving a license suspension** – Employee will use vacation and/or floating holiday leave to correct DMV issue. Employee may be subject to oral or written warning depending on nature of the issue.
- 2. DMV suspension due to a medical condition** - District will endeavor to work with the employee to accommodate the condition depending on District business needs at the time.

The remainder of this policy deals with DMV suspensions for other than medical conditions.

- 3. DMV suspension of driver's license of one week or less** – Employee may be subject to disciplinary suspension from work without pay for up to one day. Depending on District business needs at the time, and if it is the employee's first offense, the employee may be assigned work duties not requiring a driver's license during the DMV suspension period. If the District is unable to accommodate the employee in a non-driving capacity, the employee will not be permitted to work and may use any accrued vacation or floating holiday leave until the driver's license is reinstated.
- 4. DMV suspension of driver's license of more than one week and less than or equal to one month** - Employee may be subject to disciplinary suspension from work without

pay for up to one week. Depending on District business needs at the time, and if it is the employee's first offense, the employee may be assigned work duties not requiring a driver's license during the DMV suspension period. If the District is unable to accommodate the employee in a non-driving capacity, the employee will not be permitted to work and may use any accrued vacation or floating holiday leave until the driver's license is reinstated. No accommodation will be made for second or subsequent offenses.

5. **DMV Class A driver's license suspension greater than one month** - Employee will be demoted to a position that does not require a Class A license, if the employee is able to obtain a Class C driver's license. If the employee is unable to obtain a Class C driver's license, the employee may be subject to disciplinary action ranging from a one month suspension from work without pay up to termination of employment.
6. **DMV Class C driver's license suspension greater than one month** - Employee may be subject to disciplinary action ranging from a one month suspension from work without pay up to termination of employment.
7. **Second or subsequent driver's license suspension** - Employee may be terminated, depending on the length of suspensions, and the time between suspensions.

~~8. Employees are required to immediately inform the District of any driving infraction that may jeopardize the status of their driver's license. An employee who knowingly withholds information regarding suspension of or restriction to their driver's license are subject to immediate termination of employment.~~

Employees who wish to challenge the level of discipline herein may do so by utilizing the grievance procedure outlined in the Employee Handbook and the SEIU Memorandum of Understanding.

(STAFF POLICY NUMBER: 26)

PAYDAY NOTICE

District employees are paid semi-monthly. The pay periods are the 1st through the 15th and the 16th through the last day of each month. ~~Timesheets will be accurately completed and~~ Employees must accurately complete and submit timesheets ~~submitted~~ to the Accounting Department on the 15th and last day of the month, or if those days fall on a weekend or holiday, timesheets will be submitted the day before.

Payday is on the 5th and 20th of each month. If the 5th and/or 20th of the month fall on a weekend or holiday, payday will be the prior business day.

Employees on direct deposit will have their funds available in their individual bank accounts on payday or, many times, the day before. Existing employees are encouraged to enroll in direct deposit, and all new employees shall enroll in direct deposit. A new employee who is either opposed or unable to enroll in direct deposit may appeal this requirement to the General Manager.

PERSONAL PHONE CALLS POLICY

Incoming personal phone calls should be kept to a minimum during office hours. All personal callers should use your 4-digit extension rather than go through the receptionist. Out-going personal calls should be made during breaks and lunch hours. Cell phones are the preferred method for personal calls. Use of District telephone for private business is not appropriate.

(STAFF POLICY NUMBER: 19)

DISTRICT VEHICLES TAKEN HOME POLICY

PURPOSE: To ensure that all vehicles owned by the District are utilized in the most efficient, economical, practical and reasonable manner.

POLICY: All District vehicles and equipment shall be used exclusively for the conduct and/or execution of District business and operated by District employees. Use of District vehicles taken home is authorized only in accordance with A. and B. below. Non-Employee passengers shall be allowed in District vehicles only for the purpose of conducting District Business.

A. GUIDELINES

1. District vehicles are for official purposes only in the performance of employee job responsibilities.
2. Employees are to minimize use of District vehicles in any manner that may be perceived as "private use." However, employees may occasionally make intermediate stops to conduct personal business and in so doing shall comply with the District's Drug and Alcohol Abuse Policy.
3. Authorization for use of vehicles for home-to-work transportation on a regular basis shall be determined by the District General Manager considering the following:
 - a. Employees whose duties are critical functions that frequently involve emergency work and are regularly subject to call-outs as first responders.
 - b. Employees whose response to a District facility to procure a vehicle (with or without specialized equipment) would significantly delay response to an emergency.
 - c. Department Heads, Supervisors or employees who frequently need to use District vehicles outside normal working hours to perform work assignments.
 - d. Employees whose work duties periodically require that they begin or end the workday at locations other than their permanent reporting locations.
4. A Department Head may authorize the temporary use of a vehicle to an employee for transportation to and from work and home in connection with non-recurring exceptional work circumstances as follows:
 - a. In the event of a disaster.
 - b. Approaching winter storms.
 - c. Long weekends.
 - d. Pick up parts, materials and supplies.
 - e. Meetings, conferences and training.
 - f. Reporting directly to a field location for specific project work.
5. A Department Head may authorize the temporary use of a vehicle to an employee for transportation to and from home for those that don't normally drive to work (bicyclers, bus riders, carpoolers, van poolers and walkers) and need to get home in an emergency.
6. District vehicles shall not be driven home or to a restaurant for lunch unless the lunch stop is part of a District business meeting with persons other than District employees; except that field employees may use assigned vehicles for lunch breaks providing:
 - a. The frequency and time duration of the event, including travel time, conforms

to the terms of the Employee Handbook regarding work hours lunch time, and

- b. Access to the employee's personal vehicle, as a substitute for utilization of a District vehicle is not cost effective or practical for the District; and one field crew employee is designated to drive to one location to purchase meals for that crew's members.
7. Vehicles authorized to be taken home are assigned to specific District employees in accordance with Section A. 3 within the positions listed in Section B. The position itself is not assigned a vehicle to be taken home. Annually or upon change in an assigned employee working status or residence location, the District General Manager shall review the vehicles authorized to be taken home as listed in Section B and make adjustments thereto.

B. VEHICLES AUTHORIZED TO BE TAKEN HOME ARE LISTED BELOW:

1. Employees assigned On-Call responsibility (first responders).
2. Construction/Maintenance Superintendent
3. Distribution & Treatment Plant Supervisor.
4. Maintenance Supervisor
5. Construction Foremen
6. Maintenance Foreman
7. Treatment Plant Operator residing in West Marin
8. Employee residing in District's West Marin residence
9. Operations/Maintenance Superintendent
10. Field Service Representative when necessary to answer evening turn off calls (usually Wednesdays).

(BOARD POLICY NUMBER: 32)

GUARANTEED RIDE HOME POLICY

The *Guaranteed Ride* is available for all District employees. The *Guaranteed Ride* is a free ride home for those who carpool, ride the bus, bicycle, walk, or get dropped off to work and need to get home in an **emergency*** or for local medical appointments. This is like an insurance policy - it will take the fear out of leaving your car at home. If you need to use the *Guaranteed Ride* see your Supervisor, Department Head or Maintenance Superintendent to obtain a vehicle and schedule its return.

*An emergency is any of the following situations: accidents; sudden illnesses, situations adversely affecting the individual or their immediate family members, catastrophes, (e.g., fire, flood, robbery) causing extensive damage or loss to an individual's home or its contents; vehicle breakdowns (e.g., carpool, bicycle); carpool driver is unavailable due to an emergency; and theft of bicycle or vehicle.

(STAFF POLICY NUMBER: 11)

SAFETY POLICY

Purpose

It is the policy of North Marin Water District to provide a healthy and safe working environment. To attain this goal an active safety program will be supported by all: management, supervisors and every employee.

Responsibilities

The Safety Director, designated by the General Manager, has overall responsibility for the establishment, promotion, and enforcement of rules, regulations and procedures as may be required by CAL/OSHA, other applicable safety laws, and good practice. Responsibilities include the following:

Department Heads are responsible for safety performance and compliance within their department.

Supervisors and foremen are responsible for providing safety instruction and insisting that all safety rules are followed by all employees under their supervision and taking appropriate action to ensure compliance. Supervisors and foremen must report all unsafe conditions or practices observed or brought to the attention of the Department Head.

All employees are required to follow all safety rules and regulations and to bring unsafe conditions or practices to the attention of their supervisor or foreman.

The Safety Committee shall be made up of at least one member of each safety unit – Administration, Engineering, Construction/Maintenance, Operations, and WQ Lab/Field Administration. It will be the responsibility of the Safety Committee to make recommendations to the Safety Director to ensure an active, viable program is maintained.

The District Safety Coordinator works under the direction of the Safety Director in support of the District Safety Program.

Reporting and Record Keeping

All State or Federal reporting requirements will be maintained and filed as legally required, including, but not limited to, Cal-OSHA "Public Agency Log of Occupational Injuries and Illnesses" which shall be posted between February 1 and March 1 inclusive annually. The District ~~Secretary's Administrative Assistant~~ is responsible for maintaining all files related to Worker's Compensation Insurance claims.

Records on initial safety orientation and subsequent training will be kept in the employee personnel file.

HARASSMENT POLICY

Purpose

In compliance with the Fair Employment and Housing Act (FEHA), it is the policy of the District to create, maintain and ensure a working environment free from harassment by providing procedures to (1) prevent and (2) resolve harassment concerns perceived and/or proven to exist.

Definition of Harassment

Verbal Harassment

For example: epithets, derogatory comments or slurs on the basis of race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, gender, sexual preference, age, [gender identity, gender expression](#) or any other characteristic protected by law.

Physical Harassment

For example: assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at any individual on the basis of race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, gender, sexual preference, age, [gender identity, gender expression](#) or any other characteristic protected by law.

Visual Forms of Harassment

For example: derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, gender, sexual preference, age, [gender identity, gender expression](#) or any other characteristic protected by law.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is expressly or implicitly conditioned upon employment or an employment benefit, and/or interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Sexual harassment of District employees, customers, or applicants for employment or District services constitutes sex discrimination, and is prohibited.

District Requirements

The District will conspicuously post notice that harassment or discrimination in employment because of gender, race, color, ancestry, religion, creed, national origin, medical

disability, age, marital status, or any other characteristic protected by law, or because of a request for family and medical care leave or for pregnancy disability leave or for any other leave required by law is prohibited by law.

This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, promotion/demotion, layoff, termination, rates of pay and benefits.

Moreover, it is the stated policy of the North Marin Water District to prevent and prohibit harassment in the workplace or in work-related situations. Any employee found to have acted in violation of said policies shall be subject to appropriate disciplinary action including possible discharge.

Each employee shall receive the Department of Fair Employment and Housing (DFEH) information sheet (attached) which identifies: (1) the illegality of sexual harassment; (2) the definition of sexual harassment under applicable state and federal law; (3) a description of sexual harassment, including examples; (4) legal remedies and complaint process available through DFEH; and (5) protection from retaliation.

District employees seeking redress under this policy should make their harassment complaints known as provided below. District employees are hereby placed on notice that delay in reporting can prevent or complicate efforts to take prompt and effective corrective action.

Procedures/Responsibilities

All District employees and elected officials have the responsibility to:

1. receive, read, understand and comply with the District's harassment policy and procedures for handling harassment matters;
2. refrain from using actions or words that would be considered harassment; and refrain from creating an offensive work environment;
3. take appropriate actions to prevent and address possible harassment activities, including the following:

Any employee, who believes she or he has been harassed, or exposed to an offensive work environment due to actions or words of another employee or group of employees, should take the following steps:

1. if comfortable doing so, tell the harasser(s) that such behavior is offensive, unwanted and unwelcome, and should cease;
2. if not comfortable doing so, immediately report the complaint to her or his supervisor and/or to any Department Head and/or to the General Manager.
3. report observations of harassment to their immediate supervisor, their Department Head or the General Manager immediately.

District Department Heads and Supervisors have the additional responsibility to:

1. inform their staff that harassment behavior is unacceptable;
2. make sure that all of their employees receive, read, understand and comply with the District's harassment policy and procedures for handling harassment matters;
3. immediately inform the General Manager of any harassment issues or complaints regardless of the complainant's stated desire to pursue or not to pursue the matter;
4. upon direction from the General Manager, take prompt and corrective action, up to and including recommendation of dismissal in accordance with the applicable provisions of the District's Disciplinary Policy;
5. prohibit retaliation against an employee or applicant for employment because they have filed a harassment complaint;
6. maintain a record/file of both verbal and written complaints and actions.
7. ~~Each District supervisor shall be firm, factual, fair and friendly in his/her supervision of employees under this policy.~~ District supervisors shall at all times maintain a heightened awareness of the "Definition of Harassment" under this policy, as well as their responsibility, and that of the District, to provide a productive working environment free from harassment.

District's General Manager has the additional responsibility to:

1. ~~ensure~~ provide that all harassment complaints are promptly investigated;
2. ~~ensure~~ provide a discreet, thorough, and fair investigation;
3. meet with the complainant, when appropriate, to discuss the District's conclusions following the investigation; and
4. ensure a timely resolution to the complaint, and take any appropriate actions as a result of the investigation ~~by ensuring that all appropriate actions are taken.~~

NMWD HARASSMENT GUIDELINE (TIME LINE)

**NMWD Harassment
Guideline (Time Line)**

This section was

moved to the

Supervisor Handbook

<u>Approach to:</u>	<u>Verbal Complaint</u>	<u>Written Complaint</u>	<u>Complaint from Other (such as DFEH²)</u>
<u>Initial Complaint</u>	<u>Reported to GM³ immediately (referred to District Counsel if appropriate)</u>	<u>Complainant sends to GM, A-C and District Counsel immediately</u>	<u>Copy sent to GM, A-C, appropriate Department Head, and District Counsel immediately</u>
<u>Meeting</u>	<u>GM and/or A-C⁴ meet with the complainant within 7 working days (District Counsel involved if complainant is represented by counsel)</u>	<u>GM and/or A-C meet with complainant within 7 working days (District Counsel involved if complainant is represented)</u>	<u>GM and/or A-C, District Counsel, Risk Management meet with DFEH if requested</u>
<u>Investigation</u>	<u>GM meets with A-C within 15 working days to review investigation results (District Counsel involved if appropriate)</u>	<u>GM and/or A-C investigate with advice of District Counsel within 20 working days</u>	<u>GM and/or A-C investigates within 20 working days</u>

²Department of Fair Employment and Housing

³District's General Manager

⁴District's Auditor-Controller

<u>Findings</u>	<u>GM follows up with complainant within 7 working days of findings</u>	<u>GM and/or A-C discusses findings with complainant within 7 working days of completion of investigation</u>	<u>GM drafts response to compliance agency within 7 working days following investigation for review by District Counsel</u>
<u>Corrective Action</u>	<u>GM to take action within 10 working days of findings</u>	<u>GM to take action within 10 working days of findings</u>	<u>GM to take action within 20 working days of findings</u>
<p><u>Possible Determinations:</u></p> <p><u>a.—No harassment found if the conclusion is that the complaint lacks merit.</u></p> <p><u>b.—Inconclusive findings if the evidence is insufficient or actions are uncorroborated.</u></p> <p><u>c.—Harassment found if there is an admission or sufficient evidence that a violation occurred.</u></p>			

In cases where harassment has been found, the following disciplinary actions will be taken:

HARASSMENT
DISCIPLINARY ACTION GUIDELINES

<u>ACTION*</u>	<u>SUGGESTED DISCIPLINE**</u>
<u>Direct involvement in harassment activities</u>	<u>Apology to victim, counseling, reduction in salary, loss of merit step, suspension, demotion, or discharge</u>
<u>Repeated direct offenses</u>	<u>Suspension, demotion or discharge</u>
<u>Indirect involvement/knowledge of</u>	<u>Apology to victim, reprimand, reduction in salary, loss of merit step, or suspension</u>
<u>Repeated indirect involvement/knowledge of</u>	<u>Suspension or demotion</u>

* Refer to District Harassment Policy for definitions of unlawful harassment.

** Level of discipline commensurate with severity of offense.



SEXUAL HARASSMENT

The mission of the Department of Fair Employment and Housing is to protect the people of California from unlawful discrimination in employment, housing and public accommodations, and from the perpetration of acts of hate violence.

The Facts About Sexual Harassment

The *Fair Employment and Housing Act* (FEHA) defines sexual harassment as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. The definition of sexual harassment includes many forms of offensive behavior, including harassment of a person of the same gender as the harasser. The following is a partial list of types of sexual harassment:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Actual or threatened retaliation
- Leering; making sexual gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
- Making or using derogatory comments, epithets, slurs, or jokes
- Sexual comments including graphic comments about an individual's body; sexually degrading words used to describe an individual; or suggestive or obscene letters, notes, or invitations
- Physical touching or assault, as well as impeding or blocking movements

Employers' Obligations

All employers must take the following actions against harassment:

- Take all reasonable steps to prevent discrimination and harassment from occurring. If harassment does occur, take effective action to stop any further harassment and to correct any effects of the harassment.

- Develop and implement a sexual harassment prevention policy with a procedure for employees to make complaints and for the employer to investigate complaints. Policies should include provisions to:
 - Fully inform the complainant of his/her rights and any obligations to secure those rights.
 - Fully and effectively investigate. The investigation must be thorough, objective, and complete. Anyone with information regarding the matter should be interviewed. A determination must be made and the results communicated to the complainant, to the alleged harasser and, as appropriate, to all others directly concerned.
 - Take prompt and effective corrective action if the harassment allegations are proven. The employer must take appropriate action to stop the harassment and ensure it will not continue. The employer must also communicate to the complainant that action has been taken to stop the harassment from recurring. Finally, appropriate steps must be taken to remedy the complainant's damages, if any.
- Post the Department of Fair Employment and Housing (DFEH) employment poster (DFEH-162) in the workplace (available through the DFEH publications line, [916] 478-7201 or Web site).
- Distribution an information sheet on sexual harassment to all employees. An employer may either distribute this pamphlet (DFEH 1985) or develop an equivalent document that meets the requirements of Government Code section 12950(b). This pamphlet may be duplicated in any quantity. **However, this pamphlet is not to be used in place of a sexual harassment prevention policy, which all employers are required to have.**
- All employees should be made aware of the seriousness of violations of the sexual harassment policy and must be cautioned against using peer pressure to discourage harassment victims from complaining.
- Employers who do business in California and employ 50 or more part-time or full-time employees *must* provide at least two hours of sexual harassment training every two years to each supervisory employee and to all new supervisory employees within six months of their assumption of a supervisory position.
- A program to eliminate sexual harassment from the workplace is not only required by law, but is the most practical way for an employer to avoid or limit liability if harassment should occur despite preventive efforts.

Employer Liability

All employers, regardless of the number of employees, are covered by the harassment section of the FEHA. Employers are generally liable for harassment by their supervisors or agents. Harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassing an employee or coworker or for aiding and abetting harassment.

Additionally, the law requires employers to take "all reasonable steps to prevent harassment from occurring." If an employer has failed to take such preventive measures, that employer can be held liable for the harassment. A victim may be entitled to damages, even though no employment opportunity has been denied and there is no actual loss of pay or benefits.

In addition, if an employer knows or should have known that a **non-employee** (e.g. client or customer) has sexually harassed an employee, applicant, or person providing services for the employer and fails to take immediate and appropriate corrective action, the employer may be liable for the actions of the non-employee.

An employer might avoid liability if:

- the harasser is not in a position of authority, such as a lead, supervisor, manager or agent;
- the employer had no knowledge of the harassment;
- there was a program to prevent harassment; and
- once aware of any harassment, the employer took immediate and appropriate corrective action to stop the harassment.

Filing a Complaint

Employees or job applicants who believe that they have been sexually harassed may file a complaint of discrimination with the DFEH within **one year** of the harassment.

DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a formal accusation. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed by DFEH on behalf of the complaining party.

If the Commission finds that discrimination has occurred, it can order remedies including:

- Fines or damages for emotional distress from each employer or person found to have violated the law
- Hiring or reinstatement
- Back pay or promotion
- Changes in the policies or practices of the involved employer

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

For more information, see publication DFEH-159, "Guide for Complainants and Respondents."

For more information, contact the DFEH toll free at:
(800) 884-1684

Sacramento area & out-of-state at **(916) 478-7200**

TTY number at **(800) 700-2320**
or visit our website at www.dfeh.ca.gov

In accordance with the California Government Code and ADA requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact DFEH or the numbers above.



State of California
Department of Fair Employment & Housing

POLICY AGAINST VIOLENCE IN THE WORKPLACE

The North Marin Water District (District) expects that interaction between employees and with customers and individuals contacted in the course of business shall be conducted with civility. The safety and security of employees is of primary importance to the District and the objective of this Policy is to preserve a violence-free workplace for all employees. The following behavior will not be tolerated while on District property or while performing work for the District:

1. Threats against District employees, customers, visitors, or other individuals;
2. Threatening or aggressive behavior towards District employees, customers, visitors, or other individuals;
3. Acts of violence against District employees, customers, visitors, or other individuals.

Violation of this policy by District employees will lead to disciplinary action, up to and including, ~~but not limited to: written reprimand, suspensions, and/or~~ termination of employment.

Any person who makes threats of violence, exhibits threatening or aggressive behavior, or engages in violent acts on District property or while conducting District business, shall be removed from the premises as quickly as safety permits, and shall remain off District premises pending the outcome of an investigation. The District will investigate the situation and initiate an appropriate response, which may include, but is not limited to disciplinary action including: ~~written reprimand, suspension, and/or~~ termination of employment, bringing criminal charges against the person or persons involved, or any other action deemed appropriate by the District.

No existing District policy, practice or procedure is intended to prohibit any District employee from preventing a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing.

Obligation To Report

Every District employee has an obligation to immediately report any violence or threat of violence at work or in a work-related situation against any co-worker, supervisor, manager, Director, visitor, or any other individual. This report should be made as quickly as possible – in person, by paging system, radio, or telephone – regardless of the time of day or night that the threat or violence occurs. Reports should be made to either the general manager, department head, and to most senior supervisor on site. Supervisors and department heads have the duty

to inform the general manager of the report. If the situation warrants, the Novato Police Department or Marin County Sheriff shall also be notified.

Confidentiality

To the extent possible, an employee reporting an act of violence or the threat of violence will be accorded confidentiality. However, identities of individuals making such reports may be revealed when required during the course of an investigation or when discipline results from such reports. Investigation records will be held in the strictest confidence, to the extent permitted by law. The privacy rights of all parties involved in an investigation will be protected to the extent possible.

Retaliation

Employees reporting actual or perceived threats in good faith will not be subject to harassment or retaliation. Whether or not discipline results from an investigation of a reported instance of violence, the District does not condone retaliation of any kind against a reporting employee. Employees observing acts of retaliation or behavior suggestive of retaliation must report this to a department head or to the general manager. All employees are assured that they may report an actual, or threatened, act of violence or participate in any investigation under this Policy without fear of retaliation by the District, by a supervisor, or by another employee.

Any reports made under this Policy must be factual and based upon witnessed events, without assuming or guessing about motives, reasons, intentions, or making other subjective observations about an employee's behavior. Making false or malicious statements about other employees is against District policy and may result in disciplinary action. ~~It is against District policy to make false or malicious statements about other employees, and doing so may result in disciplinary action including written reprimand, suspension, and/or termination of employment being taken against the offending employee.~~

At Work, Or In A Work-Related Situation, District Employees Must:

1. Never make a threat, not even as a "joke." All threats will be considered serious and may result in discipline, up to and including ~~and action including written reprimand, suspension, and/or~~ termination of employment.
2. Never engage in an act of violence. Any such conduct will result in disciplinary action, up to and including termination.
3. Immediately report any threat or act of violence to your supervisor, the department head, general manager, or any member of management.

4. Never bring a weapon to work or on District property. Under this Policy, “weapon” includes firearms, a fixed blade knife or knives greater than three and one-half inches in length (except where clearly required by your job and as authorized and approved in writing by your supervisor), explosives, hazardous materials, or any item that could be reasonably be defined as a weapon.
5. Learn to recognize the early warning signs of possible impending violence listed below. If you see any of them, report it immediately to your supervisor, department head, general manager, or any member of management.
6. Written materials that promote violence or display weapons will not be brought to the District nor be received by the employee at work via U. S. mail, [email](#), or other means. If the employee receives such material at work the employee has the responsibility to make sure their name is removed from such mailing lists.

Early Warning Signs Of Possible Impending Violence

1. Any explicit or implicit threat to or about a co-worker, a supervisor or manager, or the District; especially threats of bodily injury, death, or physical damage to property.
2. Any statement expressing identification with, support for or endorsement of, or commenting favorably upon, a recent event or perpetrator of violence.
3. Any employee expressing an overwhelming concern that he or she is being persecuted by a supervisor, manager, co-worker, or the District.
4. Any employee who is involved in a physically abusive relationship with another person, or who has made threats of violence.
5. Anyone other than an authorized law enforcement officer, carrying a weapon on District premises, or in the course of doing business for or with the District.

Supervisor/Manager Responsibilities

- ~~1. Make sure that all of their employees receive, read and understand and comply with the District's Policy Against Violence in the Workplace.~~
- ~~2. Take appropriate and immediate action to prevent injury due to acts or threats of violence.~~
- ~~3. Notify the department head and/or general manager as soon as possible with details of the act or threat of violence.~~
- ~~4. Promptly investigate every reported threat or act of violence. To the extent possible, the investigation should be immediate, thorough, and objective. It should include interviews with people having knowledge of the incident. Documentation of the investigation will be maintained in a confidential file in the Administration office. To protect the privacy of the people involved, detailed information regarding investigations and subsequent actions will be maintained as confidential, to the extent possible.~~
5. Carry out appropriate preventive and disciplinary action.

Training

All employees, including managers and supervisors, shall be trained on general workplace violence prevention issues and on the specifics of this Policy. Training shall be provided when this Policy is first implemented and periodically thereafter. Training shall also be provided to new employees upon hire. Additional training will be provided to all employees whenever the District is made aware of new or previously unrecognized hazards, or whenever a change to this Policy is deemed necessary. The District may also conduct additional training for managers and supervisors, so they can better deal with potentially violent situations. Records of all training performed will be maintained a minimum of three years.

Training may include, but is not limited to, the following:

1. Explanation of the District's Workplace Violence Prevention Policy, including measures for reporting any violent acts or threats of violence.

Supervisor/Manager Responsibilities

This section was moved to the Supervisor Handbook

2. Recognition of workplace security hazards including the risk factors associated with workplace violence.
3. Measures to prevent workplace violence, including procedures for reporting workplace security hazards or threats, to managers and supervisors.
4. Suggested ways to defuse hostile or threatening situations.

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North Marin Water District

**SUPERVISOR
HANDBOOK**



February 2014

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THE DISTRICT

The North Marin Water District (NMWD) was formed in 1948 under County Water District Law to furnish an adequate water supply for the residents of the Northern Marin County area and is a growing and progressive utility. The District also furnishes recycled water to large irrigation customers in Novato. The District offices are located in the City of Novato, County of Marin, about 30 miles north of San Francisco. The community enjoys a pleasant climate and combines the advantages of suburban living with a close proximity to the metropolitan Bay Area. The area of the District is approximately 100 square miles, including areas in West Marin and Southern Sonoma counties, with an estimated population of 61,000 currently being served. The District also provides sewage collection and disposal services in the West Marin village of Oceana Marin. District administration is headed by the General Manager, who serves at the pleasure of a five-person Board of Directors, who are in turn elected by popular vote for staggered four-year terms.

MISSION STATEMENT

"We provide an adequate supply of safe, reliable and high-quality water and deliver reliable and continuous sewer services to our customers at reasonable cost consistent with good conservation practices and minimum environmental impact."

VISION STATEMENT

"We carry out our mission with a highly-motivated and competent staff empowered to conduct the District's business by placing customer needs and welfare first. We seek continual dialogue from our staff, peers, and all those we serve so that we may continually improve service to our customers."

HIRING PROCEDURE

To ensure that the hiring process runs smoothly, allow 8 to 10 weeks before the required start date. This allows adequate time for making & distributing flyers, running ads, conducting initial and final interviews, physical/drug screen testing/results, and reasonable time for the new employee to give notice to his/her current employer.

<u>Task (Time Alloted)</u>	<u>Responsibility</u>
<p><u>Week 1</u> Prepare and finalize job announcement (description/salary/benefit info). This step should be completed <u>before</u> ad is placed (2-3 days).</p> <p>Prepare advertisement, determine which newspapers/online sites to place ad. Run for 5-7 days, including one weekend. Note: set deadline for receipt of application at least one week after last printing of ad.</p>	<p>Department Head – coordinate with AC/HR/GM¹</p> <p>Coordinate with Admin Asst, with GM review</p>
<p><u>Week 2</u> Applications with DMV printouts begin to arrive.</p>	Route to Admin Asst
<p><u>Week 3</u> Application deadline approaches.</p> <p>After application deadline, enter names of applicants into spreadsheet.</p> <p>Route the DMV printouts to AC for approval</p>	<p>Admin Asst</p> <p>Admin Asst/AC</p>
<p><u>Week 4</u> Select Interview Team</p> <p>Develop interview questions (see guidelines, Attachment A).</p> <p>Interview packet created – one for each Interview Team member (Department Head gets original applications) – consisting of application and interview questions.</p> <p>Review applications (1-2 days)</p> <p>Schedule initial interviews (1-2 days)</p> <p>Send thank you letters to applicants not chosen to interview. Interview packets for these applicants returned to Admin. Asst.</p>	<p>Department Head/GM</p> <p>Department Head</p> <p>Admin Asst</p> <p>Interview Team</p> <p>Admin Asst</p> <p>Admin Asst</p>

¹ AC – Auditor-Controller
GM – General Manager
HR – Human Resources

<u>Week 5</u>	Initial interviews (2-3 days)	Interview Team
	Review data/select applicants for final interview (1-2 days)	Interview Team
	Send thank you letters to applicants not chosen for further consideration	Admin Asst
<u>Week 6</u>	Schedule final interviews (coordinate with GM – if position not classified as temporary, GM will participate in final interview) (1-2 days)	Department Head to assign
	Final interviews (2-3 days)	Interview Team
<u>Week 7</u>	Review data & select finalist (1-2 days)	Interview Team
	Contact finalist's references (see Guidelines, Attachment B).	Department Head to assign
	Admin Asst prints Checklist for New Employees and fills in top section, coordinates tasks 1-5 (Attachment C)	Admin Asst
	Submit finalist's application materials and draft offer of employment letter to HR Supervisor for review prior to contacting finalist.	Department Head
	Contact applicant to make offer of employment	Department Head
	Send offer letter confirming terms of employment	Dept Head/Admin Asst/GM
	Schedule physical/drug test (allow up to 4 days after appointment for results of physical/drug screen)	Admin Asst (all positions)
	Route physical/drug test results to Auditor-Controller for review/approval	Admin Asst/AC
	Route Checklist for New Employees to Accounting Clerk	Admin Asst
	Accounting Clerk routes Checklist for New Employees and Employee Compensation Record to GM for approval	Accounting Clerk
	GM approves Checklist for New Employee and Employee Compensation Record	General Manager
	When Checklist for New Employee and Employee Compensation Record approved by GM, HR notifies Department Head that new employee may start work	HR Supervisor
<u>Weeks 8 & 9</u>	Time period for new employee to give notice to current employer, if necessary (14 days)	
	Time period to contact alternative applicant in the event of unforeseen problem	Department Head
	Personally contact and send letters to final interview applicants not selected.	Department Head /Admin Asst

Once selection/notification processes have been completed, all outstanding interview packets must be returned to Admin. Asst. for filing/shredding. Department Head / Admin Asst

Week 10

Prior to first day of work, new employee must bring social security card or birth certificate, drivers' license and other required documentation. See attached Check List for New Employees (Attachment C – t:\hr\employment\checklist for new employees.doc). Accounting Clerk

Upon employment, safety orientation must be conducted within first two days, and documentation form placed in new employee's personnel file. Also, notify Safety Incentive Program Coordinator of new employee. Dept. Safety Representative

Upon employment, introduce new employee to: GM, A/C, HR Supervisor, Accounting Clerk Department Head

Upon employment, notify IT Department if computer network access is required. Department Head

Upon employment, review Work Boot Policy if applicable. Department Head

Upon employment, provide new employee with Employee Handbook and forward signed acknowledgement to District Secy. for inclusion in employee's personnel file. HR Supervisor

Offer Letter Form

(t:\hr\forms\offer letter.doc)

PROBATIONARY PERIOD

All new or rehired regular employees shall serve a probationary period of six months from the date of hire (date of hire means the employee's first day of employment). Employees whose date of hire is from the 1st through the 7th day of any month shall be considered to have started their probationary period as of the first day of the month, and those whose date of hire is from the 8th through the 23rd day of any month shall be considered to have started their probationary period as of the 15th day of the month. Employees whose date of hire is from the 24th through the end of the month shall be considered to have started their probationary period as of the 1st day of the month following the date of hire. Temporary employees are not subject to a probationary period.

Extension of Initial Probationary Period

At the sole discretion of the District, the initial probationary period may be extended for up to six additional months.

Promotion to a New Position

Employees shall also serve a ninety calendar-day probationary period upon promotion or transfer to a new position. Such probationary employees may be returned by the District to their prior position at any time during the ninety-day probationary period with or without cause and such decision shall not be subject to the grievance procedure.

Benefits During Probationary Period

All employees are eligible to receive Social Security, State Disability Insurance, Unemployment Insurance and Workers' Compensation benefits from their date of hire. Full-time and part-time regular employees are also eligible to participate in the District's Pension Plan from their date of hire.

Full-time and part-time regular employees may participate in the District's Group Health Insurance, Group Dental Insurance and Group Vision Care plans commencing on the first of the month following three full months of employment.

Full-time and part-time regular employees begin to accrue other benefits on the first of the month following six full months of employment or upon satisfactory completion of an extended probationary period, whichever occurs later. In the case of other probationary arrangements as stipulated by the General Manager, eligibility for benefits will be determined by the General Manager.

Termination

During the probationary period, employees shall be subject to termination at any time with or without cause and with or without notice. Probationary employees shall not have recourse to the Grievance Procedure.

MERIT PAY AWARD POLICY

Policy

It is the policy of the District to reward regular employees whose work is exemplary, whose quantity and quality of work are exceptional, whose efforts are recognized as outstanding, and whose work habits and attitudes reflect favorably on their work and on the District.

Eligibility

Each regular employee who has completed four years of employment with the District and has completed at least two years employment at salary step 4 in his/her current job category shall, subject to the provisions hereof, be eligible for consideration for all or part of the Merit Pay Award.

Consideration and Recommendation

Each Department Head shall evaluate the performance of each eligible employee in his/her department based on the Merit Pay Performance Evaluation for each such employee prepared by the employee's supervisor. Performance Evaluation forms with the Supervisor's and/or Department Head's recommendation shall be forwarded to the General Manager for review and determination. The General Manager has the discretion to decide whether to grant the Merit Pay Award as well as the amount of the Merit Pay Award, taking into consideration the recommendations of the Supervisor and/or Department Head.

Continuation of Merit Pay Award

Each Merit Pay Award previously granted shall be reviewed by the Supervisor annually, and if, in his/her opinion, continuation of the Merit Pay Award is no longer justified, his/her recommendation for decrease or discontinuance of the Merit Pay Award shall be included in a completed Merit Pay Performance Evaluation, which shall be reviewed by the Department Head and forwarded to the General Manager for review and determination.

Decrease or Discontinuance of Merit Pay Award

A Merit Pay Award may be continued only while an employee's service remains exceptional. Decrease or discontinuance may be ordered by the General Manager at any time. A Merit Pay Award which has been decreased or discontinued may be reinstated or restored up to the original amount through the usual recommendation, review and approval process, but an employee shall not normally be eligible for consideration for reinstatement up to the original amount until one year after the date of decrease or discontinuance.

Disposition of Merit Pay Evaluation

The original Merit Pay Performance Evaluation shall be filed in the employee's personnel file with a notation thereon of the action taken. District decisions regarding Merit Pay Awards including, but not limited to, whether an employee's performance warrants a Merit Pay Award, may not be appealed or grieved.

EMPLOYEE PERFORMANCE REVIEW POLICY

General

A formal employee performance review is regularly conducted for each employee to meet the following primary objectives:

1. To cause and facilitate communication between supervisors and employees about:
 - District, department and personal goals
 - Job responsibilities and performance expectations
 - Performance strengths and weaknesses
 - Impediments to meeting performance expectations
 - Ways and means to enhance performance
 - Consideration of step advancement within a position, including award and continuation of merit step, and promotion
2. To provide employees with a formal assessment of their performance and identify opportunities to enhance their skills, prepare for advancement and improve their health, safety and wellbeing.

Process and Responsibilities

Performance Review is a process consisting of four major components:

1. Discussion between the supervisor and employee about job duties, responsibilities, goals and performance expectations.
2. Ongoing discussion between the supervisor and employee about the employee's performance and ways in which it may be enhanced (through actions by the employee, the supervisor, and/or others). Acknowledge good performance immediately and address problems as soon as they arise. Observe and record specific performance examples wherever they occur.
3. A formal Performance Discussion between the employee and supervisor which is to be summarized by the supervisor on the Performance Review form.
4. Completion by the supervisor of the Performance Review form, which will normally take place:
 - Within six months from an employee's date of hire, at each period of step advancement within the position, one year between the 24-month step and merit step, and then at least annually thereafter.
 - Within 90 days after employee's promotion

The primary responsibilities in the Performance Review process are divided between the employee, the supervisor, and the Reviewer. These responsibilities are further identified in the summary instructions for the Performance Review form.

The Supervisor is the person with primary responsibility for assigning and directing the employee's work.

The Reviewer will normally be the Department head or General Manager. Performance reviews for Department heads will be conducted by the General Manager and not have a third party reviewer.

Employees are provided copies of their completed Employee Performance Review forms with the original documents included in the employee personnel file.

Forms

Employee Performance Evaluation Form

(t:\hr\forms\performance review package\employee performance evaluation form.doc)

Employee Performance Review Checklist

(t:\hr\forms\performance review package\employee performance review checklist.doc)

Supervisor Worksheet

(t:\hr\forms\performance review package\supervisor worksheet.doc)

EMPLOYEE PERFORMANCE REVIEW: SUMMARY INSTRUCTIONS FOR SUPERVISORS, EMPLOYEES, AND REVIEWERS

JOB DUTIES AND RESPONSIBILITIES: This information should be established consistent with the job position description, documented and agreed upon by the supervisor and employee at the beginning of the review period. It should be reviewed/revise prior to completion of the Employee Performance Review (EPR) form to ensure it includes any changes that may have occurred during the period. Supervisors may request employees to complete or provide input for this section. Specific performance objectives are encouraged and they should include a specific action, a measurable result and deadlines for completion when appropriate. It is recommended to use a Performance Planning Worksheet (attached) to document the position responsibilities and identify performance objectives. Employees are encouraged to sign off on the agreed upon duties, responsibilities and performance objectives but this is not mandatory. If some other work planning format has been completed and shared with the employee, it may be attached to the EPR form and referenced in this section.

Recording specific examples of performance when they occur provides a good starting point for preparing the EPR form. You need not limit input to your own observations and can solicit input and feedback from colleagues, customers and others. You may even have the employee prepare a self-review.

PERFORMANCE CATEGORIES: Refer to PERFORMANCE CATEGORY DEFINITIONS (attached) for the listed categories. The definitions should be used as an aid to assist the supervisor in preparing the review. Note that not all definitions or categories will be applicable to all employees. Supervisors may add spaces to identify additional areas of job performance to be assessed during the Review period. Additional categories must be:

- Job-related (e.g. “innovation,” “team building,” “technology utilization,” “problem analysis,” etc.)
- Identified and defined for the employee at the beginning of the review period

If any performance category does not apply, the supervisor may cross it out and mark “N/A.” For each applicable category and based on demonstrated performance during the review period, the supervisor is to check one of the following assessment categories:

- **NEEDS IMPROVEMENT:** Performance standards were not met for some of the major or overall job requirements in the category. The amount of needed improvement may be moderate to extensive. This distinction should be noted in the ACTION ITEMS and/or SUMMARY OF THE PERFORMANCE DISCUSSION sections.
- **MEETS REQUIREMENTS:** Performance standards were fully and consistently met for all major or overall job requirements in the category. This rating denotes consistently good,

solid performance.

- **EXCEEDS REQUIREMENTS:** Performance standards were consistently surpassed for all major or overall job requirements in the category. This rating denotes consistently outstanding performance which, when applicable, satisfies the District Policy for Merit Pay.

Supervisors are to complete the three narrative sections on the front side of the Review form:

- **JOB ACCOMPLISHMENTS AND/OR AREAS OF PROFICIENCY:** Highlight areas of performance strength and/or noteworthy accomplishments. Supporting examples of accomplishments/proficiency are to be noted for all performance categories rated as “Exceeds.”
- **OPPORTUNITIES FOR ENHANCING PERFORMANCE:** Areas of *relative* strength and weakness within the “Meets” performance categories are to be noted. Suggestions should be made on how performance can be further enhanced, including ways the employee might achieve “Exceeds” level of performance.
- **ACTION ITEMS FOR CATEGORIES MARKED “NEEDS IMPROVEMENT”:** All performance categories rated as “Needs Improvement” must be addressed in this section. Specific action items are to be identified. The magnitude of improvements needed to meet expectations should also be noted. The employee is to be clearly informed about what needs to be done with an expected schedule to meet performance expectations.
- **SICK LEAVE USE/ATTENDANCE DISCUSSION:** Enter the Employee Median and the District Median (from the most recent Sick Leave Chart) and the current Sick Leave Balance. The Discussion Summary would reflect the employees’ management of Sick Leave i.e. if abiding by the Sick Leave Policy and if currently has a sick leave balance reflective of years of service at District median.

SUPERVISOR/REVIEWER INITIAL BLOCKS: After completing the front side of the form, the supervisor signs it, dates it, and shares it with the reviewer. The reviewer checks for clarity, objectivity, completeness, accuracy and conformance with policy. If the reviewer concurs with the supervisor’s performance assessment he/she also signs and dates the front side. If the reviewer does not concur, the supervisor and reviewer resolve any discrepancies prior to the reviewer signing the review form. The supervisor then gives the form to the employee to review prior to the Performance Discussion.

SUMMARY OF THE PERFORMANCE DISCUSSION: To be completed by the supervisor after the supervisor and employee have met and discussed performance and any related issues. The employee should be prepared to discuss, at a minimum:

- Areas of confusion, perceived omission, or disagreement about information on the front of the form
- Circumstances/situations (if any) the employee believes may have inhibited performance
- Ways in which the supervisor and/or the organization may assist the employee enhance performance

The supervisor should be prepared to discuss, at a minimum:

- Any performance category that “Needs Improvement” including clarification of what is required and some specific ideas on how the employee might improve
- The criteria used to determine if performance “Exceeds,” “Meets,” or “Needs Improvement”
- Suggestions about specific steps/actions the employee may take to enhance current performance including opportunities to enhance skills, prepare for advancements and improve the employee health, safety and wellbeing
- A summation of the employee’s overall performance during the review period
- Responsibilities and performance expectations for the new review period

After the discussion has been summarized in writing (including a statement of overall performance for the review period), the supervisor signs and dates the form.

EMPLOYEE COMMENTS: This section is optional and employees should be encouraged to comment. The employee may provide any comments he/she believes appropriate. Comments will typically address additional employee perceptions about his/her performance and how it might be enhanced.

The employee is to sign and date the form. The employee’s signature simply signifies that he/she has seen and discussed the form. Signature does not imply agreement.

The supervisor gives the form to the reviewer who is to review it for completeness, clarity, objectivity, accuracy, and conformity to established policy. After the reviewer has signed and dated the form, the General Manager makes a summary review, signs and a copy is to be given to the employee. The original form is to go into the employee’s Personnel File.

MISCELLANEOUS: District Policy Statement – Merit Pay is to be shared or discussed with employees during each review period where Merit Pay is considered.

The employee Performance Review is only one tool that may be used in making personnel decisions. Employees may request and are to receive an explanation of any personnel decision that affects them.

A discussion with the responsible Department Head may be requested by employees at any time to address career development.

WORKERS' COMPENSATION

Eligibility

All employees are covered upon employment.

Coverage

Pays all medical expenses for job-incurred injuries.

Makes extended weekly payments after a 72-hour waiting period when employee is disabled and unable to work. Workers' Compensation benefits are integrated with a regular employee's accrued, unused sick leave benefits, if any. See restrictions on integration when the leave is also charged as family and medical leave as set forth in the Family and Medical Leave Policy.

Procedures

If you suffer a work-related injury or illness, you may be eligible for benefits under California's worker's compensation program.

If you are injured while working, report it in writing to your supervisor immediately, regardless of how minor the injury may be. Any injuries sustained at work must be reported in order to be considered valid claims under California's Workers' Compensation law. The District must be informed of any work-related injuries in order to comply with federal and state injury recordkeeping requirements.

If you are injured and treatment is required, the District Secretary will direct you to a physician of its choice for treatment. An employee who wishes to be treated by a personal physician must file a form in advance of the injury (available from the District Secretary) with the Auditor-Controller. Also, if injured, you will need to complete the Worker's Compensation Claim Form (DWC-1), available from the District Secretary, within 24 hours of your notice of injury, except in cases of an emergency. In the case of an emergency, these forms must be completed as soon as possible.

Employees should follow all instructions given by the doctor as to treatment, medication, and return visits, for their own protection against loss of compensation benefits.

After seeing a physician for a work-related injury, you are required to report directly back to your supervisor and submit the paperwork from that physician regarding your return-to-work status. If your shift has ended and/or the physician sends you home, you must contact your

supervisor prior to your return to work. If you are unable to contact your supervisor, notify your Department Head and the District Secretary.

If your work-related injury causes you to be out of work for more than three days, you must complete a "Request for Leave" form, available from the HR Supervisor. For details, see the Family and Medical Leave Policy.

It is extremely important that you follow these procedures. If you fail to keep your supervisor advised, you may be subject to disciplinary action up to and including termination of employment.

You will be permitted to return to work following an injury resulting in an absence only upon presenting to your Department Head a sufficient medical release signed by your physician.

Workers' Compensation Fraud: The District will not tolerate Workers' Compensation fraud under any circumstances. Worker's Compensation fraud is a felony, and any employee found guilty of such conduct may be subject to fines, imprisonment, and immediate discharge. Any such information should be reported in confidence to the General Manager or the Auditor-Controller. Fraudulent Workers' Compensation claims damage the District and its employees (thereby threatening employee jobs).

Cost

The District pays the cost of Workers' Compensation insurance for all employees.

RETURN TO WORK POLICY

One of the District's primary goals is to ensure that North Marin Water District remains **A Safe Place to Work**. In the event that employees become ill or injured on the job, it is the District's policy to, when possible, return injured employees to their regular job assignments as soon as they are able.

In order to assist injured employees in returning to their jobs, the District may provide temporary work assignments tailored to the physical capabilities and limitations of employees who become ill or injured on the job, and that are consistent with restrictions identified by the medical provider. Reasonable accommodations, when possible, will be identified to enable the employee to perform the essential functions of his or her regular position.

The success of our program depends on all employees understanding and adhering to the roles and responsibilities outlined in this policy. As part of the District's safety and injury management program, we have identified a number of responsible ways in which employees can help.

ROLE & RESPONSIBILITY OF ALL EMPLOYEES IN INJURY MANAGEMENT

1. Work safely. Use appropriate safety equipment and adhere to safety practices and procedures.
2. Report unsafe practices, procedures or conditions.
3. Immediately report any illness or injury (both work and non-work related) to your supervisor.

ROLE & RESPONSIBILITY OF INJURED EMPLOYEE IN INJURY MANAGEMENT

1. Report all work-related illness or injuries immediately to your supervisor.
2. Seek immediate medical attention for emergencies, and contact the Auditor-Controller to arrange for an appointment for non-emergency injuries.
3. Discuss with the medical provider the physical symptoms, current job requirements, diagnosis/prognosis and treatment plan, and effects of prescription medication.
4. Report illness/injury status and any work restrictions to your supervisor immediately after each and every medical evaluation.
5. Keep all medical appointments and follow prescribed medical restrictions, treatment, and therapy plans at work and at home.
6. If your medical provider prescribes time off work, immediately inform your supervisor and stay in contact with your supervisor at least weekly.
7. Immediately notify supervisor if job tasks in any way exacerbate the illness/injury symptoms.
8. Respond without delay to inquiries from the Workers' Compensation claims administrator and supply information when requested.
9. See the procedures in the Workers' Compensation section of the Employee Handbook.

ROLE & RESPONSIBILITY OF SUPERVISORS & MANAGERS IN INJURY MANAGEMENT

Responsibilities for Managers and Supervisors include:

Pre-Injury Planning

1. Be cognizant of high-risk activities that are prone to result in lost-time injuries and take action to mitigate the possibility of injury.
2. Regularly communicate the importance of safety.
3. Immediately take action to eliminate any hazards or unsafe behaviors as they occur.

Post-Injury Response

1. Provide caring, non-judgmental response to injured worker.
2. Arrange for employee transport to the medical provider.
3. Promptly complete first report of injury form and forward it to the Auditor-Controller.
4. Ensure employees follow the procedures in the Workers' Compensation section of the Employee Handbook.
5. Maintain weekly contact with employees out on workers' compensation leave.
6. Coordinate with employee, medical provider, and HR Supervisor to determine eligibility for FMLA and to return to work on restricted-duty or full-duty status.
7. Engage in the Interactive Process with the employee (and the Human Resources Supervisor) to explore whether employee is eligible for and what reasonable accommodations are available to return the employee to work. Document all conversations with employee during this process.
8. At least two weeks prior to the injured employee's return to work date, consult with the HR Supervisor to determine if a Fit-for-Duty exam should be scheduled.

(STAFF POLICY NUMBER: 28)

DISCIPLINARY ACTION , INCLUDING DISCHARGE,

The discipline and grievance procedures in this section apply to regular employees on, and they do not apply to probationary or temporary employees.

The levels of disciplinary action may include, but are not necessarily limited to, warning/reprimand (oral and/or written), suspension, demotion, and/or discharge. The District shall use the principals of progressive discipline in meting out disciplinary action; however, depending upon the circumstances, discipline may be imposed at any level without invoking prior disciplinary steps.

Examples of conduct that will warrant disciplinary action are: failure to meet District performance standards, excessive absenteeism, tardiness, failure to report to work, theft, dishonesty, violation of District policies.

The District may place the employee on paid or unpaid (at the discretion of the District) administrative leave at any time when a charge(s) is pending against an employee or the District or its designee is conducting an investigation concerning possible disciplinary action.

All disciplinary actions shall be reported in writing, give to the affected employee, and placed in his/her personnel file. The fact that an oral warning has been given shall be memorialized in writing (t:\hr\forms\written warning form.doc) and placed in the employee's personnel file.

Except for oral warnings, employees who wish to challenge the level of discipline may do so by utilizing the Grievance Procedure. Grievances involving written reprimands shall in the first instance be filed at Step II (of the Grievance Procedure) with the Department Head. Grievances involving other discipline, including termination of employment, shall be filed in the first instance at Step III with the General Manager. If no such appeal is filed in a timely manner, the determination of disciplinary action shall stand.

It is the responsibility of each supervisor to take or recommend disciplinary action whenever a situation warrants it.

All disciplinary actions shall be reported in writing, given to the affected employee, and placed in his/her personnel file. The fact that an oral warning has been given shall be memorialized in writing and placed in the employee's personnel file.

Each disciplinary case shall be considered on an individual basis taking into account all relevant factors including, but not limited to:

1. Nature of offense.

2. Employee's previous work, productivity and conduct record.
3. Length of service of employee concerned.

Disciplinary Action by Immediate Supervisor

When an employee engages in misconduct, violates a District policy or rule, and/or fails to meet performance expectations of the District, the immediate supervisor, upon consideration of all relevant circumstances, shall take appropriate action as follows:

Warning – Oral or Written

1. Oral warning to the employee that is memorialized in a written memorandum placed in the employee's personnel file; or
2. Written warning to the employee, placed in the employee's personnel file.
3. Copies of such documentation will be sent to the Department Head and to the HR Supervisor.

Recommendation of Suspension or Discharge

Where the employee's conduct or performance warrants more serious discipline, the supervisor may recommend suspension, demotion, pay reduction, or discharge to the Department Head concerned.

Disciplinary Action by Department Head

Unpaid Suspension, Demotion, and Reduction in Pay of Five Days or Less

Upon receipt of a supervisor's recommendation for unpaid suspension, demotion, or reduction in pay of five days or less, the Department Head shall review the matter. If the Department Head agrees with the recommendation, he/she will give the employee notice of the disciplinary action. This notice shall include:

1. the action taken, the date it will be effective and the specific grounds and particular facts upon which the disciplinary action is being taken;
2. the materials upon which the action is based or a statement indicating where the materials upon which the action is based are available for inspection, or a combination of the two; and
3. a statement informing the employee of his/her right to appeal by filing a grievance at and including Step III only of the grievance procedure below.

Unpaid Suspension, Demotion, or Reduction in Pay of More Than Five Days

Upon receipt of a supervisor's recommendation for unpaid suspension, demotion or reduction in pay of more than five days, the Department Head shall review the matter. If the Department Head agrees with the recommendation, he/she will:

1. Give the employee notice of the proposed disciplinary action. This notice shall include:
 - a) the proposed action to be taken, the date it is intended to become effective and the specific grounds and particular facts upon which the proposed disciplinary action will be taken;
 - b) the materials upon which the charge(s) is based or a statement indicating where the materials upon which the charge is based are available for inspection, or a combination of the two; and
 - c) a statement informing the employee of his/her right to respond, either orally or in writing, to the charge(s), by the date specified in the notice.
2. The District may, at any time during the time when a charge(s) is pending against an employee, place the employee on paid or unpaid (at the discretion of the District) administrative leave.
3. If the employee does not respond to the charge(s) within the time specified in the notice of proposed discipline, the proposed discipline shall take effect as described in the notice. The employee still has the right to a "post-deprivation" hearing in this circumstance. See Steps IV and V of the Grievance Procedure.
4. If the employee does respond to the charge(s) within the time specified in the notice of proposed discipline, the District shall consider the employee's response, if any, and all of the information upon which the charges(s) is based. The District shall then issue a determination on the notice of proposed discipline. If the determination includes discipline consisting of unpaid suspension, demotion or reduction in pay of more than five (5) days, the employee may appeal such determination in writing, within ten (10) calendar days of the date the District issued the determination, commencing at Step IV of the Grievance Procedure, below. If no such appeal is in a timely manner filed, the determination of disciplinary action shall stand.

Discharge

Upon receipt of a supervisor's recommendation for discharge, the Department Head shall review the matter. If the Department Head agrees with the recommendation of the supervisor, he/she shall fully inform and confer with the General Manager. If the General Manager approves, the Department Head shall take the following actions:

1. Give the employee notice of the District's intent to discharge him/her from employment at the District. This notice shall include:
 - a) the proposed discharge, the date it is intended to become effective and the specific grounds and particular facts upon which the proposed discharge will be taken;
 - b) the materials upon which the charge(s) is based or a statement indicating where the materials upon which the charge is based are available for inspection, or a combination of the two; and
 - c) a statement informing the employee of his/her right to respond, either orally or in writing, to the charge(s), by the date specified in the notice.
2. The District may, at any time during the time when a charge(s) is pending against an employee, place the employee on paid or unpaid (at the discretion of the District) administrative leave.
3. If the employee does not respond to the charge(s) within the time specified in the notice of proposed discharge, the proposed discharge shall take effect as described in the notice.
4. If the employee does respond to the charge(s) within the time specified in the notice of proposed discharge, the District shall consider the employee's response, if any, and all of the information upon which the charges(s) is based. The District shall then issue a determination on the notice of proposed discharge. If the determination includes discipline consisting of unpaid suspension, demotion or reduction in pay of more than five (5) days, or discharge, the employee may appeal such determination in writing, within ten (10) calendar days of the date the District issued the determination, commencing at Step IV of the Grievance Procedure, below. If no such appeal is in a timely manner filed, the determination of disciplinary action shall stand.

Disciplinary Action by Immediate Supervisor

When an employee engages in misconduct, violates a District policy or rule, and/or fails to meet performance expectations of the District, the immediate supervisor, upon consideration of all relevant circumstances shall take appropriate action as follows:

Warning – Oral or Written

1. Oral warning to the employee that is memorialized in a written memorandum placed in the employee's personnel file; or
2. Written warning to the employee, placed in the employee's personnel file.
3. Copies of such documentation will be sent to the Department Head and to the HR Supervisor.

Recommendation of Suspension or Discharge

Where the employee's conduct or performance warrants more serious discipline, the supervisor may recommend suspension, demotion, pay reduction, or discharge to the Department Head concerned.

Disciplinary Action by Department Head

Unpaid Suspension, Demotion, and Reduction in Pay of Five Days or Less

If a Department Head decides to propose discipline consisting of an unpaid suspension, demotion or reduction of pay of five days or less, the Department will give the employee notice of the disciplinary action. This notice shall include:

4. the action taken, the date it will be effective and the specific grounds and particular facts upon which the disciplinary action is being taken;
5. the materials upon which the action is based; and
6. a statement informing the employee of his/her right to appeal by filing a grievance at and including Step III only of the grievance procedure below.

Unpaid Suspension, Demotion, or Reduction in Pay of More Than Five Days

If the Department Head decides to propose an unpaid suspension, demotion or reduction in pay of more than five days, he/she will:

5. Give the employee notice of the proposed disciplinary action. This notice shall include:

- a) the proposed action to be taken, the date it is intended to become effective and the specific grounds and particular facts upon which the proposed disciplinary action will be taken;
 - b) the materials upon which the charge(s) is based; and
 - c) a statement informing the employee of his/her right to respond, either orally or in writing, to the charge(s), by the date specified in the notice.
6. The District may, at any time during the time when a charge(s) is pending against an employee, place the employee on paid or unpaid (at the discretion of the District) administrative leave.
 7. If the employee does not respond to the charge(s) within the time specified in the notice of proposed discipline, the proposed discipline shall take effect as described in the notice. The employee still has the right to a “post-deprivation” hearing in this circumstance. See Steps IV and V of the Grievance Procedure.
 8. If the employee does respond to the charge(s) within the time specified in the notice of proposed discipline, the District shall consider the employee’s response, if any, and all of the information upon which the charges(s) is based. The District shall then issue a determination on the notice of proposed discipline. If the determination includes discipline consisting of unpaid suspension, demotion or reduction in pay of more than five (5) days, the employee may appeal such determination in writing, within ten (10) calendar days of the date the District issued the determination, commencing at Step IV of the Grievance Procedure, below. If no such appeal is in a timely manner filed, the determination of disciplinary action shall stand.

Discharge

Upon receipt of a Department Head’s recommendation that an employee should be terminated, the General Manager shall review the matter. If the General Manager approves, the Department Head shall take the following actions:

5. Give the employee notice of the District’s intent to discharge him/her from employment at the District. This notice shall include:

- d) the proposed discharge, the date it is intended to become effective and the specific grounds and particular facts upon which the proposed discharge will be taken;
- e) the materials upon which the charge(s) is based; and
- f) a statement informing the employee of his/her right to respond, either orally or in writing, to the charge(s), by the date specified in the notice.

The District may, at any time during the time when a charge(s) is pending against an employee, place the employee on paid or unpaid (at the discretion of the District) administrative leave.

- 6. If the employee does not respond to the charge(s) within the time specified in the notice of proposed discharge, the proposed discharge shall take effect as described in the notice.
- 7. If the employee does respond to the charge(s) within the time specified in the notice of proposed discharge, the District shall consider the employee's response, if any, and all of the information upon which the charges(s) is based. The District shall then issue a determination on the notice of proposed discharge. If the determination includes discipline consisting of unpaid suspension, demotion or reduction in pay, or discharge, the employee may appeal such determination in writing, within ten (10) calendar days of the date the District issued the determination, commencing at Step IV of the Grievance Procedure, below. If no such appeal is in a timely manner filed, the determination of disciplinary action shall stand.

8.

Grievance Procedure

A grievance is an allegation by an employee that the District has violated an express provision of this handbook. For purposes of this policy, a workday is any day that the District office is open for regular business. Discipline, except for oral warnings, may be grieved. For employees covered by a MOU, the grievance procedure in the MOU will apply.

Step I. Written Notice to Immediate Supervisor. No later than two workdays after the event giving rise to the grievance, the employee must submit a written grievance to his/her immediate supervisor stating the nature of the grievance, the provision of the Handbook allegedly violated, and the nature of the remedy sought. The immediate supervisor shall give a written response to the employee within two workdays thereafter.

Step II. Appeal to the Department Head. If the employee is not satisfied with the response, he/she shall, within five workdays of the response at Step I, notify his/her Department Head in writing of the appeal. The Department Head shall confer with the employee and his/her representative, if any, and respond to the grievance within five workdays following the meeting.

Step III. Appeal to the General Manager. If the grievance is not resolved at Step II, the employee may, within five workdays of the response at Step II, file a written appeal with the General Manager or his/her designee. The General Manager or designee shall confer with the employee and his/her representative, if any, and respond to the grievance within ten workdays of that meeting. The General Manager's/designee's response shall be final and binding in all grievance matters except the disciplinary actions specified in Step IV, below.

Step IV. Appeal to the Board of Directors for Disciplinary Actions Consisting of Suspension, Demotion, or Reduction in Pay or Termination of Employment. An employee subject to disciplinary action consisting of an unpaid suspension, demotion, or reduction in pay, or a termination, may file a written appeal with the Board of Directors. Such appeals must be filed within five workdays of the date of the District's notice of determination of discipline or, if the employee did not respond to the notice, the effective date of discipline set forth in the District's notice of proposed discipline. The Board of Directors, or a subcommittee thereof, shall hold a hearing as soon as reasonable under the circumstances regarding the disciplinary action.

Step V. Advisory Arbitration. With the mutual agreement of the grievant and the Board of Directors, the grievance may be referred to Advisory Arbitration. A neutral arbitrator shall be mutually selected from a list provided by the California State Mediation and Conciliation

Service. The arbitrator selected shall conduct an informal hearing and issue an advisory opinion to the Board of Directors. The Board of Directors shall render a final and binding decision in writing to the employee within thirty days of the receipt of the arbitrator's advisory opinion, unless this time is otherwise extended in writing by the Board of Directors.

If the Board of Directors does not agree to conduct an advisory arbitration, the Board may, as an option, designate an advisor (or person not in the normal line of supervision) to advise the Board of Directors concerning the grievance. The Board of Directors shall render a final and binding decision within thirty days after its receipt of the recommendation of the fact finder.

Any final decision by the Board of Directors shall include the rationale upon which its decision is based.

Each party shall bear its own cost and fees. The cost and fees of the Arbitrator, if any, shall be split evenly between the parties.

DRUG AND ALCOHOL ABUSE POLICY

Employee involvement with alcohol or drugs can be extremely disruptive and harmful to the work place. It can adversely affect the quality of work and the performance of employees, pose serious safety and health risks to the user and others, and have a negative impact on work efficiency, productivity, and the public's trust in the District. Accordingly, the District adopts this policy for the purpose of:

1. further enhancing safety in the work place for all employees;
2. promoting employee health;
3. maintaining a high level of quality in the service to the public;
4. providing protection against public liability; and
5. promoting the public's trust in the District.

There are two components to this policy. The first involves a general prohibition against conduct that is detrimental to the objectives of the policy and the interests of the District and its employees. The second involves methods of detecting inappropriate drug or alcohol use, including the testing of job applicants and employees for illegal drugs and/or alcohol in certain circumstances, as discussed below. For purposes of this policy, a drug will be considered an "illegal drug" if its use is prohibited or restricted by law.

Administration of This Policy

The District has designated its General Manager to answer employee questions about the District's alcohol and drug testing policy and procedures.

Definitions

Alcohol Use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol that result in a blood-alcohol concentration of 0.04 or higher.

Refusal to submit to an alcohol or controlled substances test means that an employee:

1. fails to provide adequate breath for alcohol testing, without a valid medical explanation;
2. fails to provide an adequate urine sample for controlled substances testing, without a genuine inability to produce a specimen (as determined by a medical evaluation); or
3. engages in conduct that clearly obstructs the testing process.

Prohibited Activities

1. No employee shall report for duty or remain on duty while having a blood-alcohol concentration of 0.04 or greater.
2. No employee shall possess alcohol while on duty.
3. No employee shall use alcohol while on duty.
4. No employee shall possess, carry or transport alcohol in a District vehicle.
5. No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
6. Employees refusing to submit to a post-accident alcohol or controlled substances test, a reasonable cause alcohol or controlled substances test, or a follow-up alcohol or controlled substances test may be subject to discipline including possible termination from employment.
7. No employee shall report for duty or remain on duty when the employee uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance does not adversely affect the employee's ability to safely perform their work.
8. No employee shall report for duty or remain on duty if the employee tests positive for controlled substances.

General Rules

The use, possession, distribution, transfer or sale of illegal drugs or alcohol, or being under the influence of illegal drugs or alcohol by any District employee as identified under prohibited activities, is strictly prohibited while on duty, while serving On-Call Duty, while on the District's premises, while performing District business, and/or while operating a vehicle or equipment owned or leased by the District. Any violation of this policy may result in disciplinary action up to and including immediate termination of employment.

Any employee who is taking any medication prescribed by a physician or other medical care provider must request the physician's/medical care provider's opinion on said medication's possible effects on the employee's job performance, reflexes or judgment. If the physician/medical care provider concludes that the medication may impair the ability of the employee to perform his/her job, the employee must advise his/her supervisor immediately before reporting to work.

Pre-Employment Testing

All offers of employment are conditioned upon the successful completion and passing of a pre-employment drug screening test. A job applicant who refuses to consent to or does not pass a drug test will be denied employment.

Reasonable Cause Testing

When an employee's supervisor or other District superior has reasonable cause to believe that the employee is under the influence of drugs and/or alcohol at work, alcohol and/or drug testing may be requested. The employee's refusal to be tested in this circumstance will result in disciplinary action including possible termination from employment. Reasonable cause shall exist only when a supervisor, who is trained in detection of drug use, articulates and can substantiate in writing specific behavioral, performance or contemporaneous physical indicators of being under the influence of drugs and alcohol. The grounds for reasonable cause must be documented by the use of an Incident Report Form.

The following may constitute reasonable cause to believe that an employee is under the influence of drugs or alcohol:

1. Incoherent, slurred speech;
2. Odor of alcohol;
3. Staggering gait, disorientation, or loss of balance;
4. Red and/or watery eyes;
5. Paranoid or bizarre behavior; and/or
6. Drowsiness.

Post-Accident Testing

Alcohol and/or drug testing may be required following any work-related accident or any violation of safety precautions or standards where there is reasonable cause to believe that drugs or alcohol caused, in whole or in part, the accident or violation.

Testing Procedures

At any of the times outlined above for testing, the District will request that an individual submit to a urine test for controlled substances or a breath test for alcohol. Testing for the presence of alcohol or controlled substances in one's body shall be done in accordance with the standards established by the Department of Transportation (DOT) as set forth in 49 C.F.R. 40.1 *et seq.*

Chain of Custody: These are procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. All DOT standards and procedures for Chain of Custody will be adhered to.

Laboratories: The District shall select the laboratory(ies) to perform the tests under this Policy. The laboratory(ies) shall be certified under the Department of Health and Human Service's "Mandatory Guidelines for Federal Workplace Drug Testing Programs," 55 F.R. 11970, April 11, 1988, and subsequent amendments thereto.

Testing Procedures and Protocols: All DOT testing standards and protocols shall be followed. Procedures for collecting urine specimens shall allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided. Any breath alcohol testing will be conducted in a location that affords privacy sufficient to prevent unauthorized persons from seeing or hearing test results.

Reporting and Review of Results: The laboratory will report the test results to a Medical Review Officer ("MRO") selected by the District. The MRO shall be a licensed physician responsible for receiving laboratory results generated by the District's testing program. The MRO interprets confirmed positive test results by examining alternate medical explanations for any positive test result. Prior to making a final decision to verify a positive test result for an individual, the MRO shall give the employee an opportunity to discuss the test result with him or her. The MRO will report to the District's General Manager or his designee whether an individual tested positive or negative for a prohibited substance. The District's General Manager or his designee shall notify the employee of the result of any reasonable cause or post-accident test with a verified positive result, and advise the employee to contact the MRO within 24 hours to discuss the results. The District's General Manager or his designee shall immediately notify the MRO that the employee has been notified to contact the MRO within 24 hours. The employee has 72 hours after learning of the verified positive test result to make a request to the MRO for re-analysis.

Individual Access to Test Results: Any employee who is the subject of a controlled substance and/or alcohol test conducted under this Policy shall, upon written request, have access to any records relating to his or her test.

Cost of Testing: The District will pay the full cost of any testing that it has requested of an applicant or employee.

Disciplinary Action: Employees found to have committed a prohibited activity as set forth above will be removed immediately from duty, and the employee will be subject to discipline in accordance with the District's Disciplinary Policy, up to and including termination of employment. Employees found to have an alcohol concentration of 0.04 or greater shall not return to work, and shall be immediately placed upon administrative leave without pay, pending consideration of disciplinary matters. Under no circumstances will such employee be permitted to work until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

Any employee who has engaged in conduct prohibited by this policy shall be subject to the following, in addition to any disciplinary action:

1. The District will advise the employee of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances;

Depending upon the nature of the violation, and when the District does not terminate the employee, the District may also require any or all of the following:

- (1) The employee to undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance. Return-to-duty testing shall be conducted by the EAP/substance abuse professional; and/or
- (2) The employee shall be evaluated by a substance abuse professional, selected by the District, who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use.

If the substance abuse professional, designated by the District, determines that the employee needs assistance in resolving problems associated with alcohol misuse or controlled substance abuse, the employee must properly follow any rehabilitation program prescribed by the substance abuse professional, and the employee shall be subject to unannounced follow-up alcohol and controlled substances tests as determined by the substance abuse professional. The number and frequency of such follow-up tests shall be as directed by the substance abuse professional and shall consist of at least 6 tests in the first 12 months following the employee's return to duty. The follow-up tests may last up to 60 months from the date of the employee's return to duty.

Any follow-up alcohol testing shall be conducted only when the employee's job duties include operating a motorized vehicle or heavy equipment, just before the employee is to operate a motorized vehicle or heavy equipment on behalf of the District, or just after the employee has ceased operating a vehicle or heavy equipment on behalf of the District. Follow-up tests for controlled substances may occur at any time while the employee is at work for the District. Any verified positive follow-up test result without adequate medical explanation will be grounds for termination of employment under the District's policy. The employee shall be responsible for all costs related to the substance abuse professional, follow-up testing and rehabilitation program;

Employees who seek voluntary assistance for alcohol and/or substance abuse may not be disciplined for seeking such assistance. The District shall make reasonable efforts to keep requests by employees for such assistance confidential and reveal such information to other employees or management personnel only on a need-to-know basis or with the employee's consent. Such participation shall not relieve an employee of the obligation to follow the employer Policy regarding drug/alcohol use, possession or being under the influence on the job.

Prior Notice of Testing Policy The District shall provide a copy of its Drug and Alcohol Policy and any amendments thereto to all current employees following their adoption and to all new hires. The District will, periodically, remind employees regarding the provisions of the policy.

Confidentiality All information from an employee's drug and alcohol test will be used for the sole purpose of determining whether the District's policy has been violated. Every effort will be made to insure that all employee substance abuse problems will be discussed in private and actions taken will not be made known to anyone other than those with a need to know (e.g., directly involved in taking the action, the employee's supervisor or persons who are involved in

the disciplinary process). All reasonable steps shall be taken to keep the fact and the results of the test confidential.

Training The District will provide employees with information regarding the importance of maintaining a drug and alcohol free workplace including:

1. the dangers of alcohol and drug abuse in the work place;
2. the District Drug and Alcohol Abuse Policy;
3. the availability of treatment and counseling for employees who voluntarily seek such assistance; and
4. the sanctions the District will impose for violations of its Drug and Alcohol Abuse Policy.

The District shall develop a program of training to assist supervisors in identifying factors which constitute reasonable cause for drug and alcohol testing.

Grievance Procedure All disputes concerning the interpretation or application of this drug and alcohol abuse testing policy will be subject to the grievance procedure in this handbook or in the collective bargaining agreement, whichever is applicable.

Certificate of Receipt Each employee is required to sign a statement certifying that he or she has received a copy of this policy. The District will maintain the original of the signed certificate and will provide a copy of the certificate to the employee if the employee so wishes.

DRUG TESTING POLICIES FOR DRIVERS (DOT)

Every District employee who operates a commercial motor vehicle in interstate or intrastate commerce, and is subject to the State of California commercial driver's license requirements, is also subject to the Department of Transportation's ("DOT") regulations relating to alcohol and controlled substances use and testing. The following provisions apply to such drivers.

Administration of These Policies

The District has designated its General Manager to answer employee questions about the District's alcohol and drug testing policies and procedures.

Definitions

Driver means any person who operates a commercial motor vehicle on behalf of the District. This includes, but is not limited to: regularly-employed drivers; and casual, intermittent or occasional drivers.

Commercial Motor Vehicle means a motor vehicle or combination of motor vehicles which requires the driver to maintain a California Department of Motor Vehicles Class A driver's license.

Driver safety-sensitive functions include:

1. all time waiting to be dispatched, unless the driver has been relieved from duty by the District;
2. all time inspecting equipment or inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. all driving time;
4. all time, other than driving time, in or upon any commercial motor vehicle;
5. all time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
6. all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Alcohol Use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Refusal to submit to an alcohol or controlled substances test means that a driver:

1. fails to provide adequate breath for alcohol testing, without a valid medical explanation;
2. fails to provide an adequate urine sample for controlled substances testing, without a genuine inability to produce a specimen (as determined by a medical evaluation); or
3. engages in conduct that clearly obstructs the testing process.

Prohibited Activities

1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having a blood-alcohol concentration of 0.04 or greater.
2. No driver shall possess alcohol while engaged in any safety-sensitive function.
3. No driver shall use alcohol while performing safety-sensitive functions.
4. No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
5. No driver shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable cause alcohol or controlled substances test, or a follow-up alcohol or controlled substances test.
6. No driver shall use alcohol within four hours of commencing to perform safety-sensitive functions.
7. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
8. No driver shall report for duty, remain on duty, or perform a safety-sensitive function, if the driver tests positive for controlled substances.

Types of Mandatory Testing

Drivers are required by the DOT regulations to submit to an alcohol and/or controlled substances test, administered as set forth in the "Testing Procedures" section of this Policy, under the following circumstances:

Pre-employment Testing Before a driver performs safety-sensitive functions for the first time for the District, the driver is required to undergo testing for alcohol/controlled substances at a laboratory designated by the District, and must receive a verified negative test result.

Post-Accident Testing The District shall test each surviving driver for alcohol and controlled substances as soon as practicable following an accident if:

1. the accident involved the loss of human life; or

2. the driver receives a citation for a moving violation arising from the accident, if the accident involved bodily injury to a person who receives immediate medical treatment away from the scene of the accident, or involved one or more motor vehicles incurring disabling damage requiring the motor vehicle to be transported away from the scene.

Any driver involved in an accident shall notify his or her supervisor immediately concerning the accident, unless medically unable to do so. If the supervisor is not available, the driver should immediately report the accident to another District official. Any driver involved in an accident must remain readily available for such testing. The driver's failure to make himself or herself readily available shall be deemed a refusal to submit to testing, unless the delay is caused by the need to provide medical attention for persons injured by the accident, or to obtain necessary emergency medical care. After receiving notification by the driver concerning the accident, a supervisor or other District official shall notify the driver to report for a post-accident alcohol and controlled substance test, and the driver shall report immediately to the testing site as directed.

Random Testing Drivers shall be subject to random alcohol and controlled substances testing. A driver shall only be tested randomly for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions. A driver shall be subject to random testing for controlled substances at any time while the driver is employed by the District. The District shall select driver(s) at random on a periodic basis for testing and the selected driver(s) shall report immediately for testing as directed. If the driver is performing a safety-sensitive function other than driving at the time of notification, the driver may cease performance of the safety-sensitive function and proceed for testing as soon as possible.

Reasonable Cause Testing The District shall require a driver to submit to an alcohol and/or controlled substances test when the District has reasonable cause to believe that the driver has violated any prohibition of this policy concerning alcohol and/or controlled substances. Reasonable cause shall exist only when a supervisor or District official, who is trained in detection of drug use, articulates and can substantiate in writing specific behavioral, performance or contemporaneous physical indicators of being under the influence of drugs and alcohol. Cause is not reasonable, and thus not a basis for testing, if it is based solely on the observations and reports of third parties. The grounds for reasonable cause must be documented by the use of an Incident Report Form.

The following may constitute reasonable cause to believe that an employee is under the influence of drugs or alcohol:

1. Incoherent, slurred speech;

2. Odor of alcohol;
3. Staggering gait, disorientation, or loss of balance;
4. Red and/or watery eyes;
5. Paranoid or bizarre behavior;
6. Drowsiness.

The driver shall immediately report to the testing site as directed by the supervisor or District official. The supervisor or District official who has made the required observations shall make a written record of the observations leading to the testing within 24 hours of the observed behavior or before the test results are released, whichever is earlier.

Reasonable cause alcohol testing shall occur only if the supervisor or District official has made the required observations of the driver while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

If for some reason, the reasonable cause alcohol test cannot be administered within eight hours of the incident giving rise to the testing, the District reserves the right, under its own policies prohibiting employees from working under the influence of alcohol or other controlled substances, to take disciplinary action against the driver, including the termination of the driver's employment at the District. Under no circumstances will the driver be permitted to return to work until:

1. the driver undergoes an alcohol test as directed by the District and the driver's alcohol concentration measures less than 0.02; or
2. 24 hours have elapsed following the determination by the District that reasonable cause existed to believe the driver violated the prohibitions concerning use of alcohol.

Privacy in the Collection Process Unless there is a reason to believe that the driver has previously altered a sample, or unless the driver agrees in writing, individuals shall be allowed to provide the required specimen in the privacy of a stall or otherwise partitioned area.

Return-to-Duty Testing and Follow-Up Testing Although it is District policy that a driver who engages in prohibited conduct concerning controlled substances or alcohol will be subject to termination of employment, the District may permit the driver to return to work, at the District's sole discretion and if the District determines that extenuating circumstances exist. If the District permits a driver to return to work, the District shall comply with the DOT policies. At a minimum, before returning to duty after engaging in prohibited conduct concerning alcohol, the driver shall undergo a return-to-duty alcohol test at a laboratory designated by the District, and shall not be allowed to return to work unless the results indicate an alcohol concentration of less than 0.02. At a minimum, before returning to duty after engaging in prohibited conduct concerning

controlled substances, the driver shall undergo a return-to-duty controlled substances test at a laboratory designated by the District, and shall not be permitted to return to work unless the driver receives a verified negative result.

In addition, as set forth below in the section entitled “Discipline, Evaluation, Training and Referral,” the driver shall be evaluated by a substance abuse professional designated by the District. Following a determination by the substance abuse professional that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the driver must properly follow and complete any rehabilitation program prescribed by the substance abuse professional before being permitted to return to work. In addition, the driver will be subject to unannounced follow-up alcohol and/or controlled substances testing. The number and frequency of such follow-up tests shall be as directed by the substance abuse professional, and shall consist of at least 6 tests in the first 12 months following the driver’s return to duty. The follow-up tests may last up to 60 months from the date of the driver’s return to duty.

Testing Procedures

At any of the times outlined above for mandatory testing, the District will direct an individual to submit to a urine test for controlled substances, or a breath test for alcohol. Testing for the presence of alcohol or controlled substances shall be done pursuant to federal law.

Chain of Custody These are procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. All DOT standards and procedures for Chain of Custody will be adhered to.

Laboratories The District shall select the laboratory(ies) to perform the tests under this Policy. The laboratory(ies) shall be certified pursuant to applicable law.

Testing Procedures and Protocols All DOT testing standards and protocols shall be followed. Procedures for collecting urine specimens shall allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided. Any breath alcohol testing will be conducted in a location that affords privacy sufficient to prevent unauthorized persons from seeing or hearing test results.

Reporting and Review of Results The laboratory will report the test results to a Medical Review Officer (“MRO”) selected the District. The MRO shall be a licensed physician responsible for receiving laboratory results generated by the District’s testing program. The MRO interprets

confirmed positive test results by examining alternate medical explanations for any positive test result. Prior to making a final decision to verify a positive test result for an individual, the MRO shall give the driver an opportunity to discuss the test result with him or her. The MRO will report to the District's General Manager or his designee whether an individual tested positive or negative for a prohibited substance. The District's General Manager or his designee shall make reasonable efforts to contact and notify the driver of the result of any random, reasonable cause or post-accident test with a verified positive result, whether the positive test result was for alcohol or a controlled substance, and notify the employee to contact the MRO within 24 hours to discuss the test results. The District's General Manager or his designee shall immediately notify the MRO that the driver has been notified to contact the MRO within 24 hours. The driver has 72 hours after learning of the verified positive test result to make a request to the MRO for re-analysis.

Individual Access to Test Results Any driver who is the subject of a controlled substance and/or alcohol test conducted under this Policy shall, upon written request, have access to any records relating to his or her test.

Discipline, Evaluation, Training and Referral

Drivers found to have engaged in a prohibited activity as set forth above will be removed immediately from duty, and the driver will be subject to discipline, including termination of employment due to the District's obligation to preserve the public safety and welfare.² The District may, at its sole discretion, take disciplinary action less than termination of employment. Any driver who has engaged in conduct prohibited by this policy shall also be subject to the following:

1. The District will advise the driver of the resources available in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances;
2. The driver shall be evaluated by a substance abuse professional, selected by the District, who shall determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substances use; and
3. Drivers who seek voluntary assistance for alcohol and/or substance abuse may not be disciplined for seeking such assistance. The District

² Drivers found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall not perform or continue to perform safety-sensitive functions, and shall immediately be placed upon unpaid administrative leave, until the start of the driver's next regularly-scheduled duty period, but not less than 24 hours following administration of the test.

shall make reasonable efforts to keep requests by drivers for such assistance confidential and reveal such information to other employees or management personnel only on a need-to-know basis or with the driver's consent. Such participation shall not relieve the driver of the obligation to follow the employer Policy regarding drug/alcohol use, possession or being under the influence on the job.

In the event the District does not terminate the employment of the driver, the driver shall be subject to the following before returning to duty:

1. The driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance; and
2. If the substance abuse professional, designated by the District, determines that the driver needs assistance in resolving problems associated with alcohol misuse or controlled substances abuse, the driver must properly follow and complete any rehabilitation program prescribed by the substance abuse professional, and the driver shall be subject to unannounced follow-up alcohol and controlled substances tests as determined by the substance abuse professional. The number and frequency of such follow-up tests shall be as directed by the substance abuse professional, and shall consist of at least 6 tests in the first 12 months following the driver's return to duty. The follow-up tests may last up to 60 months from the date of the driver's return to duty. Any follow-up alcohol testing shall be conducted only when the driver is performing driver safety-sensitive functions, just before the driver is to perform driver safety-sensitive functions, or just after the driver has ceased performing driver safety-sensitive functions. Follow-up tests for controlled substances may occur at any time while the driver is employed by the District. Any verified positive test result without adequate medical explanation will be grounds for termination of employment under the District's policy. The driver shall be responsible for all costs related to the substance abuse professional and rehabilitation program.

Grievance Procedure All disputes concerning the interpretation or application of this drug and alcohol abuse testing policy will be subject to the grievance procedure in this handbook or in the collective bargaining agreement, whichever is applicable.

Certificate of Receipt Every driver who is covered by the federal alcohol and drug testing regulations as explained in these policies shall be provided with a copy of these policies. Each driver is required to sign a statement certifying that he or she has received a copy of these policies. The District will maintain the original of the signed certificate and will provide a copy of the certificate to the driver if the driver so wishes.

DRIVER'S LICENSE OFFENSES POLICY

Effective January 1, 2007, the California State Legislature enacted changes to the California Vehicle Code imposing stricter penalties for Class A and C driver DUI violations, and for Class A driver moving violations. Following are disciplinary guidelines for District supervisory staff to follow:

1. Employees whose job responsibilities include driving must immediately inform the District of any driving infraction that may jeopardize the status of their driver's license. An employee who knowingly withholds information regarding suspension of or restriction to their driver's license is subject to immediate termination of employment.
2. Suspension or restriction of a driver's license required for the employee's job may be grounds for disciplinary action, including termination of employment. If the suspension or restriction is due to a disability, the District will consider whether or not the suspension/restriction can be reasonably accommodated.

All employees who drive in the course of their job duties are subject to these disciplinary guidelines.

1. **Minor issue with driver's license (such as letting insurance expire) not involving a license suspension** – Employee will use vacation and/or floating holiday leave to correct DMV issue. Employee may be subject to oral or written warning depending on nature of the issue.
2. **DMV suspension due to a medical condition** - District will endeavor to work with the employee to accommodate the condition depending on District business needs at the time.

The remainder of this policy deals with DMV suspensions for other than medical conditions.

3. **DMV suspension of driver's license of one week or less** – Employee may be subject to disciplinary suspension from work without pay for up to one day. Depending on District business needs at the time, and if it is the employee's first offense, the employee may be assigned work duties not requiring a driver's license during the DMV suspension period. If the District is unable to accommodate the employee in a non-driving capacity, the employee will not be permitted to work and may use any accrued vacation or floating holiday leave until the driver's license is reinstated.
4. **DMV suspension of driver's license of more than one week and less than or equal to one month** - Employee may be subject to disciplinary suspension from work without pay for up to one week. Depending on District business needs at the time, and if it is the employee's first offense, the employee may be assigned work duties not requiring a driver's license during

the DMV suspension period. If the District is unable to accommodate the employee in a non-driving capacity, the employee will not be permitted to work and may use any accrued vacation or floating holiday leave until the driver's license is reinstated. No accommodation will be made for second or subsequent offenses.

5. **DMV Class A driver's license suspension greater than one month** - Employee will be demoted to a position that does not require a Class A license, if the employee is able to obtain a Class C driver's license. If the employee is unable to obtain a Class C driver's license, the employee may be subject to disciplinary action ranging from a one month suspension from work without pay up to termination of employment.

6. **DMV Class C driver's license suspension greater than one month** - Employee may be subject to disciplinary action ranging from a one month suspension from work without pay up to termination of employment.

7. **Second or subsequent driver's license suspension** - Employee may be terminated, depending on the length of suspensions, and the time between suspensions.

8. Employees are required to immediately inform the District of any driving infraction that may jeopardize the status of their driver's license. An employee who knowingly withholds information regarding suspension of or restriction to their driver's license are subject to immediate termination of employment.

Employees who wish to challenge the level of discipline herein may do so by utilizing the grievance procedure outlined in the Employee Handbook and the NMWD Employee Association Memorandum of Understanding.

(STAFF POLICY NUMBER: 26)

HARASSMENT POLICY

Purpose

In compliance with the Fair Employment and Housing Act (FEHA), it is the policy of the District to create, maintain and ensure a working environment free from harassment by providing procedures to (1) prevent and (2) resolve harassment concerns perceived and/or proven to exist.

Definition of Harassment

Verbal Harassment

For example: epithets, derogatory comments or slurs on the basis of race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, gender, sexual preference, age, gender identity, gender expression, or any other characteristic protected by law.

Physical Harassment

For example: assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at any individual on the basis of race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, gender, sexual preference, age, gender identity, gender expression or any other characteristic protected by law.

Visual Forms of Harassment

For example: derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, gender, sexual preference, age, gender identity, gender expression or any other characteristic protected by law.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is expressly or implicitly conditioned upon employment or an employment benefit, and/or interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Sexual harassment of District employees, customers, or applicants for employment or District services constitutes sex discrimination, and is prohibited.

District Requirements

The District will conspicuously post notice that harassment or discrimination in employment because of gender, race, color, ancestry, religion, creed, national origin, medical disability, age, marital status, or any other characteristic protected by law, or because of a request for family and medical care leave or for pregnancy disability leave or for any other leave required by law is prohibited by law.

This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, promotion/demotion, layoff, termination, rates of pay and benefits.

Moreover, it is the stated policy of the North Marin Water District to prevent and prohibit harassment in the workplace or in work-related situations. Any employee found to have acted in violation of said policies shall be subject to appropriate disciplinary action including possible discharge.

Each employee shall receive the Department of Fair Employment and Housing (DFEH) information sheet (attached) which identifies: (1) the illegality of sexual harassment; (2) the definition of sexual harassment under applicable state and federal law; (3) a description of sexual harassment, including examples; (4) legal remedies and complaint process available through DFEH; and (5) protection from retaliation.

District employees seeking redress under this policy should make their harassment complaints known as provided below. District employees are hereby placed on notice that delay in reporting can prevent or complicate efforts to take prompt and effective corrective action.

Procedures/Responsibilities

All District employees and elected officials have the responsibility to:

1. receive, read, understand and comply with the District's harassment policy and procedures for handling harassment matters;
2. refrain from using actions or words that would be considered harassment; and refrain from creating an offensive work environment;
3. take appropriate actions to prevent and address possible harassment activities, including the following:

Any employee, who believes she or he has been harassed, or exposed to an offensive work environment due to actions or words of another employee or group of employees, should take the following steps:

1. if comfortable doing so, tell the harasser(s) that such behavior is offensive, unwanted and unwelcome, and should cease;

2. if not comfortable doing so, immediately report the complaint to her or his supervisor and/or to any Department Head and/or to the General Manager.
3. report observations of harassment to their immediate supervisor, their Department Head or the General Manager immediately.

District Department Heads and Supervisors have the additional responsibility to:

1. inform their staff that harassment behavior is unacceptable;
2. make sure that all of their employees receive, read, understand and comply with the District's harassment policy and procedures for handling harassment matters;
3. immediately inform the General Manager of any harassment issues or complaints regardless of the complainant's stated desire to pursue or not to pursue the matter;
4. upon direction from the General Manager, take prompt and corrective action, up to and including recommendation of dismissal in accordance with the applicable provisions of the District's Disciplinary Policy;
5. prohibit retaliation against an employee or applicant for employment because they have filed a harassment complaint;
6. maintain a record/file of both verbal and written complaints and actions.
7. District supervisors shall at all times maintain a heightened awareness of the "Definition of Harassment" under this policy, as well as their responsibility, and that of the District, to provide a productive working environment free from harassment.

District's General Manager has the additional responsibility to:

1. provide that all harassment complaints are promptly investigated;
2. provide a discreet, thorough, and fair investigation;
3. meet with the complainant, when appropriate, to discuss the District's conclusions following the investigation; and
4. ensure a timely resolution to the complaint, and take any appropriate actions as a result of the investigation.

NMWD HARASSMENT GUIDELINE (TIME LINE)

Approach to:	Verbal Complaint	Written Complaint	Complaint from Other (such as DFEH ³)
Initial Complaint	Reported to GM ⁴ immediately (referred to District Counsel if appropriate)	Complainant sends to GM, A-C and District Counsel immediately	Copy sent to GM, A-C, appropriate Department Head, and District Counsel immediately
Meeting	GM and/or A-C ⁵ meet with the complainant within 7 working days (District Counsel involved if complainant is represented by counsel)	GM and/or A-C meet with complainant within 7 working days (District Counsel involved if complainant is represented)	GM and/or A-C, District Counsel, Risk Management meet with DFEH if requested
Investigation	GM meets with A-C within 15 working days to review investigation results (District Counsel involved if appropriate)	GM and/or A-C investigate with advice of District Counsel within 20 working days	GM and/or A-C investigates within 20 working days
Findings	GM follows up with complainant within 7 working days of findings	GM and/or A-C discusses findings with complainant within 7 working days of completion of investigation	GM drafts response to compliance agency within 7 working days following investigation for review by District Counsel
Corrective Action	GM to take action within 10 working days of findings	GM to take action within 10 working days of findings	GM to take action within 20 working days of findings
Possible Determinations: a. No harassment found if the conclusion is that the complaint lacks merit. b. Inconclusive findings if the evidence is insufficient or actions are uncorroborated. c. Harassment found if there is an admission or sufficient evidence that a violation occurred.			

In cases where harassment has been found, the following disciplinary actions will be taken:

³Department of Fair Employment and Housing

⁴District's General Manager

⁵District's Auditor-Controller

HARASSMENT
DISCIPLINARY ACTION GUIDELINES

ACTION*	SUGGESTED DISCIPLINE**
Direct involvement in harassment activities	Apology to victim, counseling, reduction in salary, loss of merit step, suspension, demotion, or discharge
Repeated direct offenses	Suspension, demotion or discharge
Indirect involvement/knowledge of	Apology to victim, reprimand, reduction in salary, loss of merit step, or suspension
Repeated indirect involvement/knowledge of	Suspension or demotion

* Refer to District Harassment Policy for definitions of unlawful harassment.

** Level of discipline commensurate with severity of offense.



SEXUAL HARASSMENT

The mission of the Department of Fair Employment and Housing is to protect the people of California from unlawful discrimination in employment, housing and public accommodations, and from the perpetration of acts of hate violence.

The Facts About Sexual Harassment

The *Fair Employment and Housing Act* (FEHA) defines sexual harassment as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. The definition of sexual harassment includes many forms of offensive behavior, including harassment of a person of the same gender as the harasser. The following is a partial list of types of sexual harassment:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Actual or threatened retaliation
- Leering; making sexual gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
- Making or using derogatory comments, epithets, slurs, or jokes
- Sexual comments including graphic comments about an individual's body; sexually degrading words used to describe an individual; or suggestive or obscene letters, notes, or invitations
- Physical touching or assault, as well as impeding or blocking movements

Employers' Obligations

All employers must take the following actions against harassment:

- Take all reasonable steps to prevent discrimination and harassment from occurring. If harassment does occur, take effective action to stop any further harassment and to correct any effects of the harassment.
- Develop and implement a sexual harassment prevention policy with a procedure for employees to make complaints and for the employer to investigate complaints. Policies should include provisions to:
 - Fully inform the complainant of his/her rights and any obligations to secure those rights.

- Fully and effectively investigate. The investigation must be thorough, objective, and complete. Anyone with information regarding the matter should be interviewed. A determination must be made and the results communicated to the complainant, to the alleged harasser and, as appropriate, to all others directly concerned.
- Take prompt and effective corrective action if the harassment allegations are proven. The employer must take appropriate action to stop the harassment and ensure it will not continue. The employer must also communicate to the complainant that action has been taken to stop the harassment from recurring. Finally, appropriate steps must be taken to remedy the complainant's damages, if any.
- Post the Department of Fair Employment and Housing (DFEH) employment poster (DFEH-162) in the workplace (available through the DFEH publications line, [916] 478-7201 or Web site).
- Distribution an information sheet on sexual harassment to all employees. An employer may either distribute this pamphlet (DFEH 1985) or develop an equivalent document that meets the requirements of Government Code section 12950(b). This pamphlet may be duplicated in any quantity. **However, this pamphlet is not to be used in place of a sexual harassment prevention policy, which all employers are required to have.**
- All employees should be made aware of the seriousness of violations of the sexual harassment policy and must be cautioned against using peer pressure to discourage harassment victims from complaining.
- Employers who do business in California and employ 50 or more part-time or full-time employees *must* provide at least two hours of sexual harassment training every two years to each supervisory employee and to all new supervisory employees within six months of their assumption of a supervisory position.
- A program to eliminate sexual harassment from the workplace is not only required by law, but is the most practical way for an employer to avoid or limit liability if harassment should occur despite preventive efforts.

Employer Liability

All employers, regardless of the number of employees, are covered by the harassment section of the FEHA. Employers are generally liable for harassment by their supervisors or agents. Harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassing an employee or coworker or for aiding and abetting harassment.

Additionally, the law requires employers to take "all reasonable steps to prevent harassment from occurring." If an employer has failed to take such preventive measures, that employer can be held liable for the harassment. A victim may be entitled to damages, even though no employment opportunity has been denied and there is no actual loss of pay or benefits.

In addition, if an employer knows or should have known that a **non-employee** (e.g. client or customer) has sexually harassed an employee, applicant, or person providing services for the employer and fails to take immediate and appropriate corrective action, the employer may be liable for the actions of the non-employee.

An employer might avoid liability if:

- the harasser is not in a position of authority, such as a lead, supervisor, manager or agent;
- the employer had no knowledge of the harassment;
- there was a program to prevent harassment; and
- once aware of any harassment, the employer took immediate and appropriate corrective action to stop the harassment.

Filing a Complaint

Employees or job applicants who believe that they have been sexually harassed may file a complaint of discrimination with the DFEH within **one year** of the harassment.

DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a formal accusation. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed by DFEH on behalf of the complaining party.

If the Commission finds that discrimination has occurred, it can order remedies including:

- Fines or damages for emotional distress from each employer or person found to have violated the law
- Hiring or reinstatement
- Back pay or promotion
- Changes in the policies or practices of the involved employer

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

For more information, see publication DFEH-159, "Guide for Complainants and Respondents."

For more information, contact the DFEH toll free at:
(800) 884-1684

Sacramento area & out-of-state at **(916) 478-7200**

TTY number at **(800) 700-2320**
or visit our website at www.dfeh.ca.gov

In accordance with the California Government Code and ADA requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact DFEH or the numbers above.

POLICY AGAINST VIOLENCE IN THE WORKPLACE

The North Marin Water District (District) expects that interaction between employees and with customers and individuals contacted in the course of business shall be conducted with civility. The safety and security of employees is of primary importance to the District and the objective of this Policy is to preserve a violence-free workplace for all employees. The following behavior will not be tolerated while on District property or while performing work for the District:

1. Threats against District employees, customers, visitors, or other individuals;
2. Threatening or aggressive behavior towards District employees, customers, visitors, or other individuals;
3. Acts of violence against District employees, customers, visitors, or other individuals.

Violation of this policy by District employees will lead to disciplinary action, up to and including termination of employment.

Any person who makes threats of violence, exhibits threatening or aggressive behavior, or engages in violent acts on District property or while conducting District business, shall be removed from the premises as quickly as safety permits, and shall remain off District premises pending the outcome of an investigation. The District will investigate the situation and initiate an appropriate response, which may include, but is not limited to disciplinary action including: termination of employment, bringing criminal charges against the person or persons involved, or any other action deemed appropriate by the District.

No existing District policy, practice or procedure is intended to prohibit any District employee from preventing a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing.

Obligation To Report

Every District employee has an obligation to immediately report any violence or threat of violence at work or in a work-related situation against any co-worker, supervisor, manager, Director, visitor, or any other individual. This report should be made as quickly as possible – in person, by paging system, radio, or telephone – regardless of the time of day or night that the threat or violence occurs. Reports should

be made to either the general manager, department head, and to most senior supervisor on site. Supervisors and department heads have the duty to inform the general manager of the report. If the situation warrants, the Novato Police Department or Marin County Sheriff shall also be notified.

Confidentiality

To the extent possible, an employee reporting an act of violence or the threat of violence will be accorded confidentiality. However, identities of individuals making such reports may be revealed when required during the course of an investigation or when discipline results from such reports. Investigation records will be held in the strictest confidence, to the extent permitted by law. The privacy rights of all parties involved in an investigation will be protected to the extent possible.

Retaliation

Employees reporting actual or perceived threats in good faith will not be subject to harassment or retaliation. Whether or not discipline results from an investigation of a reported instance of violence, the District does not condone retaliation of any kind against a reporting employee. Employees observing acts of retaliation or behavior suggestive of retaliation must report this to a department head or to the general manager. All employees are assured that they may report an actual, or threatened, act of violence or participate in any investigation under this Policy without fear of retaliation by the District, by a supervisor, or by another employee.

Any reports made under this Policy must be factual and based upon witnessed events, without assuming or guessing about motives, reasons, intentions, or making other subjective observations about an employee's behavior. Making false or malicious statements about other employees is against District policy and may result in disciplinary action.

At Work, Or In A Work-Related Situation, District Employees Must:

1. Never make a threat, not even as a "joke." All threats will be considered serious and may result in discipline, up to and including termination of employment.
2. Never engage in an act of violence. Any such conduct will result in disciplinary action, up to and including termination.

3. Immediately report any threat or act of violence to your supervisor, the department head, general manager, or any member of management.
4. Never bring a weapon to work or on District property. Under this Policy, "weapon" includes firearms, a fixed blade knife or knives greater than three and one-half inches in length (except where clearly required by your job and as authorized and approved in writing by your supervisor), explosives, hazardous materials, or any item that could be reasonably be defined as a weapon.
5. Learn to recognize the early warning signs of possible impending violence listed below. If you see any of them, report it immediately to your supervisor, department head, general manager, or any member of management.
6. Written materials that promote violence or display weapons will not be brought to the District nor be received by the employee at work via U. S. mail, email, or other means. If the employee receives such material at work the employee has the responsibility to make sure their name is removed from such mailing lists.

Early Warning Signs Of Possible Impending Violence

1. Any explicit or implicit threat to or about a co-worker, a supervisor or manager, or the District; especially threats of bodily injury, death, or physical damage to property.
2. Any statement expressing identification with, support for or endorsement of, or commenting favorably upon, a recent event or perpetrator of violence.
3. Any employee expressing an overwhelming concern that he or she is being persecuted by a supervisor, manager, co-worker, or the District.
4. Any employee who is involved in a physically abusive relationship with another person, or who has made threats of violence.
5. Anyone other than an authorized law enforcement officer, carrying a weapon on District premises, or in the course of doing business for or with the District.

Supervisor/Manager Responsibilities

1. Make sure that all of their employees receive, read and understand and comply with the District's Policy Against Violence in the Workplace.
2. Take appropriate and immediate action to prevent injury due to acts or threats of violence.
3. Notify the department head and/or general manager as soon as possible with details of the act or threat of violence.
4. Promptly investigate every reported threat or act of violence. To the extent possible, the investigation should be immediate, thorough, and objective. It should include interviews with people having knowledge of the incident. Documentation of the investigation will be maintained in a confidential file in the Administration office. To protect the privacy of the people involved, detailed information regarding investigations and subsequent actions will be maintained as confidential, to the extent possible.
5. Carry out appropriate preventive and disciplinary action.

Training

All employees, including managers and supervisors, shall be trained on general workplace violence prevention issues and on the specifics of this Policy. Training shall be provided when this Policy is first implemented and periodically thereafter. Training shall also be provided to new employees upon hire. Additional training will be provided to all employees whenever the District is made aware of new or previously unrecognized hazards, or whenever a change to this Policy is deemed necessary. The District may also conduct additional training for managers and supervisors, so they can better deal with potentially violent situations. Records of all training performed will be maintained a minimum of three years.

Training may include, but is not limited to, the following:

1. Explanation of the District's Workplace Violence Prevention Policy, including measures for reporting any violent acts or threats of violence.
2. Recognition of workplace security hazards including the risk factors associated with workplace violence.
3. Measures to prevent workplace violence, including procedures for reporting workplace security hazards or threats, to managers and supervisors.
4. Suggested ways to defuse hostile or threatening situations.

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16

MEMORANDUM

Item #16

To: Board of Directors

January 31, 2014

From: Ryan Grisso, Water Conservation Coordinator *RG*

Subject: Water Conservation Mid-Year Update (July-December 2013)

\\Nnmwdsrv1\water conservation\Memos to Board\Quarterly Reports\Mid Year Reports\Water Conservation FY 2013_2014 MID Year Report.doc

RECOMMENDED ACTION: Information

FINANCIAL IMPACT: None

Water Conservation:

This memo provides an update on water conservation activities implemented during the first half of Fiscal Year 2013/2014 (FY 14). The District Water Conservation and Public Outreach Programs are operated according to the Water Conservation Master Plan and are currently compliant with the California Urban Water Conservation Council's Best Management Practices. Water Conservation participation numbers for the first half of the current and previous two fiscal years are summarized in Table 1 below.

Table 1: Water Conservation Program Participation (July through December)

Program	FY14	FY13	FY12
Water Smart Home Surveys	184	96	154
Water Smart Commercial Surveys	3	3	1
High Efficiency Toilet Rebates (Residential)	143	112	117
High Efficiency Toilet Rebates (Commercial)	1	0	2
Retrofit on Resale (Dwellings Certified)	153	197	126
High Efficiency Washing Machine Rebates	166	122	164
Cash for Grass Rebates	16 ¹	18	27
Water Smart Landscape Rebates	5	2	4
Smart Irrigation Controller Rebates (Residential)	2	0	2
Smart Irrigation Controller Replacement (Non-Residential)	14	9	0
New Development Sign-offs (Residential Units)	4	72	5
New Development Sign-offs (Commercial Units)	3	12	8
Large Landscape Audits (Number of accounts)	0	4	0
Large Landscape Budgets (Number of accounts)	437	435	435

¹ Cash for Grass participants removed 10,000 square feet of turf.

Water Conservation program participation has remained fairly steady when compared to the last couple fiscal years, however, there was a significant increase in the number of water smart home surveys and increases in the toilet and clothes washer rebates. Staff expects increased participation numbers in all programs in the second half of the fiscal year due to customers responding to drought conditions.

Water Conservation Programs

Water Smart Home Survey (WSHS) Program: This program provides the customer with an in-depth analysis of both their indoor and outdoor water use. The WSHS Program not only allows conservation staff to gain access to the home to perform a water use analysis and make water efficient recommendations for customers to implement, but also provides staff with an opportunity to present applicable rebate programs to which the participating customer may be eligible for Cash for Grass and Smart Controller Rebate Programs. WSHS participation has increased significantly, with 184 WSHS completed during this half of FY 14, compared to 96 and 154 completed in the first half of the previous years. In the second half of FY 14, the District should see continuing trend in increased in participation levels due to customer drought response.

Water Conservation Fixture Distribution: Staff continues to distribute water conserving fixtures at the front counter of the District Administration Building, on service calls and WSHS, and at various public outreach events (e.g. Novato Farmer's Market). Fixtures include 2.0 gallon per minute (GPM) showerheads, 1.0 and 0.5 GPM sink aerators, hose nozzles (when available) and other related items. The District also offers commercial establishments installation of 0.5 GPM sink aerators on all hand-washing sinks when conducting a Water Smart Commercial Survey.

High Efficiency Toilet (HET) Replacement Program: The District provides \$100 rebates for residential customers and \$100 for commercial customers, for purchase and installation of qualified HETs. During the first half of FY 14, the District rebated 143 residential HETs and one commercial HET. Rebate volume has increased compared to the last two fiscal years due to a surge in rebates at the end of calendar year 2013.

Retrofit on Resale: The District currently requires toilets, showerheads, and bathroom sinks to be retrofitted to meet current water conservation standards by the seller before the close of escrow of any property sold in the District service area. HET rebates are available (although HETs are not required) and fixtures (showerheads and sink aerators) are free to customers to help ease any potential financial hardships from the requirement. In the first half of FY 14, the District received certificates for 153 dwellings, which is a slight decrease from the previous fiscal year.

High Efficiency Clothes Washer Rebate Program: The District currently offers rebates for qualified high efficiency clothes washing machines through the Sonoma-Marín High Efficiency

Clothes Washer Program (with rebates paid directly by the District). During the first half of FY 14 the District rebated 166 clothes washing machines through the program.

Cash for Grass Rebate Program: The District's has rebated customers for removing irrigated turf and replacing with low water use landscaping, since 1989 and has the longest active Cash for Grass Program in existence. Participation has decreased in the first half of FY 14 compared to FY 13, with the District rebating 16 Cash for Grass projects for a total of 10,000 square feet of turf removed (compared to 11,825 square feet at this time last year). Customer inquiries regarding Cash for Grass have increased significantly and staff expects the fiscal year end totals to be much higher.

Water Smart Landscape Rebate Program: The District currently rebates a percentage of equipment costs (up to \$100) for landscape efficiency upgrade projects such as spray to drip irrigation conversions, and high volume spray head to low volume multi-stream rotating spray head conversions. In the first half of FY 14, the District rebated 5 projects.

Water Smart Irrigation Controller Rebate Program: Rebates are available for purchase, installation and activation of District approved Smart Irrigation Controllers (Smart Controllers) at a minimum level of \$200, or \$30 per active station, up to \$1,000. This program has historically attracted little customer interest; however, this year with the Prop 84 Grant funding and an increase in the per irrigation station rebate from \$25 to \$30, participation levels have increased with irrigation customers (primarily common area landscaping for home owners associations). The District rebated 16 controllers in the first half of FY 14.

Large Landscape Water Conservation Program: The Large Landscape Water Conservation Program consists of the Large Landscape Audit Program, the Large Landscape Budget Program, Water Smart Controller Rebate Program (previously covered in the Water Smart Irrigation Controller Rebate Program section) and the Large Landscape Water Smart Landscape Efficiency Rebate Program. All programs are aimed at assisting large landscape accounts (dedicated irrigation and large mixed use meters) to become more water use efficient in their landscape water management practices. The large landscape activities of FY 14 through the mid-year focused heavily on recycled water support, with continued maintenance of the water budget program. During the first half of FY 14, staff completed no large landscape audits, primarily in conjunction with coverage testing for retrofitted recycled water sites.

Commercial Water Conservation Program: The Commercial Water Conservation Program currently offers the HET Rebate Program (previously covered in the High Efficiency Toilet Replacement Program), Water Smart Commercial Survey (WSCS), and a High Efficiency Washing Machine Rebate. In the first half of FY 14, staff completed 3 WSCS.

Public Outreach and Conservation Marketing

In the Water Conservation Master Plan, the District committed to continuing a comprehen-

sive outreach program aimed at alerting customers to water supply issues and water conservation programs. In the first half of FY14, the District sponsored and staffed the California Native Plant Society Fall Plant Sale and Fair, and worked on distribution of the Fall 2013 "Water Line". District staff continues to make regular updates to the Facebook page, which now has a "Like" total of over 1,000, a large amount of Facebook followers for a water district of our size. The new banner was installed on the corporation yard storage shed in June 2013 and lights for the corporation yard banner were recently installed to improve visibility during the evening hours. District staff also continues to provide public outreach for the Recycled Water Program in both the North and South Service Areas.

Budget

Table 2 summarizes the mid-year expenditures for the last three fiscal years (July-December). Expenditures in FY14 have increased compared to FY13 and FY12, mainly due to a second quarter increase in WSHS's participation and HET rebates.

Table 2: Water Conservation and Public Outreach Expenditures (July-December)

	FY 14	FY 13	FY 12
Total Budget	\$400,000	\$400,000	\$400,000
July-December Expenditures	\$153,831	\$127,582	\$136,555

Staff expects continued increased expenditure levels for the second half of the fiscal year due to the drought situation and associated increase in customer participation and additional temporary staffing. Even with this increase in projected spending, the total fiscal year expenditures are still expected to fall below budget by an estimated \$60,000. Accordingly, the District is moving forward to distribute 100 Ultra High Efficiency Toilets (UHET) as a part of a \$20,000 pilot program (leaving \$40,000 remaining). In addition to the projected remaining \$40,000 of unspent funds, the District received the first installment of the Prop 84 Grant reimbursement for an additional \$40,000. To fully expend the estimated combined \$80,000, the following options have been developed:


- 1) Spend \$60,000 to purchase another 300 toilets to distribute to customers over the next 6 months. The Winter 2014 Water Line advertisement of the UHET pilot program resulted in an overwhelming number of requests (in excess of 400), of which 300 are on a back-up waiting list. Spend the remaining \$20,000 on increased rebate levels for Cash for Grass and/or HET rebates or other rebate programs identified by staff.
- 2) Spend a scaled down amount on the options listed above, and spend a portion to implement the Water Smart Home Water Report Program produced by the Water Smart Software

Company. A random selection of customers would receive a home water report at each billing period comparing their use to their neighbors with recommendations and options to save water. Other utilities have used this program with reported success and it is very similar to the program PGE currently uses for their energy billing. This would be independent and sent out separate from our billings. Staff is currently working with the Water Smart Software Company to develop a program that will suit the District's needs.

Staff would like to discuss these options and get Board direction on moving forward with expending these funds. Action items addressing these optional programs will be brought before the Board for approval at future meetings. Staff recommends moving forward with option one to purchase and provide additional toilets for distribution and to also increase rebate levels for Cash for Grass and the HET Rebate and other rebate programs identified by staff.

17

MEMORANDUM

To: Board of Directors
 From: Drew McIntyre, Chief Engineer 
 Subject: Mid-Year Progress Report – Engineering Department
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Date: January 31, 2014

The purpose of this memo is to provide a mid-year status report to the Board on the District's performance in completing budgeted FY13-14 Capital Improvements Projects (CIP) with a primary emphasis on planned (i.e., baseline) versus actual performance. The following information supplements the progress report summary provided to the Board each month.

SUMMARY

<u>Service Areas</u>	<u>Project Costs (\$)</u>		<u>% Complete</u>		<u>Earned Value (\$)</u>	
	Budget (\$)	Forecast (\$)	Planned	Actual	Planned	Actual
Novato Water	7,693,000	4,403,000	49	24	3,857,200	1,468,500
Novato Recycled	200,000	600,000	50	50	100,000	250,000
West Marin	485,000	410,000	44	41	87,350	144,186
TOTAL	8,378,000	5,413,000	47	38	4,044,550	1,912,686

The above table summarizes the detailed tabulation of CIPs for both Novato and West Marin (including Oceana Marin) systems provided in Attachment A. The above tabulation shows that year-end Novato CIP expenditures are forecast to be approximately \$3,290,000 below and \$400,000 above the respective approved FY13-14 budgets for water and recycled water. The year-end forecast for all service areas combined above represents approximately 65% of combined budgets (versus a forecast of 91% at this time last year). For the Novato Water system, actual District performance in completing CIP projects (i.e., 24%) is below planned performance (i.e., 49%). Actual performance for the Novato Recycled Water system is right on track (i.e., 50%) for planned performance for project completion (i.e., 50%). With respect to West Marin (including Oceana Marin), year-end CIP expenditures of \$410,000 are forecast to be below (i.e., 84%) the approved FY13-14 budget value (versus a forecast of 73% at this time last year). Planned performance through mid-year for West Marin was projected to be 44% and actual completion performance is at 41%. Overall, for the Novato Water, Novato Recycled Water and West Marin water systems, combined actual performance is slightly below (i.e., 38%) planned performance (i.e. 47%).

Performance Status for Improvement Projects

A detailed milestone schedule update is provided in Attachment B. As shown on the following table (Page 3), a total of 35 projects (versus 34 in FY 12-13) were originally budgeted in FY 13-14 for the Novato, West Marin and Oceana Marin service areas. One project has been added, five have been carried over from FY12-13, and three projects have been deferred/dropped resulting in a new total of 38 projects. Of the 38 Capital Improvement Projects budgeted, 24 (versus 27 in FY 12-13) are under the lead responsibility of the Engineering Department for completion (21 in Novato

and 3 in West Marin). The remaining 14 (versus 18 in FY 12-13) CIP projects are under the responsibility of the other departments (i.e., 7 – Maintenance, 4 – Operations, 1 – Administration, and 2 – General Manager) (Refer to the tabulation in Attachment A for a complete line item listing).

Novato Service Area Project Costs Variances

As shown in Attachment A, all of the FY13-14 Novato CIPs are currently projected to be completed at or below original budget. It is important to note that the FY12-13 “Carry-Over” projects, (1) represent a combined addition of \$565,000 to the current Novato CIP budget. However, due to delayed expenditures with the AEEP/MSN Project, there are sufficient funds to offset the “carry-over” project costs.

One new project has been added to date, Stafford Lake Water Quality Study for \$50,000.

Novato Recycled Water Service Area Project Costs Variances

As shown in Attachment A, expenses for one of the two FY13-14 Novato Recycled Water CIPs are currently projected to be above original budget. As discussed in the 1st quarter report, actual expenses for the Recycled Water South Service Area project are above budget due to higher overall closeout costs and post construction permit monitoring. No recycled water projects have been added or deferred during the second quarter.

West Marin Service Area (including Oceana Marin) Project Costs Variances

The vast majority (i.e., 86%) of the FY13-14 West Marin CIPs are currently projected to be within the original budget. Two projects were carried over from FY13-14: Tank Seismic Upgrades and Gallagher Well Pipeline. No new projects have been added and the Pt. Reyes Treatment Plant Solids Handling has been deferred pending anticipated favorable revisions to the County’s Local Coastal Plan Permit requirements.

Engineering Department Labor Hours

The Engineering Department provides a multitude of functions supporting overall operation, maintenance and expansion of water facilities. The major work classifications are: (1) General Engineering, (2) Developer Projects and (3) District (i.e., CIP) Projects. Out of the approximately 14,900 engineering labor hours available annually (less Conservation), the FY13-14 labor budget for Developer Projects and District Projects is 1,480 (10% of total) and 3,698 (25% of total), respectively. A chart of actual hours expended versus budgeted hours for both Developer and District projects during FY13-14 is provided in Attachment C. At the end of the second quarter, actual engineering labor hours expended for Developer work was 35% (519 hours) versus 50% (740 hours) budgeted. With respect to District Projects, 2,495 engineering labor hours (68% of budget) has been expended on Capital Improvement Projects when compared against a second quarter estimate of 1,849 hours (50% of budget). The higher rate is primarily attributed to in-house work on Recycled Water South Expansion and Gallagher Well Pipeline projects.

FY 13-14
 CAPITAL IMPROVEMENTS PROJECTS

PROJECTS BUDGETED	NOVATO SERVICE AREA	WEST MARIN/ OCEANA MARIN	TOTAL
Original Budget	28	7	35
Added	1	0	1
FY 12-13 Carryover	4	1	5
Deferred/Dropped	1	2	3
Adjusted Budget	32	6	38

CURRENT COMPLETION STATUS	NOVATO SERVICE AREA	WEST MARIN/ OCEANA MARIN	TOTAL
No. of Projects Completed as of 12/31/13	4	1	5
No. of Projects Projected to be Fully Completed	17	5	22
<u>Projected Completion Performance</u>	53%	83%	58%

FY12-13 CARRYOVER

Date Brought to Board

Novato

- STP 18" Transmission Line Repair
- Digital to Leveroni Looping
- DeLong to Cain Looping
- PB Replacement: City Measure A, Group 5 (83 services)

- First Quarter Report
- First Quarter Report
- First Quarter Report
- First Quarter Report

West Marin

- Gallagher Well Pipeline

- First Quarter Report

DEFERRED/DROPPED

Novato

- Lake Aeration Upgrade - Dropped

West Marin

- P RTP Solids Handling - Deferred
- P RTP Control Valve Replacement - Dropped

PROJECTS ADDED

Novato

- Lake Water Quality Study

- Second Quarter Report

West Marin

- None

**NOVATO SYSTEM CAPITAL IMPROVEMENT PROJECTS SUMMARY FY13-14
AS OF DECEMBER 31, 2013**

STATUS ¹	DEPT	ITEM #	PROJECT NO.	DESCRIPTION	PROJECT COSTS		% COMPLETE		EARNED VALUE	
					Budget	Forecast	Baseline	Actual	Planned	Actual
1. PIPELINE REPLACEMENTS/ADDITIONS										
	Eng	1	1.a.1	So. Novato Blvd - Rowland to Sunset (12"CI@1,000')	\$100,000	\$50,000	40	20	\$40,000	\$10,000
	Eng	2	1.a.2	STP 18" Transmission Line Assess/Repair	\$0	\$150,000	0	10	\$0	\$15,000
C	Eng	3	1.a.3	Digital to Leveroni Looping *8"@600'	\$0	\$100,000	100	100	\$0	\$100,000
C	Eng	4	1.a.4	DeLong to Cain Looping (8"@400')	\$0	\$120,000	100	100	\$0	\$120,000
TBC	Eng	5	1.a.5	PB Repl - City Measure A, Group 5	\$0	\$175,000	0	0	\$0	\$0
TBC	Eng	6	1.a.6	Shields Ln 6" Cast Iron (6"@1,120')	\$225,000	\$225,000	67	15	\$150,750	\$33,750
	Eng	7	1.a.7	Ashley Ct 2" Thinwall Plastic (6"@200')	\$40,000	\$40,000	37	5	\$14,800	\$2,000
TBC	Eng	8	1.a.8	Grant/4th 1" Galvanized Steel (6"@400')	\$100,000	\$100,000	100	15	\$100,000	\$15,000
			1.a.9	Other Pipeline Replacements	\$35,000		0	0	\$0	\$0
	Eng	9	1.b.1	Zone A Pressure Improvements	\$250,000	\$150,000	63	10	\$157,500	\$15,000
	Eng	10	1.c.1	PB Repl - Pacheco Valle (42) Repl PB in Sync w/City Paving	\$125,000	\$125,000	34	0	\$42,500	\$0
					\$135,000	\$0	0	0	\$0	\$0
TBC	Eng	11	1.c.3	PB Repl - Clay Ct (9)	\$33,000	\$33,000	30	0	\$9,900	\$0
TBC	Eng	12	1.c.4	PB Repl - Atherton Oaks/Summit Ln (20)	\$60,000	\$60,000	50	0	\$30,000	\$0
			1.c.6	Other PB Replacements	\$47,000	\$0	0	0	\$0	\$0
			1.d.1	Other Relocations	\$80,000	\$0	0	0	\$0	\$0
	Eng	13	1.e.1-12	AEEP - Hwy 101 Widening	\$4,600,000	\$2,000,000	50	50	\$2,300,000	\$1,000,000
				SubTotal	\$5,830,000	\$3,328,000				
2. SYSTEM IMPROVEMENTS										
TBC	Maint	14	2.a	RTU Upgrades	\$10,000	\$10,000	2	80	\$200	\$8,000
C	Eng	15	2.b	Flushing Taps at Dead Ends	\$50,000	\$50,000	50	50	\$25,000	\$25,000
TBC	Eng	16	2.c	DCDA Repair/Replace	\$150,000	\$150,000	61	20	\$91,500	\$30,000
TBC	Eng	17	2.d	Anode Installations	\$30,000	\$30,000	85	0	\$25,500	\$0
TBC	Maint	18	2.e	Radio Telemetry	\$25,000	\$25,000	50	10	\$12,500	\$2,500
TBC	Eng	19	2.f	Inaccurate Meter Replacement	\$10,000	\$10,000	100	65	\$10,000	\$6,500
TBC	Maint	20	2.g	Backflow Device Upgrade - BMK (15)	\$30,000	\$30,000	33	0	\$9,900	\$0
TBC	Maint	21	2.h	Tank Access Hatch/Level Alarms (10)	\$35,000	\$35,000	34	10	\$11,900	\$3,500
				SubTotal	\$340,000	\$340,000				
3. BUILDINGS, YARD, & S.T.P. IMPROVEMENTS										
	Admin	22	3.a.1	Electronic Document Management System	\$150,000	\$150,000	50	0	\$75,000	\$0
	Ops	23	3.a.2	Admin Office/Lab/Yard Remodel Plan	\$50,000	\$50,000	15	0	\$7,500	\$0
	GM	24	3.b.1	SMART Crossing Upgrade	\$58,000	\$58,000	50	0	\$29,000	\$0
C	Ops	25	3.c.1	Watershed Erosion Control	\$25,000	\$12,000	45	100	\$11,250	\$12,000
	Eng	26	3.c.2	Start Up Flushing Connection	\$225,000	\$100,000	50	25	\$112,500	\$25,000
			3.c.3	Lake Aeration Upgrade - DROP	\$25,000	\$0	0	0	\$0	\$0
	Ops	27		Lake Water Quality Study	\$0	\$50,000	0	0	\$0	\$0
				SubTotal	\$533,000	\$370,000				
4. STORAGE TANKS & PUMP STATIONS										
	Eng	28	4.a	Atherton Recoat & Mixing System	\$700,000	\$150,000	50	15	\$350,000	\$22,500
	Maint	29	4.b	Lynwood PS Motor Control Center	\$190,000	\$190,000	100	10	\$190,000	\$19,000
	Eng	30	4.c	Relocate School Rd/Crest Pump Station	\$100,000	\$25,000	50	15	\$50,000	\$3,750
				SubTotal	\$990,000	\$365,000			\$0	\$0
				Novato Water Total	\$7,693,000	\$4,403,000	49	24	\$3,857,200	\$1,468,500
5. RECYCLED WATER FACILITY										
TBC	Eng	31	5.a	NBWRA Grant Program Administration	\$100,000	\$100,000	50	50	\$50,000	\$50,000
TBC	Eng	32	5.c-o	Expansion to South Service Area	\$100,000	\$500,000	50	50	\$50,000	\$250,000
				Novato Recycled Total	\$200,000	\$600,000	50	50	\$100,000	\$300,000
				Total Novato	\$7,893,000	\$5,003,000	49	37	\$3,957,200	\$1,768,500

¹C - Completed

TBC - To Be Completed

PROJECT FORECAST REVISED

Baseline projects with revised forecast budget increases (indicated by shaded box)

Baselined projects to be deferred or dropped (indicated in strikeout)

New projects added (indicated in bold)

Prior year projects carried over indicated in italics

ATTACHMENT 1

WEST MARIN CAPITAL IMPROVEMENT PROJECT SUMMARY FY13-14
AS OF DECEMBER 31, 2013

STATUS	DEPT	ITEM #	PROJECT NO.	DESCRIPTION	PROJECT COSTS		% COMPLETE		EARNED VALUE	
					Budget	Forecast	Baseline	Actual	Planned	Actual
6. West Marin Water System										
System Improvements										
			6.a	<i>TP Solids Handling - DEFER</i>	\$200,000	\$10,000	0	0	\$0	\$0
			6.b	TP Control Valve Replacement - DROP	\$25,000	\$0	0	0	\$0	\$0
C	GM	33	6.c	Gallagher Auxiliary Stream Gauge	\$30,000	\$70,000	50	100	\$15,000	\$70,000
	Eng	34	6.d	Olema PS Flood Protection & RTU Upgrade	\$100,000	\$100,000	50	0	\$50,000	\$0
TBC	Maint	35	6.e	Emergency Generator Connections	15,000	15,000	34	60	\$5,100	\$9,000
TBC	Eng	36	6.f	Tank Seismic Upgrades	\$65,000	\$65,000	15	0	\$9,750	\$0
	Eng	37	6.g	<i>Gallagher Well Pipeline</i>	\$0	\$100,000	50	65	\$0	\$65,000
					\$435,000	\$360,000				
7. Oceana Marin Sewer System										
TBC	Ops	38	7.a	Infiltration Study & Repair	\$15,000	\$15,000	50	0	\$7,500	\$0
TBC	Maint	39	7.b	SCADA RTU Upgrade & Install	\$35,000	\$35,000	0	0	\$0	\$0
				SubTotal	\$50,000	\$50,000				
				Total West Marin	\$485,000	\$410,000	36	32	\$87,350	\$144,000
				FY13-14 TOTAL	\$8,378,000	\$5,413,000	45	35	\$4,044,550	\$1,912,500
C - Completed										
PROJECT FORECAST REVISED										
TBC - To Be Completed										
Baseline projects with revised forecast budget increases (indicated by shaded box)										
Baselined projects to be deferred or dropped (indicated in strikeout)										
New projects added (indicated in bold)										
Prior year projects carried over indicated in italics										

FY13_14 CAPITAL IMPROVEMENT PROJECTS


ID	Task Name	Start	Finish	% Complete	Resp	Qtr 1, 2014			Qtr 2, 2014			Qtr 3, 2014			Qtr 4, 2014		
						Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
1	1 A PIPELINE REPLACEMENTS/ADDITIONS	Mon 7/1/13	Mon 6/30/14	0%													
2	1A1 So. Novato Blvd - Rowland to Sunset (12"CI@1,000')	Sun 9/1/13	Mon 6/30/14	10%	ENG / CC												
3	1A2 Shields Ln 6" Cast Iron (6"@1,120')	Mon 9/2/13	Fri 5/30/14	15%	ENG / DJ												
4	1A3 Ashley Ct 2" Thinwall Plastic (6"@200')	Sun 9/15/13	Mon 6/30/14	5%	ENG / JK												
5	1A4 Grant/4th 1" Galvanized Steel (6"@400')	Mon 7/1/13	Mon 6/30/14	15%	ENG / CC												
6	1B MAIN/PIPELINE ADDITIONS	Mon 7/1/13	Mon 6/30/14	0%													
7	1B1 Zone A Pressure Improvements	Thu 8/1/13	Fri 5/30/14	10%	ENG / DJ												
8	1C PB SERVICE LINE REPLACEMENTS	Mon 7/1/13	Mon 6/30/14	0%													
9	1C1 Pacheco Valle (42)	Tue 10/1/13	Mon 6/30/14	0%	ENG / JK												
10	1C2 Replace PB in Sync w/City Paving (45)	Fri 11/1/13	Mon 6/30/14	0%	ENG / JK												
11	1C3 Clay Ct (9)	Tue 10/15/13	Mon 6/30/14	30%	ENG / JM												
12	1C4 Atherton Oaks/Summit Lane (20)	Mon 7/1/13	Mon 6/30/14	0%	ENG / JM												
13	1E AQUEDUCT REPLACEMENTS/ENHANCEMENTS	Mon 7/1/13	Mon 6/30/14	0%													
14	1E1 Aqueduct Energy Efficiency Project	Mon 7/1/13	Mon 6/30/14	25%	ENG / DM												
15	2 SYSTEM IMPROVEMENTS	Mon 7/1/13	Mon 6/30/14	0%													
16	2A RTU Upgrades	Tue 12/31/13	Mon 3/31/14	80%	MAINT/RC												
17	2B Flushing Taps at Dead Ends	Mon 7/1/13	Mon 6/30/14	100%	ENG / JM												
18	2C DCA Repair/Replace (14/yr)	Mon 7/1/13	Mon 6/30/14	20%	ENG / CC												
19	2D Anode Installations (150/yr)	Mon 7/1/13	Mon 6/30/14	0%	ENG / DJ												
20	2E Radio Telemetry	Tue 10/1/13	Mon 3/31/14	10%	MAINT/RC												
21	2G Inaccurate Meter Replacement	Mon 7/1/13	Mon 6/30/14	65%	ENG / CC												
22	2I Backflow Device Upgrade - BMK (14)	Fri 11/1/13	Wed 4/30/14	0%	MAINT/RC												
23	2J Tank Access Hatch/Level Alarms	Tue 10/1/13	Mon 6/30/14	10%	MAINT/RC												
24	3 BUILDING, YARD, STP IMPROVEMENTS	Mon 7/1/13	Mon 6/30/14	0%													
25	3A ADMIN BUILDING	Mon 7/1/13	Mon 6/30/14	0%													



Current		Inactive Milestone		Manual Summary Rollup		Progress	
Baseline		Inactive Summary		Manual Summary			
Inactive Task		Manual Task		Start-only			
Inactive Task		Duration-only		Finish-only			

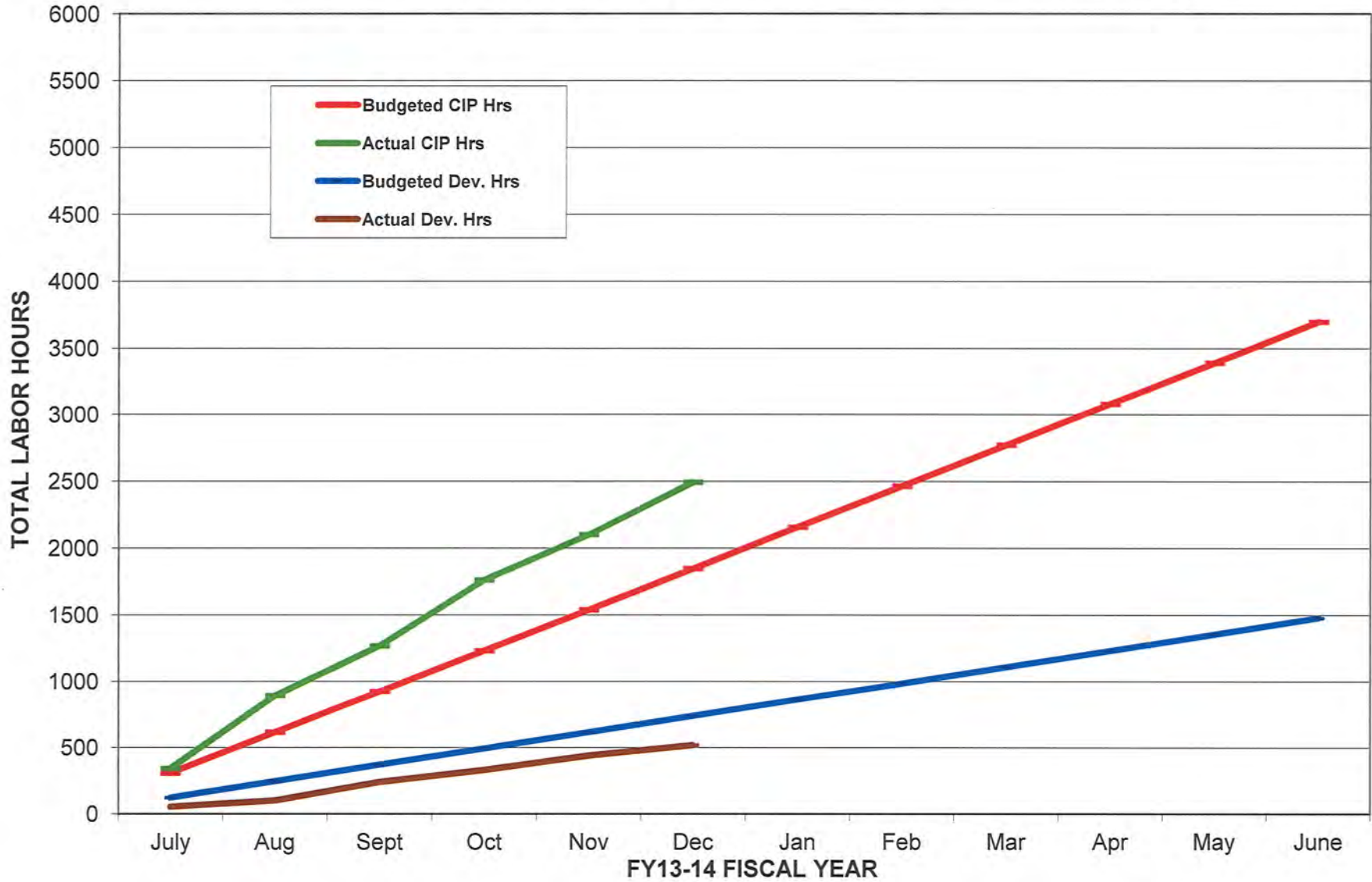
FY13_14 CAPITAL IMPROVEMENT PROJECTS

ID	Task Name	Start	Finish	% Complete	Resp	Qtr 1, 2014			Qtr 2, 2014			Qtr 3, 2014			Qtr 4, 2014		
						Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
26	3A1 Electronic Document Management System	Mon 7/1/13	Mon 6/30/14	0%	GM/DB												
27	3A2 Admin Office/Lab/Yard Remodel Plan	Mon 12/2/13	Mon 6/30/14	0%	OPS / RC												
28	3B CORP YARD/WAREHOUSE/CONSTRUCTION OFFICE	Mon 7/1/13	Mon 6/30/14	0%													
29	3B1 SMART Crossing Upgrade (@Golden Gate Pl)	Mon 7/1/13	Mon 6/30/14	0%	GM												
30	3C STAFFORD TREATMENT PLANT	Mon 7/1/13	Mon 6/30/14	0%													
31	3C1 Watershed Erosion Control	Mon 9/2/13	Sat 5/31/14	100%	OPS / RC												
32	3C3 Start Up Flushing Connection	Mon 7/1/13	Mon 6/30/14	25%	ENG / CC												
33	3C4 Lake Aeration Upgrade - DROP	Mon 2/3/14	Mon 6/30/14	0%	OPS / RC												
34	4 STORAGE TANKS/PUMP STATIONS	Mon 7/1/13	Mon 6/30/14	0%													
35	4B1 Atherton Recoat & Mixing System	Mon 7/1/13	Mon 6/30/14	15%	ENG / CC												
36	4C Lynwood Pump Station Motor Control Center	Mon 7/1/13	Tue 12/31/13	10%	MAINT/RC												
37	4D Relocate School Dr/Crest PS	Mon 7/1/13	Mon 6/30/14	5%	ENG / DJ												
38	5 RECYCLED WATER	Mon 7/1/13	Mon 6/30/14	0%													
39	5A NBWRA Grant Program Administration	Mon 7/1/13	Mon 6/30/14	50%	ENG / DM												
40	6 WEST MARIN WATER SYSTEM IMPROVEMENTS	Mon 7/1/13	Mon 6/30/14	0%													
41	SYSTEM IMPROVEMENTS	Mon 7/1/13	Mon 6/30/14	0%													
42	6A PRTP Solids Handling - DROP	Mon 7/1/13	Mon 6/30/14	0%	ENG / DJ												
43	6B PRTP Control Valve Replacement - DROP	Mon 7/1/13	Mon 6/30/14	0%	MAINT/RC												
44	6F Gallagher Auxiliary Stream Gauge	Mon 7/1/13	Mon 6/30/14	100%	GM												
45	6E Olema PS Flood Protection & RTU Upgrade	Mon 7/1/13	Mon 6/30/14	0%	ENG / DM												
46	6F Emergency Generator Connections	Tue 10/1/13	Mon 6/30/14	60%	MAINT/RC												
47	6G Tank Seismic Upgrades	Mon 12/2/13	Mon 6/30/14	0%	ENG / JK												
48	7 OCEANA MARIN SEWER SYSTEM	Mon 7/1/13	Mon 6/30/14	0%													
49	7A Infiltration Study & Repair	Tue 10/1/13	Tue 12/31/13	0%	OPS / RC												
50	7B SCADA RTU Upgrade and Install	Mon 2/3/14	Mon 6/30/14	0%	MAINT/RC												



Current		Inactive Milestone		Manual Summary Rollup		Progress	
Baseline		Inactive Summary		Manual Summary			
Inactive Task		Manual Task		Start-only			
Inactive Task		Duration-only		Finish-only			

ENGR. DEPT DEVELOPER & DISTRICT CAPITAL IMPROVEMENT PROJECTS (CIPs)



18

FOR ACCESSIBLE
MEETING INFORMATION
CALL: (707) 543-3350
ADD: (707) 543-3031



**WATER ADVISORY COMMITTEE
AND
TECHNICAL ADVISORY COMMITTEE**

MONDAY, FEBRUARY 3, 2014

9:00AM

Utilities Field Operations Training Center
35 Stony Point Road, Santa Rosa, CA

This is a combined WAC and TAC meeting.

1. Check In
2. Public Comment
3. Election of WAC Chair and Vice Chair
4. Recap from the November 4, 2013 WAC/TAC Meeting and Approval of Minutes
5. Recap from the January 6, 2014 TAC Meeting and Approval of Minutes
6. WAC/TAC Meeting Schedule
7. Water Supply Coordination Council
8. Water Supply Conditions and Temporary Urgency Change Order
9. Resolution Supporting SMSWP Efforts and Governors' Declaration to Reduce Water Use
10. FY 2013/14 Draft SCWA Budget
11. Draft Water Shortage Allocation Model Update
12. SCWA Water Supply/Transmission System Operations Status
(Oakmont Pipeline Leak Repair)
13. Biological Opinion Status Update
14. Integrated Regional Water Management Plan(s) Update
15. Items for Next Agenda
16. Check Out

Draft Minutes of Water Advisory Committee and Technical Advisory Committee
35 Stony Point Road, Santa Rosa, California
November 4, 2013

Attendees: Robin Swinth, City of Santa Rosa
David Guhin, City of Santa Rosa
Glen Wright, City of Santa Rosa
Linda Reed, City of Santa Rosa
Linda Hall, City of Santa Rosa
Elise Howard, City of Santa Rosa
Pam Lorence, City of Santa Rosa
Deb Lane, City of Santa Rosa
Stephen Gale, City of Santa Rosa
Jake Mackenzie, City of Rohnert Park
Darrin Jenkins, City of Rohnert Park
Tony Gutsch, City of Rohnert Park
Mike Healy, City of Petaluma
Dan St. John, City of Petaluma
Leonard Olive, City of Petaluma
Mark Landman, City of Cotati
Damien O'Bid, City of Cotati
Laurie Gallian, City of Sonoma
Dan Takasugi, City of Sonoma
Dennis Rodoni, North Marin Water District
Drew McIntyre, North Marin Water District
Chris DeGabriele, North Marin Water District
Robin Goble, Town of Windsor
Steve Allen, Town of Windsor
Sam Salmon, Town of Windsor
Toni Bertolero, Town of Windsor
Paul Piazza, Town of Windsor
Mark Heneveld, Valley of the Moon Water District
Dan Muelrath, Valley of the Moon Water District
Krishna Kumar, Marin Municipal Water District
Efren Carrillo, SCWA
Susan Gorin, SCWA
Pam Jeane, SCWA
Lynne Rosselli, SCWA
Brad Sherwood, SCWA
Ann DuBay, SCWA
Carrie Pollard, SCWA
M. Gossman, SCWA
Don Seymour, SCWA

Public Attendees: Claudia Luke, Sonoma State University
Brenda Adelman, RRWPC
J. Dietrich Stroeh
Tom Yarish, Friends of the Esteros
Bob Anderson, United Wine Growers
John Rosenblum

1. Check-in

Chair Jake Mackenzie, City of Rohnert Park, called the meeting to order at 9:00a.m. Jake reminded the WAC/TAC that he will be stepping down as chair and a new chair will be elected at the next regular WAC/TAC meeting in February.

2. Public Comment
None
3. Recap from August 5, 2013 WAC/TAC Meeting and Approval of Minutes
Moved by Laurie Gallian, City of Sonoma, seconded by Robin Goble, Town of Windsor, to approve the minutes of the August 5, 2013 WAC/TAC meeting as presented; unanimously approved.
4. Recap from October 7, 2013 TAC Meeting and Approval of Minutes
Moved by Glen Wright, City of Santa Rosa, seconded by Dan Muelrath, Valley of the Moon Water District, to approve the minutes of the October 7, 2013 TAC meeting; unanimously approved. Laurie Gallian pointed out an error after the minutes were approved. The end date of the Temporary Urgency Change Order should have been October 28, not October 31.
5. Water Supply Coordination Council
Chris DeGabriele reviewed the meeting summary which was sent to the committee. Questions and comments followed from the committee members. Jake Mackenzie noted this committee is not a decision making body, they are an advisory committee.
6. Water Supply Conditions and Temporary Urgency Change Petition (including a report on Water Conservation)
Carrie Pollard gave a PowerPoint update on the 20-Gallon Challenge during the Temporary Urgency Change Order period. Radio ads, bill stuffers and news letters were sent, outreach events were held and press releases were sent. There were also online reporting tools and 25 tips to reduce water. Questions and comments followed from the committee and the public.
Pam Jeane, SCWA, reported that Chinook are back into the Russian River. Once 1000 fish have been counted at Mirabel the flow in the upper river will most likely be increased from Lake Mendocino. Lake Mendocino is 2000 acre feet above the critical storage curve. The flow in the upper Russian River is 75cfs. The lack of predicted significant rainfall is a concern for the storage in Lake Mendocino. The Estuary will most likely be opened allowing more fish to enter the river. Questions followed from the public.
7. 2013 EPA WaterSense Excellence Award
Carrie Pollard, SCWA, reported that the Sonoma Marin Saving Water Partnership QWEL (Qualified Water Efficient Landscape) Program was given the 2013 EPA WaterSense award for landscaper programs. A photo will be taken after the meeting of the WAC/TAC committee members with the award.
8. Town of Windsor "PAYS" Program
Paul Piazza, Town of Windsor, gave a PowerPoint on the Windsor "PAYS" program. This program is a partnership between the Sonoma County Regional Climate Protection Authority and the Town of Windsor with a grant from the US Department of Energy Better Buildings Program to develop an efficiency program to help meet water use reduction targets and reduce greenhouse gas emissions. The program allows residential water and energy efficiency retrofits to be paid through customer utility bill savings over time. Questions followed from the committee and the public.
9. FY 2012/13 SCWA Budget Year End Review
Lynne Rosselli, SCWA, gave a PowerPoint update on water deliveries, revenues and expenses for the FY2012/13 budget year. Chair Mackenzie asked for clarification on the reported increase in SCWA water deliveries for FY2012/13 while reporting that a 4 percent

reduction in water production was achieved during the Temporary Urgency Change Order period. The reporting periods do not coincide for each. FY2012/13 starts July 1, 2012 and runs through June 30, 2013. The 2013 Temporary Urgency Change Order period starts May 1, 2013 and runs through October 28, 2013.

10. SCWA Partnership with Sonoma State University

Claudia Luke, Director of Sonoma State University Preserves, gave a PowerPoint presentation regarding the partnership between SSU and SCWA, The WATERS Collaborative – Watershed Academics to Enhance Regional Sustainability. WATERS is a collaborative endeavor to undertake projects that enhance watershed management and academic training of students. Comments and questions followed from committee members.

11. Biological Opinion Status Update

Pam Jeane, SCWA, reviewed the Biological Opinion Status Update sent to the members.

12. Integrated Regional Water Management Plan(s) Update

Jake Mackenzie stated the new North Coast IRWMP name is NCRP – North Coast Resource Partnership. They have secured \$46 million in project monies over the years and the group remains an efficient body. There was a well-attended conference in Fortuna in October. Seven counties and 50 tribes collaborate on the committee. Prop 84 funding is \$90 million with NCRP submitting projects to secure funding.

Bay Area IRWMP is coordinating efforts to apply for available funding of \$73 million. The deadline for projects is March 2014. They are applying for \$20 million for a regional project.

13. Items for next agenda

WAC/TAC

SCWA Budget Update

Water level update report

Next TAC meeting is December 2, 2013

Next WAC/TAC meeting is February 3, 2014

14. Check Out

Meeting adjourned by Chair Mackenzie at 10:52am.

Draft Minutes of Technical Advisory Committee
35 Stony Point Road, Santa Rosa, California

January 6, 2014

Attendees: David Guhin, City of Santa Rosa
Jennifer Burke, City of Santa Rosa
Linda Reed, City of Santa Rosa
Elise Howard, City of Santa Rosa
Linda Hall, City of Santa Rosa
Leonard Olive, City of Petaluma
Jake McKenzie, City of Rohnert Park
John McArthur, City of Rohnert Park
Damien O'Bid, City of Cotati
Toni Bertolero, Town of Windsor
Dan Takasugi, City of Sonoma
Dan Muelrath, Valley of the Moon Water District
Mike Ban, Marin Municipal Water District
Dennis Rodoni, North Marin Water District
Drew McIntyre, North Marin Water District
Chris DeGabriele, North Marin Water District
David Bentley, North Marin Water District
Grant Davis, SCWA
Michael Thompson, SCWA
Pam Jeanne, SCWA
Jay Jasperse, SCWA
Lynne Rosselli, SCWA
Brad Sherwood, SCWA
Carrie Pollard, SCWA
Pam Kuhn, SCWA
Jennifer Larocque, SCWA

Public Attendees: Brenda Adelman, RRWPC
David Keller, FOER
Bob Anderson, United Wine Growers
Margaret Di Genova, California American Water
Carol Goodwin-Blick
Evan Jacobs, California American Water

1. Check-in

Chair Chris DeGabriele called the meeting to order at 9:05 a.m.

2. Public Comment

None

3. Elect TAC Vice Chair

Toni Bertolero, Town of Windsor, nominated David Guhin, City of Santa Rosa, as Vice Chair, seconded by Dan Takasugi, City of Sonoma; unanimously approved by members.

4. Recap from December 2, 2013 TAC Meeting and Approval of Minutes

Damien O'Bid, City of Cotati, moved the minutes be accepted; David Guhin, City of Santa Rosa, seconded; unanimously approved.

5. LRT2 Recommendation for FY 2014/15
The LRT2 funds have not been fully spent by members. An additional \$6 assessment needs to be added to next year's budget in order to provide full funding. Moved by Toni Bertolero, Town of Windsor, seconded by David Guhin, City of Santa Rosa; unanimously approved.
6. TAC Budget Subcommittee Status
Damien O'Bid, City of Cotati, has agreed to fill the chair position on the TAC Budget subcommittee vacated by Darrin Jenkins.
7. Water Supply Conditions and Temporary Urgency Change Petition
Pam Jeanne, SCWA gave the report. Rain fall has been the lowest in the last 120 years. A Temporary Change Order petition was filed on December 19. Lake Pillsbury is not representative of what is happening in our water shed. On December 31 the state issued an order to allow management of stream flows in the Upper Russian River and water year status based on Lake Mendocino storage. The order is posted to the SCWA website. Lake Sonoma is at 67% of storage capacity. Pam will be speaking to growers in Sonoma and Mendocino in February regarding water use and conservation. Questions followed from the members and the public.
8. Sonoma Marin Saving Water Partnership Annual Report FY 2012/13
The report was distributed by Carrie Pollard, SCWA. The partnership is meeting today and after review of the report a press release will be issued regarding public outreach in these dry year conditions. David Guhin, City of Santa Rosa, and Jennifer Burke, City of Santa Rosa, spoke to the additional work and education to the public promoting water conservation being done by the City of Santa Rosa.
9. Biological Opinion Status Update
The Biological Opinion Status Update was reviewed by Pam Jeanne, SCWA. She reviewed the plan for the Dry Creek Habitat Enhancement and Demonstration Project. 3000 plants will be planted this winter. Fish monitoring continues due to the rubber dam still being up so counts of migrating fish can continue. January 2 the estuary was breached and is now open.
10. Items for Next WAC/TAC Agenda for February 3
Election of WAC Chair and Vice Chair
Temporary Urgency Change Order Petition status
Budget Update
Biological Opinion Status Update
Water Supply Conditions

11. Check Out

Next WAC/TAC meeting is February 3, 2014

Next TAC meeting is March 3, 2014

Meeting adjourned at 9:44am.

DRAFT 2014 TAC - WAC / TAC MEETING SCHEDULE

35 Stony Point Road, Santa Rosa, California

Month	Day	Body	Time
JANUARY	6	TAC	9:00a.m.
FEBRUARY	3	WAC / TAC	9:00a.m.
MARCH	3	TAC	9:00a.m.
APRIL	7	SPECIAL WAC/TAC	9:00a.m.
MAY	5	WAC / TAC	9:00a.m.
JUNE	2	TAC	9:00a.m.
JULY	7	TAC	9:00a.m.
AUGUST	4	WAC / TAC	9:00a.m.
SEPTEMBER	8	TAC	9:00a.m.
OCTOBER	6	TAC	9:00a.m.
NOVEMBER	3	WAC / TAC	9:00a.m.
DECEMBER	1	TAC	9:00a.m.

DRAFT

**WATER ADVISORY COMMITTEE RESOLUTION SUPPORTING THE
SONOMA MARIN SAVING WATER PARTNERSHIP EFFORTS AND
GOVERNOR JERRY BROWN'S EMERGENCY DROUGHT DECLARATION
THAT INCLUDES SEEKING 20% VOLUNTARY CONSERVATION**

WHEREAS, the Restructured Agreement for Water Supply (RA), executed on June 23, 2006, by and between the Sonoma County Water Agency (SCWA), the Cities of Cotati, Petaluma, Rohnert Park, Santa Rosa, Sonoma and Forestville, the North Marin and Valley of the Moon Water Districts and the Town of Windsor, collectively known as the Water Contractors, creates the Water Advisory Committee (WAC) and Technical Advisory Committee (TAC); and

WHEREAS, the Water Contractors, along with SCWA and Marin Municipal Water District, are members of the Sonoma-Marín Saving Water Partnership (Partnership), through which these members have joined together to provide a regional approach to water use efficiency; and

WHEREAS, these Partnership members recognize that establishing common water conservation projects on a regional basis and applicable across the political and jurisdictional boundaries of each member may be a means of cost effectively conserving more water than would be otherwise be conserved on an individual member-by-member basis; and

WHEREAS, the Partnership, through its many water efficiency programs, educational seminars and outreach campaigns, is working to educate our communities about the importance of conserving water resources and eliminating water-wasting behaviors; and

WHEREAS, the Partnership received a 2013 WaterSense Excellence award from the U.S. Environmental Protection Agency (EPA) for promoting water efficient irrigation practices through implementation of the Qualified Water Efficient Landscaper Program (QWEL). QWEL educates landscape professionals and their customers on the benefits of sound landscape and design, management and irrigation practices. The award was one of the only five issued by the EPA nationally; and

WHEREAS, the Partnership members have taken a regional approach to comply with the Water Conservation Act of 2009 (SBx7-7) requiring a 20% reduction in per capita water use

**Feb 3, 2014 WAC/TAC
Agenda Item #9**

by year 2020, and the individual members and regional effort has resulted in meeting this target eight years in advance of the compliance deadline; and

WHEREAS, in summer 2013 the “20-Gallon Challenge” was embraced by community members who pledged to reduce water use by 20 gallons per person per day. The 20-Gallon Challenge was promoted throughout the Russian River Watershed expanding the Partnership reach into Mendocino County. Working together in Sonoma, Marin and Mendocino counties, the “20-Gallon Challenge” resulted in a positive response to the 2013 dry spring conditions; and

WHEREAS, calendar year 2013 was the lowest rainfall year on record in 120 years; and

WHEREAS, the historical dry conditions have resulted in severely low storage levels in Lake Mendocino (36% of capacity) requiring a Temporary Urgency Change Order to be issued by the State Water Resources Control Board enabling lower in stream releases to the Russian River and preserving lake storage; and

WHEREAS, storage level in Lake Sonoma on Dry Creek (66% of capacity) is not significantly below normal and SCWA will re-evaluate water supply conditions in spring 2014 to determine whether it will be necessary to file a subsequent Temporary Urgency Change Petition to address Lake Sonoma storage conditions; and

WHEREAS, the Partnership members have embarked on a regional water use efficiency media campaign titled: “There’s a Drought on. Turn the Water Off” designed to increase awareness and reduce water use; and

WHEREAS, on January 17, 2014 Governor Brown declared a statewide drought in California and called for a 20% voluntary reduction in water use:

NOW, THEREFORE, BE IT RESOLVED, that the Water Advisory Committee hereby pledges to support the Partnership efforts; and

Encourages residents to increase water use efficiency by fixing leaks and eliminating unnecessary outdoor irrigation to help protect and preserve reliable drinking water supplies stored in Lake Mendocino and Lake Sonoma; and

Urges water customers to heed the Governors’ declaration to reduce water use by 20%.

**Feb 3, 2014 WAC/TAC
Agenda Item #9**

ADOPTED this 3rd day of February, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:



Russian River Biological Opinion Update – February 2014

The Sonoma County Water Agency is continually planning and implementing the Russian River Biological Opinion requirements. The following project updates provide a brief synopsis of current work. For more detailed information about these activities, please visit www.sonomacountywater.org.

Dry Creek Habitat Enhancement and Demonstration Project

- Construction of the remainder of the one-mile demonstration project is underway. Hanford Applied Restoration & Conservation, out of Sonoma, is constructing the project. This winter's focus is on revegetation; approximately 3,000 plants will be installed this winter. Planning is under way for construction of the remaining three habitat features of the demonstration project in 2015.
- Construction is complete on the U.S. Army Corps of Engineers habitat enhancement project, on Corps property immediately below Warm Springs Dam. The Water Agency is partnering with the Corps on a grant application to provide signage and public access to the site.
- Site identification, outreach to landowners, preliminary environmental studies and topographic surveys are underway for the second and third miles of habitat enhancement. Two firms, Interfluve and ESA PWA, have been selected to design the second and third miles of habitat enhancement.
- An adaptive management plan, developed in conjunction with National Marine Fisheries Service, Department of Fish & Wildlife and the U.S. Army Corps of Engineers, has been completed.

Fish Monitoring

Chinook, coho, and steelhead are being monitored on their winter migration upstream. Water Agency staff is conducting surveys and assessing habitat conditions in the upper river to determine the status of the migration. As of January 28th, 3,042 Chinook were counted at Mirabel. It is estimated that more than 100 coho and 100 steelhead have been captured on Water Agency video. Water Agency staff are regularly consulting with National Marine Fisheries Service and California Department of Fish and Wildlife regarding the status of the migration and plans for reservoir releases.

Tributary Habitat Enhancement Projects

Habitat monitoring was conducted in Grape Creek this fall.

Mirabel Screen and Fish Ladder Replacement

- The Water Agency advertised the Fish Ladder project for bids on January 30th. The seismic upgrade project (not required by the Biological Opinion) is slated to begin in early February and should take two months to complete. Major construction on the fish screen/fish ladder project is estimated to begin in June 2014.

Russian River Estuary Management Project

- The 2013 Lagoon Management Period began May 15 and ended on October 15. Biological monitoring is completed for the season, while water quality monitoring continues.
- The river mouth closed on January 11, 2014, due to the large swells. The Water Agency breached the mouth on January 30th when water levels reached 7.7 feet.
- A study of the jetty is underway. The purpose of the study is to determine if and how the jetty impacts the formation of the barrier beach and lagoon water surface elevation. An historic

assessment component of the study was completed at the end of 2012 and field investigations are scheduled to be completed in 2014.

Fish Flow Project

Work is occurring internally on the preparation of the draft Environmental Impact Report for the Fish Habitat Flows and Water Rights Project. The EIR is being prepared by Water Agency staff, with assistance from consultants on some areas of impact analysis. A draft EIR is anticipated to be released in 2014.

Interim Flow Changes

- The State Water Resources Control Board issued the 2013 Temporary Urgency Change (TUC) order in late April and flows were reduced beginning on May 1, based on the rapid decline in Lake Mendocino levels (and differing from the minimum flows required in the Biological Opinion). The May 2013 TUC slowed the decline, but the lack of fall rain has resulted in lake levels continuing to drop. To further slow declines, on December 19, the Water Agency petitioned the State Water Board to allow the Water Agency to use Lake Mendocino storage levels to determine water supply conditions in the upper river. On December 31st, the State Water Board issued the new TUC order granting the Water Agency's request. As of January 1, under the new TUC, the minimum flow in the upper Russian River is 25 cfs. The period of the order is January 1- May 29, 2014.

Public Outreach, Reporting & Legislation

- The Water Agency is working with contractors through the Sonoma-Marin Saving Water Partnership on an ad campaign messaging: The Drought is on. Turn Water Off.
- Language authorizing the Corps to conduct habitat enhancement in Dry Creek is contained in the Water Resources Development Act (WRDA) approved by the House in October. The Senate passed its version WRDA, also with language that supports the Dry Creek project, in June 2013. The draft legislation is currently in conference to work out the differences between the House and Senate bills.
- The annual Public Policy Facilitating Committee meeting was held on Friday, January 17th. Presentations were given on the Russian River Estuary, the Dry Creek Habitat Enhancement Project, fisheries monitoring, and Year 6 plans. The meeting was well attended and the Committee and community members provided valuable comments.



Lake Mendocino, December 15th 2013

19

**NOTICE OF MEETING OF
NORTH BAY WATERSHED ASSOCIATION**

Notice is hereby given that a meeting of the North Bay Watershed Association will be held as follows:

Date: Friday, February 7, 2014
Time: 9:30 a.m. – 11:30 a.m.
Location: Petaluma (Lucchesi) Community Center
320 N. McDowell Boulevard
Petaluma, CA, 94954

AGENDA

<u>Item</u>		<u>Recommendation</u>
1. Call to Order (Jack Gibson, Chair)		
2. Public Comment		
3. Approval of the Agenda (1 min.)		Approve
4. Approval of Minutes		Approve
5. Treasurer's Report (1 min.)		Accept
6. Watershed Approach- (40 min.) Guest Speaker: Sam Zeigler, EPA		Information
7. The Drought Is On. Turn The Water Off (20 min.) Guest Speaker: Pam Jeane, SCWA		Information
8. Sustainable Water (40 min.) Guest Speaker: Cynthia Koehler, WaterNow, MMWD		Information
9. Items of Interest		
10. Items for Next Agenda		

Next Meeting Information:

Next Meeting: March 7, 2014
Novato Sanitary District
500 Davidson Street
Novato, CA 94945



NORTH BAY WATERSHED ASSOCIATION

Minutes for the meeting of the North Bay Watershed Association (NBWA) Board of Directors.

Date: January 3, 2014
Time: 9:30 a.m.
Location: Marin Community Foundation
5 Hamilton Landing, Suite 200
Redwood Room
Novato, CA 94949

Directors Present: Directors present included:

<u>Board Member</u>	<u>Agency/Organization</u>	<u>Board Member</u>	<u>Agency/Organization</u>
Judy Arnold	County of Marin	Jack Gibson	Marin Municipal Water District
Wendy Atkins	City of Sonoma and Sonoma Valley County Sanitation District	Kathy Hartzell	Central Marin Sanitation Agency
Lena Cox	City of Petaluma	Mark Luce	Napa Sanitation District
Mike DiGiorgio	Novato Sanitary District	Pamela Meigs	Ross Valley Sanitary District
Rick Fraites	North Marin Water District	Brad Sherwood	Sonoma County and Sonoma County Water Agency

Directors present represented 12 out of the 17 agencies signatory to the Association MOU.

Board Actions:

1. **Call to Order.** Jack Gibson, Chair, called the meeting to order at 9:35 a.m.
2. **Public Comment.** None.
3. **Approval of the Agenda.** (See Handout) The Board unanimously approved the agenda.
4. **Approval of the Minutes of the Board Meeting held December 6, 2013.** (See Handout) The Minutes of the Board Meeting held on December 6, 2013 were approved.
5. **Treasurer's Report.** (See Handout) The Treasurer's Report was accepted as presented by Harry Seraydarian.
6. **Conservation – Sonoma-Marin Saving Water Partnership.** Carrie Pollard, SCWA, presented a PowerPoint entitled "Water Use Efficiency Update" highlighting efforts in Sonoma and Marin Counties to promote water conservation. She first described the Sonoma-Marin Saving Water Partnership which began in 2010 with an MOU signed by 10 water utilities and emphasizes regional solutions beyond basic rebate programs. Carrie noted the economies of scale and recent efforts including the "20 Gallon Challenge". She then described a number of regional programs: Qualified Landscaper, Sonoma County Green Business, Garden Sense, and High Efficiency Clothes Washer Rebates. Carrie highlighted the annual report and some of the major accomplishments available online at www.savingwaterpartnership.org. She then presented the components of the 2009 Water Conservation Act especially the 20% reduction in per capita water use by 2020. Carrie noted that DWR projects the state will not meet the 2020 target and then displayed a chart for the SCWA Regional Alliance which shows all 10 utilities meeting the 2020 target. She also explained overall regional per capita usage from 1995 to 2012 showing a reduction from 160 gpcd to 119 gpcd. Carrie then summarized the BAIRWMP Round 1 water use efficiency program and noted the collaboration in the Bay Area on conservation and the positive results on gallons conserved and cost. She noted that water use efficiency is included in the Round 2 proposal tentatively approved by the DWR and she anticipates that water agencies would look at conservation in Round 3 also and possibly submit more recycled water innovation proposals. Carrie ended by highlighting the other benefits to water conservation including stormwater reduction, reduction of sanitation inflows, improvements in customer service and energy savings. The NBWA Board had a number of questions: Does recycled water count towards reduction in per capita usage? (Yes.) Why does City of Sonoma look so good in relative reduction? (Started with higher baseline.) What is the basis for the DWR conclusion that the statewide goal will not be met? (It is based on Urban Water Management Plans to date.) How do we address complaints that a customer pays the same when using less water? (Revenue stability requires rate increases based on financial models.) What is the logic for rainwater harvesting given availability and summer need? (New construction is the best time to include storage cisterns, may not always be feasible as a retrofit depending on use.) Are you requiring cisterns? (No, Sonoma County Community Center is a good example of rainwater harvesting and use, reducing stormwater runoff is also a benefit.) Any data on reduction of sanitary inflows? (Sonoma Valley Sanitary District has data.) Is there data for toilet change outs? (Yes, up to 52 gallons per fixture per day.) Have you encouraged waterless urinals in public facilities? (Yes, one of our incentives, however huge maintenance issue.) Will drought be considered in BAIRWMP Round 3

process? (If the DWR includes drought as a priority in the Project Solicitation Package, Bay Area will modify criteria for selecting projects.) How will we address drought? (Partners meeting next week on drought efforts and will start media campaign.) What has been the response of commercial users? (Not strong given low return on investment for commercial users.)

7. **Corte Madera Baylands Conceptual Sea Level Rise Adaptation Strategy.** Sara Richmond, BCDC, provided a PowerPoint presentation and began with an acknowledgement of all the partners involved in the recent study. Sarah highlighted BCDC's interest in helping the region adapt and the focus on nature based solutions. She noted the lack of data on benefits that led to a project quantifying how baylands can provide wave attenuation. Sarah stated the project purpose questions: 1) How is wave attenuation at the Corte Madera Baylands sensitive to sea level rise? and 2) What management measures can improve the resilience of these baylands and thereby maintain their ability to provide flood risk reduction? She then described the project site which includes natural and restored tidal marsh and noted the years of data and the nexus with the Marin Countywide Plan (2007). She provided a map of the project site and noted the infrastructure that is protected by the marshes. Sarah then presented a map illustrating field measurement locations for wave attenuation, marsh sediment accumulation and offshore sediment erosion. She provided results of 2010 wave height measurements and wave attenuation at different tides (low tides have waves attenuated over mudflats; mid-high tides have waves attenuated over mudflats and marsh edge; and high tides have waves attenuated over marshes). Sarah concluded that flood risk reduction varies with water depth and deeper water reduces attenuation by mudflats. She also presented information on wave attenuation sensitivity analysis and provided a chart illustrating that deeper water requires a wider marsh to achieve equivalent wave attenuation and that wave attenuation is more sensitive to water level than wave height. She also noted that wave attenuation is more sensitive to vegetation loss than vegetation species. Sarah described the baylands geomorphic evolution which depends on accreting upward and moving inland and highlighted the need for sediment for upward accretion. She then concluded that Corte Madera marshes are projected to downshift (high marsh to mudflat) unless managed differently. Sarah presented a suite of possible management measures and examples. These measures included: 1) reduce near shore wave energy, 2) stabilize with coarse beach, 3) recharge mudflat and marsh (with sediment), 4) improve sediment pathways, 5) enhance sediment trapping, 6) increase transition zone, and 7) realign levees. Sarah then described a process of looking at benefits and constraints and using a geomorphic conceptual model to identify the best measures to pursue on a case by case basis at each specific location. She described the assessment for Corte Madera which identified general mudflat erosion and marsh edge erosion from various causes (tidal wave action, sediment supply, biological activity, etc.). Sarah described the general decreasing vertical accretion rates for Corte Madera as compared to China Camp, Petaluma, and Coon island and projected that though Corte Madera is keeping up with sea level rise now that may not be the case in the future. Sarah then presented some concepts (increase local sediment supply and improve sediment pathways) to preserve high wide baylands and some questions that will need to be answered. Sarah also explained a phased sea level rise adaptation strategy that would increase the transition zone to support high marsh. Sarah ended with the following conclusions: (1) wetlands can play a significant role in reducing coastal flooding and future investments in structural shoreline protection; (2) a high, wide mudflat and marsh mudflat maximize wave attenuation; (3) appropriate management measures are based on site-specific geomorphic conditions; and (4) additional research is needed to better understand the efficacy of many of these measures. The NBWA Board had a number of questions: What is the average width of Corte Madera marshes? (1,000-1,500 feet.) What were wetlands like back before mining? (Emphasis is on restoring wetland processes which links to sediment management – reconnecting marsh to watershed at Corte Madera may not work but could work in other areas.) Are marshes subsiding? (Accretion takes subsidence into account – not an issue now.) What about built environment? (The larger program – Adapting to Rising Tides [ART] addresses infrastructure with Alameda study and a pilot in southern Marin.) Will Corte Madera need some type of levee given ferry wake? (Project level assessment needed.) Did you investigate Spartina removal? (No, wave attenuation is not sensitive to differences in vegetation.) Where can you store dredge material for projects? (Locations identified as part of Hamilton projects, including an aquatic transfer facility, need to develop alternatives.) Are there any solutions to moving sediment? (Flood Control 2.0 is starting to address, need new vision.)

8. **Items of Interest.** None.

9. **Items for Next Agenda.**

- * EPA Watershed Approach – New Tools – Sam Ziegler, EPA
- * Sustainable Water – Cynthia Koehler, MMWD, WaterNow

Jack Gibson, Chair, adjourned the meeting at 11: 20 a.m.

SUBJECT TO BOARD APPROVAL

Submitted By: Elizabeth O. Preim-Rohtla

Assistant to the Executive Director

NEXT MEETING INFORMATION:

February 7 – Petaluma (Lucchesi) Community Ctr., 320 N. McDowell Blvd., Petaluma, CA 94954 – Conference Room 2
March 7 – Novato Sanitary District, 500 Davidson Street, Novato, CA 94945

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DISBURSEMENTS - DATED JANUARY 23, 2014

Date Prepared: 1/21/14


The following demands made against the District are listed for approval and authorization for payment in accordance with Section 31302 of the California Water Code, being a part of the California Water District Law:


Seq	Payable To	For	Amount
P/R*	Employees	Net Payroll PPE 1/15/14	\$112,581.96
EFT*	US Bank	Federal & FICA Taxes PPE 1/15/14	48,861.79
EFT*	State of California	State Taxes & SDI PPE 1/15/14	8,482.86
EFT*	US Bank	Quarterly Bank Analysis Charge	2,547.92
1	Aberegg, Michael	Drafting Services: Grant Avenue & 5th Street Galvanized Steel Pipe Replacement (Balance Remaining on Contract \$16,213)	770.00
2	Alpha Analytical Labs	Lab Testing (Novato Area)	1,551.00
3	Backflow Distributors	Double Check Valves (2)	320.31
4	Bank of Marin	Bank of Marin Loan Principal & Interest (Pyemt 27 of 240)	46,066.67
5		Vision Reimbursement	70.00
6	CA Board of Equalization	State Sales & Use Tax 1/13-12/13	12,778.00
7	California Water Service	November-January Water Service (O.M.) (0 Ccf)	139.73
8	California Sanitation Risk Mgmt	Oceana Marin 2014 Liability Insurance	2,484.58
9	CSW/Stuber-Stroeh Engineering	Engineering Services: NMWD Aqueduct Energy Efficiency Project (Balance Remaining on Contract \$26,952)	89,165.33
10	Cummings Trucking	Sand (64 yds) (\$3,232) & Rock (64 yds) (\$2,289)	5,521.30
11	Do, Victoria	Novato "Washer Rebate" Program	50.00
12	Fehling, Kurt	Novato "Washer Rebate" Program	50.00
13	Gallo, Philip	Novato "Washer Rebate" Program	50.00
14	Golden Gate Petroleum	Gasoline (\$3.65/gal) & Diesel (\$3.90/gal)	3,481.55

Seq	Payable To	For	Amount
15	Grainger	Screwdrivers (12)	92.46
16	Groeniger	Caps (20) (\$82), Nipples (2), 1" Copper Pipe (3,000) (\$14,519), Ells (4) (\$115), Plugs (6), Couplings (16) (\$194) & Brass Valves (16) (\$307)	15,289.90
17	Hardy Diagnostics	Bacteria Growth Media (Lab)	311.88
18	Hopkins Technical Products	Chemical Feed Pumps for STP & PRTP	8,455.51
19		Cafeteria Plan: Uninsured Medical Reimbursement	1,250.00
20	Kehoe, Theresa	Exp Reimb: Notary Bond Filing	44.00
21		Vision Reimbursement	207.95
22	Malone, Carol	Novato "Washer Rebate" Program	50.00
23	Marin Landscape Materials	Rock (1 yd)	53.41
24	Marin County Recorder	Sept-Nov 2013 Copy of Official Records (3)	20.00
25	MegaPath	DSL Internet (1/12/14-2/11/14)	142.88
26		Vision Reimbursement	209.98
27	Metrohm USA	Replacement Parts for IC Cation Instrument (Lab)	1,697.22
28	Newark	RTU Fuses (200)	223.84
29	Pace Supply	3" Gate Valve (\$158), Lid (\$213), Ball Valves (7) (\$101), Nipples (7), Adaptors (4) & Pressure Regulators Valves (2) (\$182)	757.14
30	Peisson, Linda	Novato "Washer Rebate" Program	50.00
31	Pryor Seminars, Fred	Accounts Payable Seminar in Santa Rosa on 12/11/13 (Filippi)	199.00
32	Rising Sun Energy Center	Recycled Water Audits (17) (Water Smart Home Surveys)	2,574.00
33		Cafeteria Plan: Uninsured Medical Reimbursement	85.00
34	Schiebold, Jeannine	Novato "Washer Rebate" Program (2)	100.00

Seq	Payable To	For	Amount
35	Schroeder, Donald	Novato "Toilet Rebate" Program	100.00
36	Sebring, Garry	Novato "Toilet Rebate" Program	294.00
37	Shirrell Consulting Services	January Dental Insurance Admin Fee	288.15
38	SPG Solar	Energy Delivered Under Solar Services Agreement (12/1/13-12/31/13)	7,993.40
39	Staples Advantage	"AA" Batteries (36) (\$56) & Copy Paper (60 reams) (\$216)	272.42
40	Steinborn, Geraldine	Novato "Toilet Rebate" Program	100.00
41	Syar Industries	Asphalt (5 tons)	596.94
42	United Parcel Service	Delivery Services: Sent Gas Monitor for Repair, AEEP Reaches A-D/MSN B3 Plans & Specs & Freight on pH Meter	52.18
43	Williamson, Barry	Novato "Washer Rebate" Program	50.00
TOTAL DISBURSEMENTS			<u>\$376,534.26</u>

The foregoing payroll and accounts payable vouchers totaling \$376,534.26 are hereby approved and authorized for payment.

 _____ 1/21/14
Auditor-Controller Date

 _____ 1/21/2014
General Manager Date

DISBURSEMENTS - DATED JANUARY 30, 2014

Date Prepared: 1/28/14

The following demands made against the District are listed for approval and authorization for payment in accordance with Section 31302 of the California Water Code, being a part of the California Water District Law:


Seq	Payable To	For	Amount
1	Advanced Reproduction Center	Plans & Specs - AEEP Reaches A-D /MSN B3 (4 sets)	\$300.15
2	Agile Business & Technology	Accounting Support: Comp Time Report	146.25
3	AirGas	Oxygen for Maintenance on Air Monitoring System	333.25
4	Alpha Analytical Labs	Lab Testing	144.00
5	American Family Life Ins	Employee Contribution for Accident, Disability & Cancer	4,361.66
6	Athens Administrators	January Workers' Comp Admin Fee	1,000.00
7	AT&T	Telephone Charges: Leased Lines	63.30
8	Avery, Lori	Novato "Washer Rebate" Program	50.00
9	Backflow Distributors	Hoses & Filter for Backflow Tester	86.80
10	Balmy, Alec	Novato "Washer Rebate" Program	50.00
11	Battery Systems	Replacement Batteries for Reservoir Hill Solar Power System (2)	554.70
12	Bender, Matthew	Annual Govt Codes (\$455) (1/14-12/14) & Water Supplemental (2014) (\$393) (Budget \$790)	848.70
13		Cafeteria Plan: Uninsured Medical Reimbursement	2,496.00
14	Breit, Adam	Exp Reimb: Water Distribution Exam (\$111) & Renewal for D1 Certification (Budget \$70) (6/14- 5/16)	181.55
15	California Department of	D1 Certification Renewal Fee (Cilia) & Late Payment Penalty (Budget \$70) (9/13-8/16)	170.00
16	California State Disbursement	Wage Assignment Order	1,018.50


Seq	Payable To	For	Amount
17	CalPERS Health Benefits	Health Insurance Premium (Employees \$53,455, Retirees \$10,115 & Employee Contrib \$10,160)	73,730.55
18	CalPERS Retirement System	Pension Contribution 1/15/14	48,278.85
19	Carlson, Mary	Novato "Washer Rebate" Program	50.00
20	Core Utilities	Consulting Services: December IT Support (\$5,000), Program New Radios for Radio Telemetry Project & SCADA Modifications (Novato) (\$2,500), Website Maintenance (\$150), Lockbox (\$2,000), Online APS Sign-up (\$825), Online Payment Processing (\$125) & Install Security Certification (\$200)	10,800.00
21	CWEA	Annual Lab Analyst Grade 1 Renewal Fee (Bena) (Budget \$80)	77.00
22	Dagitz, Barbara	Refund Overpayment on Closed Account	36.57
23	Davis, Jamie	Refund Overpayment on Closed Account	20.00
24	ECOLAB Equipment Care	Repair on Autoclave (Lab)	2,061.21
25	Environmental Express	Chlorate Standard	49.25
26	Fisher Scientific	Sulfate Standard & pH Probe (\$367) (Lab)	394.29
27	Flexman, Joshua	Novato "Washer Rebate" Program	50.00
28	Flores, Jose	Refund overpayment on Account	62.67
29		Cafeteria Plan: Uninsured Medical Reimbursement	20.55
30	Graham, Danielle	Refund Alternative Compliance Reg 15 Deposit	630.00
31	Grainger	Weather Stripping & Fluorescent Lights (36) (\$136)	143.98
32	Haan, Carole	Novato "Washer Rebate" Program	50.00
33	Harris and Associates	Pipeline Inspection Testing Services for MSN B-1 Reach E Project (Balance Remaining on Contract \$66,131)	19,805.12
34	Hazard Management Services	Asbestos Pipe & Lead Awareness Training (Const Crew) (Training Cost Split with Petaluma)	600.00

Seq	Payable To	For	Amount
35	Home Depot	Buckets (7) & PVC Solvent (18) (\$103)	124.02
36	InfoSend	December Processing Fee for Water Bills (\$1,414), Postage (\$3,859) & Green House Call Inserts (17,255) (\$173)	5,445.63
37	Integra Chemical	Dechlorination Tablets (280)	1,250.80
38	Jagoda, Cheryl	Novato "Washer Rebate" Program	50.00
39	Kane, Barbara	Novato "Washer Rebate" Program	50.00
40	Kirkwood, Mary	Refund Overpayment on Account	214.37
41	Levitan, Korie	Novato "Washer Rebate" Program	50.00
42	Lewis, J.	Refund Overpayment on Account	3,265.66
43	Lincoln Life	Deferred Compensation PPE 1/31/14	12,259.49
44	Maltby Electric	Outdoor Cat 5 Cable (1,000)	628.12
45	Marin Reprographics	Bond Paper (36" x 500") (2)	170.08
46	McCloskey, Lawrence	Novato "Toilet Rebate" Program	200.00
47	McCowen, Marty	Novato "Washer Rebate" Program	50.00
48	McGill, Raymond	Novato "Toilet Rebate" Program	100.00
49	Drew McIntyre	Exp Reimb: Sept-December 2013 Mileage & 2014 BAWWA Membership Dues (\$20) (Budget \$20)	235.15
50	Merceri, Michael	Novato "Washer Rebate" Program	50.00
51	Mitchell, Russ & Associates	Perform Recycled Water Onsite Retrofit Design Work (Balance Remaining on Contract \$11,590)	1,125.00
52	Mutual of Omaha	Group Life Ins Premium	716.72
53	Nationwide Retirement Solution	Deferred Compensation PPE 1/31/14	1,025.00
54	Neopost USA	Quarterly Postage Meter Rental (2/14-4/14)	223.18
55	Novato Disposal Service	December Trash Removal	413.20
56	Pape Machinery	Work Lights (2) ('10 F150)	123.18
57	Peterson Trucks	Diagnostic Check for Engine & Transmission ('12 Intl Dump Truck)	220.00

Seq	Payable To	For	Amount
58	Sanders, Donna	Novato "Washer Rebate" Program	50.00
59	Sheline, Brian	Novato "Cash for Grass" Program	100.00
60	Siemens Water Technologies	Service on Deionization System	200.07
61	Smith Jr, Charles	Novato "Toilet Rebate" Program	100.00
62	Soiland	Asphalt Recycling (13 tons)	40.00
63	Sonoma County Water Agency	December Contract Water	400,229.14
65	SpeedTech Lights	Light Bar ('10 F150)	209.49
65	Staples	DVD's (100) (Eng)	29.42
66	Township Building Services	December Janitorial Services	1,796.84
67	Vargas, Hector	Novato "Toilet Rebate" Program	100.00
68	Verizon California	Telephone Charges: Leased Lines	604.98
69	Webster, Betty	Novato "Toilet Rebate" Program	100.00
70	White & Prescott	Engineering Services: Easement for Klatte Driveway (Balance Remaining on Contract \$32,565)	240.00
71	Wiley Price & Radulovich	Employee Handbook Review	114.00
		TOTAL DISBURSEMENTS	<u>\$600,568.44</u>

The foregoing payroll and accounts payable vouchers totaling \$600,568.44 are hereby approved and authorized for payment.

 1/27/14
 Auditor-Controller Date

 1/27/2014
 General Manager Date

MEMORANDUM

To: Board of Directors

January 31, 2014

From: Nancy Williamson, Senior Accountant

Subj: Information – FY14 2nd Quarter Labor Cost Report
t:\aclword\memo\14\2ndqtr labor cost rpt.doc

RECOMMENDED ACTION: Information Only

FINANCIAL IMPACT: None

Attached in graphical format is a five-year comparative summary of total labor cost (Attachment A), overtime cost (Attachment B) and temporary employee cost (Attachment C) expended during each fiscal year. Also attached is a summary of total labor cost vs. budget (Attachment D), which shows that labor cost was 4.6% under budget through the 2nd quarter of the year. Total labor cost increased \$138,866 (4.2%) from the prior year, same period.

Department	Increase / (Decrease) in Labor Cost vs prior FY	% Change
Administration	(\$26,373)	(2.9%)
Engineering	\$11,730	2.0%
Operations/Maint	\$49,939	4.2%
Construction/Maint	\$103,570	18.4%
Net Increase/(Decrease)	\$138,866	4.2%

Comment on Change from Prior Year

Administration: Labor Cost decreased \$26,373, or 2.9%. The decrease is primarily due to the retirement of Renee Roberts on December 28, 2012 and that position being combined with the Administrative Assistant position, as well as the elimination of an Accounting/Credit Clerk position with Mary Ann Dowden's November 30, 2012 retirement. This decrease was offset by a 1.76% COLA effective 10/1/13, one step-increase, and an increase in the use of temporary labor and overtime to cover for Darrell Bynum's 3-month absence.

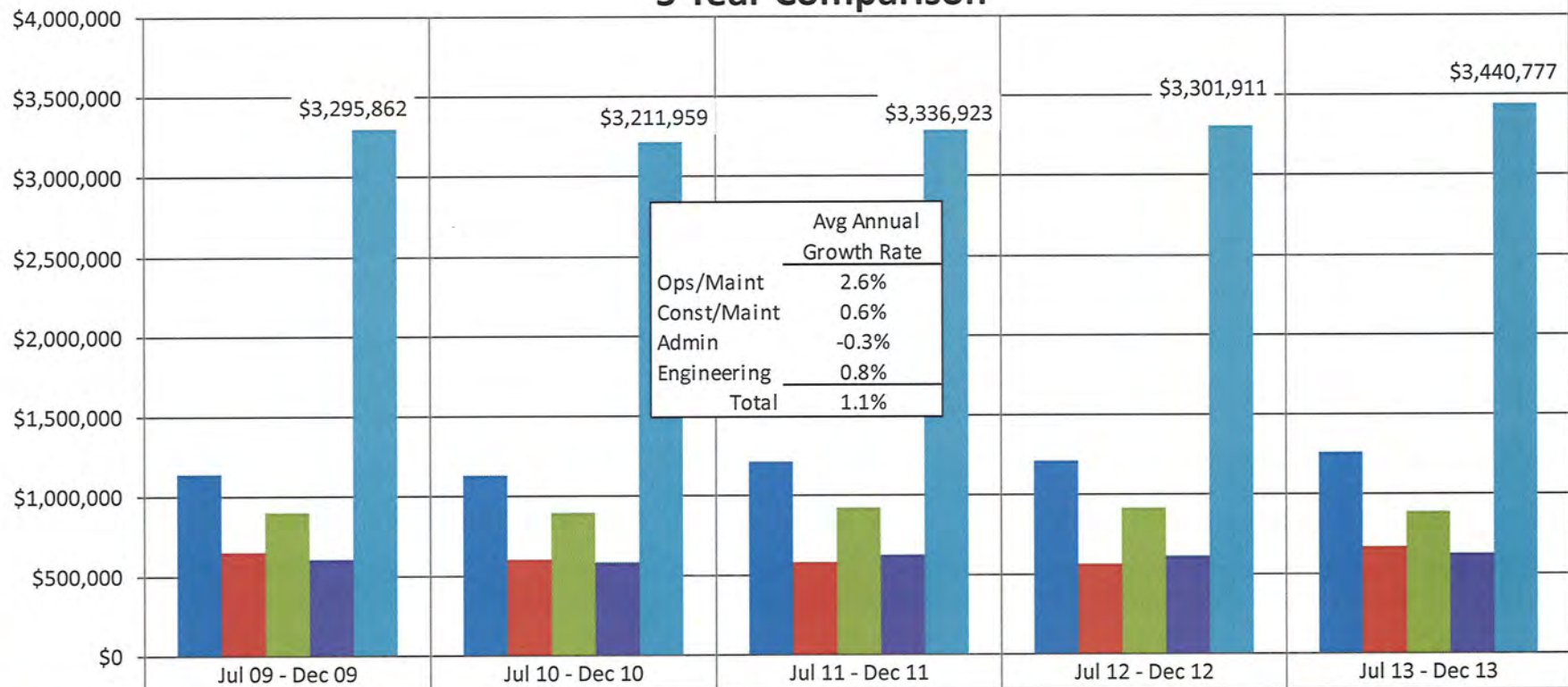
Engineering: Labor Cost increased \$11,730, or 2.0%. The increase is primarily due to a 1.76% COLA effective 10/1/13.

Operations/Maintenance: Labor Cost increased \$49,939, or 4.2%. The increase is primarily due to four step-increases, the aforesaid 1.76% COLA, and an increase in both temporary labor and overtime.

Construction/Maintenance: Labor Cost increased \$103,570, or 18.4%. The increase is due to six step-increases, the 1.76% COLA, and by an increase of 1,047 hours (11%) worked (via employment of two seasonal temps (538 hour increase) as well as a 435 hour reduction in leave time taken compared to the prior year same period).

NMWD Fiscal Year through December Total Labor Cost 5 Year Comparison

1/31/14

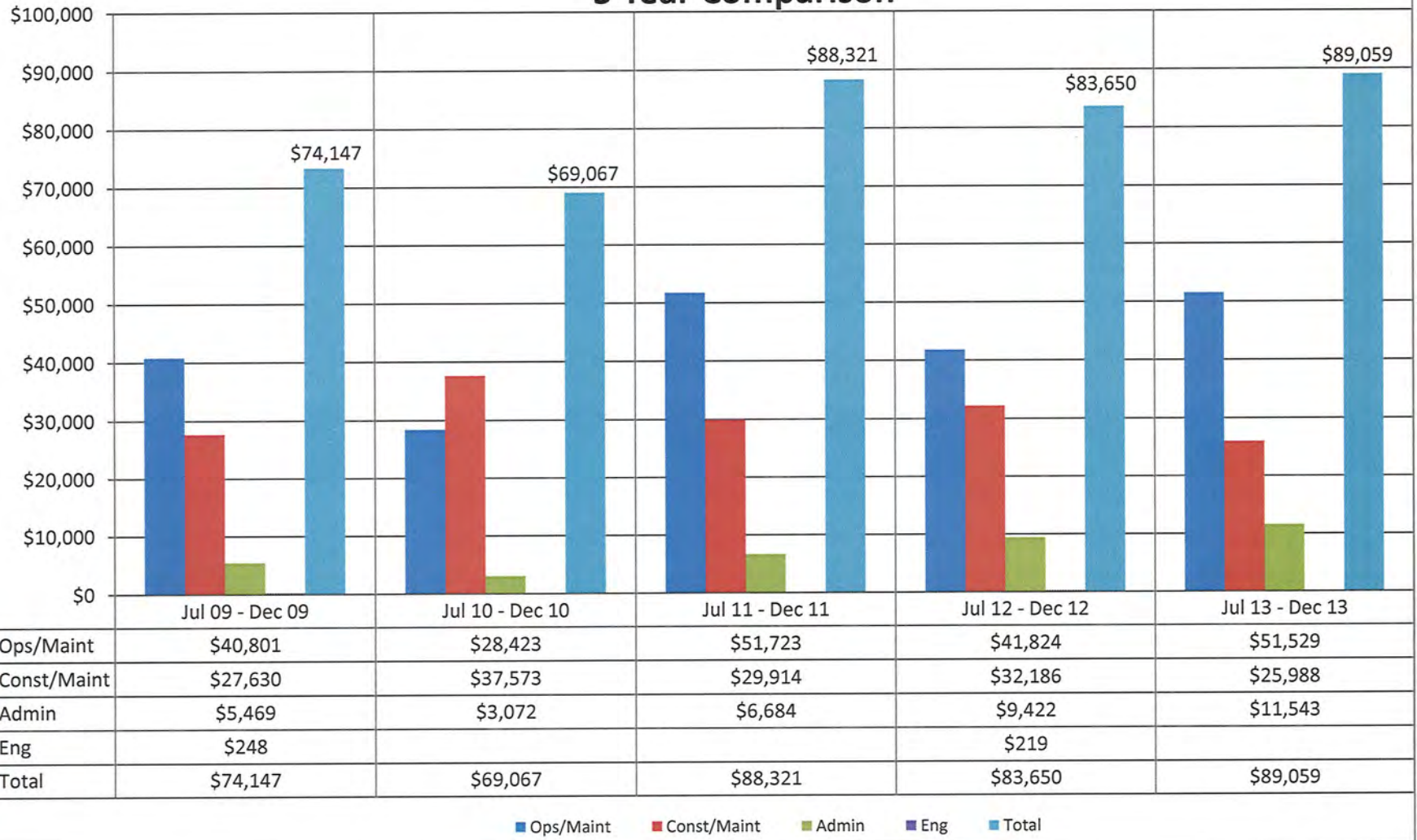


Avg Annual Growth Rate	
Ops/Maint	2.6%
Const/Maint	0.6%
Admin	-0.3%
Engineering	0.8%
Total	1.1%

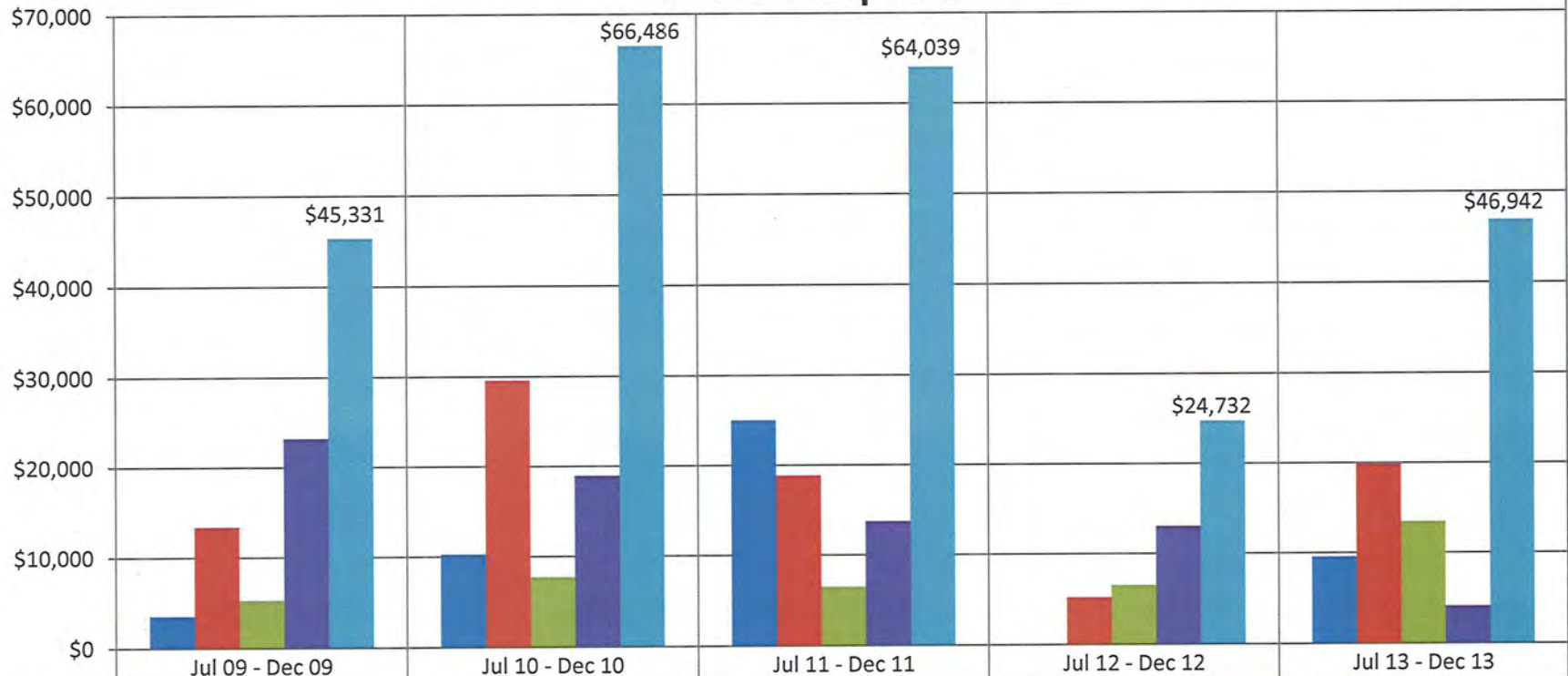
Ops/Maint	\$1,137,550	\$1,128,413	\$1,209,566	\$1,209,247	\$1,259,186
Const/Maint	\$653,248	\$604,369	\$582,181	\$565,628	\$669,198
Admin	\$899,451	\$894,807	\$919,715	\$913,596	\$887,223
Eng	\$605,613	\$584,371	\$625,461	\$613,441	\$625,171
Total	\$3,295,862	\$3,211,959	\$3,336,923	\$3,301,911	\$3,440,777

■ Ops/Maint
 ■ Const/Maint
 ■ Admin
 ■ Eng
 ■ Total

NMWD Fiscal Year through December Overtime Cost 5 Year Comparison



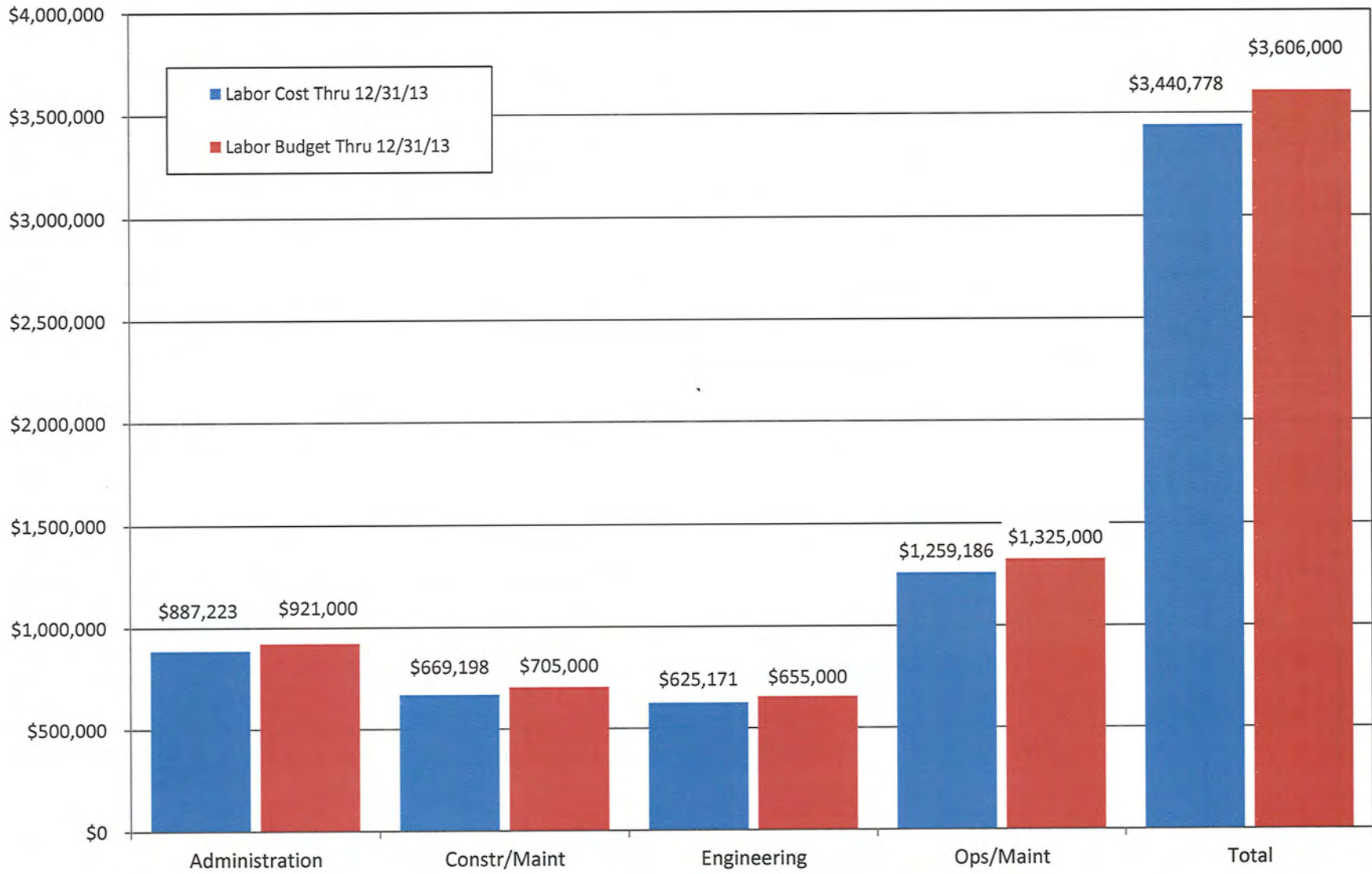
NMWD Fiscal Year through December Temporary Employee Cost 5 Year Comparison



■ Ops/Maint	\$3,514	\$10,254	\$25,006	\$0	\$9,555
■ Const/Maint	\$13,384	\$29,568	\$18,837	\$5,152	\$19,835
■ Admin	\$5,264	\$7,731	\$6,485	\$6,536	\$13,447
■ Eng	\$23,169	\$18,934	\$13,711	\$13,044	\$4,105
■ Total	\$45,331	\$66,486	\$64,039	\$24,732	\$46,942

■ Ops/Maint
 ■ Const/Maint
 ■ Admin
 ■ Eng
 ■ Total

NMWD Fiscal Year through December Total Labor Cost vs. Budget 7/1/13 - 12/31/13



MEMORANDUM

To: Board of Directors

January 31, 2014

From: David L. Bentley, Auditor-Controller

Subj: Self-Insured Workers' Comp – 2nd Quarter Status Report

t:\acl\word\personnel\wcl\self ins status 1213.docx

RECOMMENDED ACTION: None

FINANCIAL IMPACT: Cumulative Cash Outlay Avoided of \$315,741

The District returned to self-insuring its workers compensation liability effective July 1, 2011, after the low-cost proposal for first-dollar workers' compensation coverage increased 20% over the prior year, to \$159,331. The avoided-cost in FY12 and FY13 from self-insuring is calculated at \$189,074. The proposed premium for FY14 came in at an astounding \$311,764¹. Through the first quarter of FY14, the District incurred two minor claims, the medical bills for which have not yet come in. Thus the District has accumulated an additional \$126,667 in avoided cost during the first two quarters of FY14.

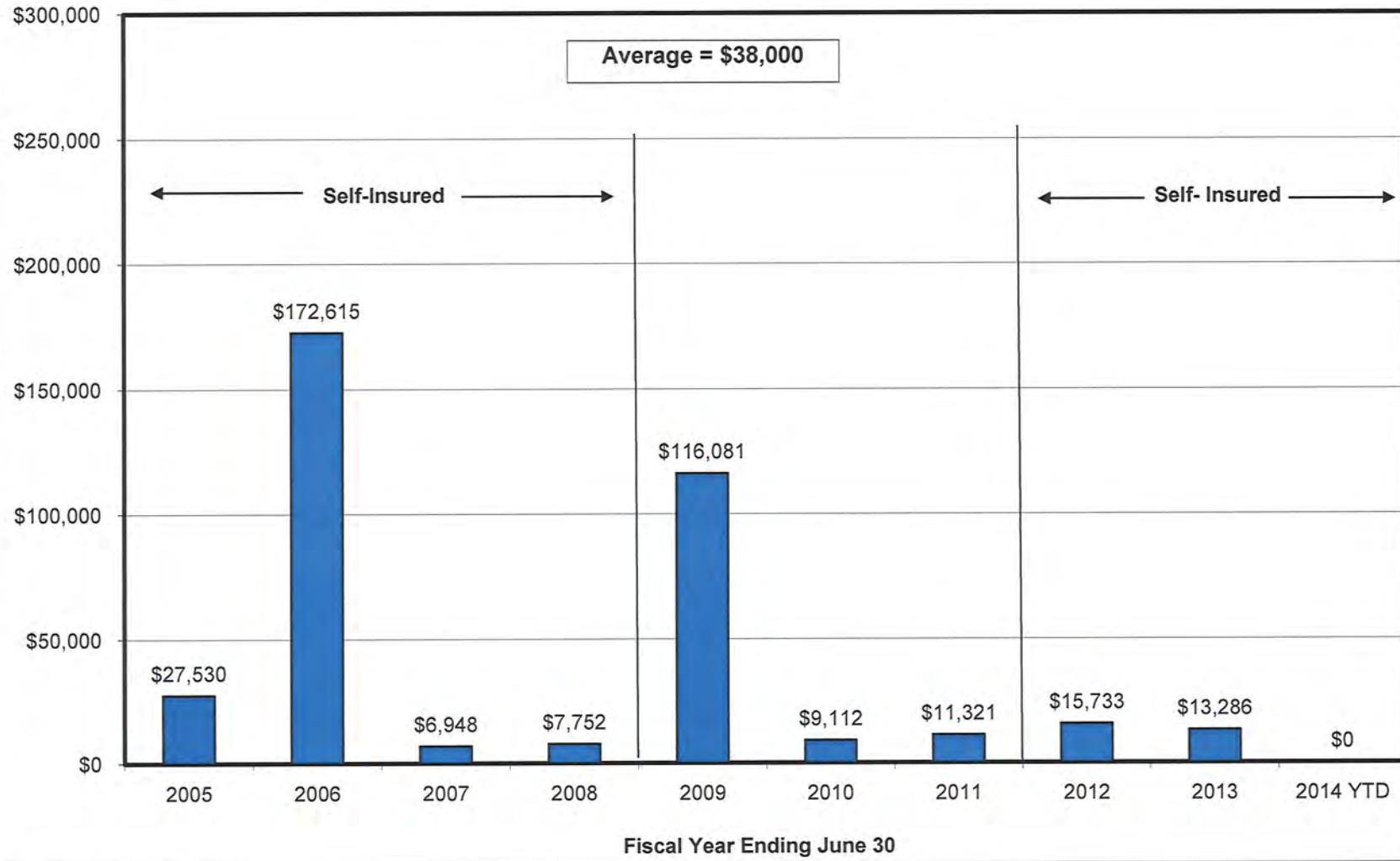
Cumulative cost avoided for the first ten quarters of self-insurance total \$310,245. When the Reserve for Future Medical (which is money not yet paid out) is added, the total cash outlay avoided to date is \$315,741. This money is set-aside in a reserve for future claims.

Attached are charts showing a 10-year history of annual claims cost (average \$38,000 per year) and 10-year history of claims frequency (average 10 claims per year).

	FY12	FY13	FY14 thru 12/31/13	Cumulative
Premium Avoided	\$159,331	\$170,574	\$157,305	\$487,210
Self-Insurance Cost				
Medical/Indemnity Cost	(15,733)	(13,286)	0	(29,019)
Third Party Administration	(12,000)	(12,000)	(6,000)	(30,000)
Excess Insurance Premium	(45,546)	(47,762)	(24,638)	(117,946)
Legal/Miscellaneous	0	0	0	0
Net Cost Avoided	\$86,052	\$97,526	\$126,667	\$310,245
Reserve for Future Medical	5,496	0	0	5,496
Total Cash Outlay Avoided	\$91,548	\$97,526	\$126,667	\$315,741

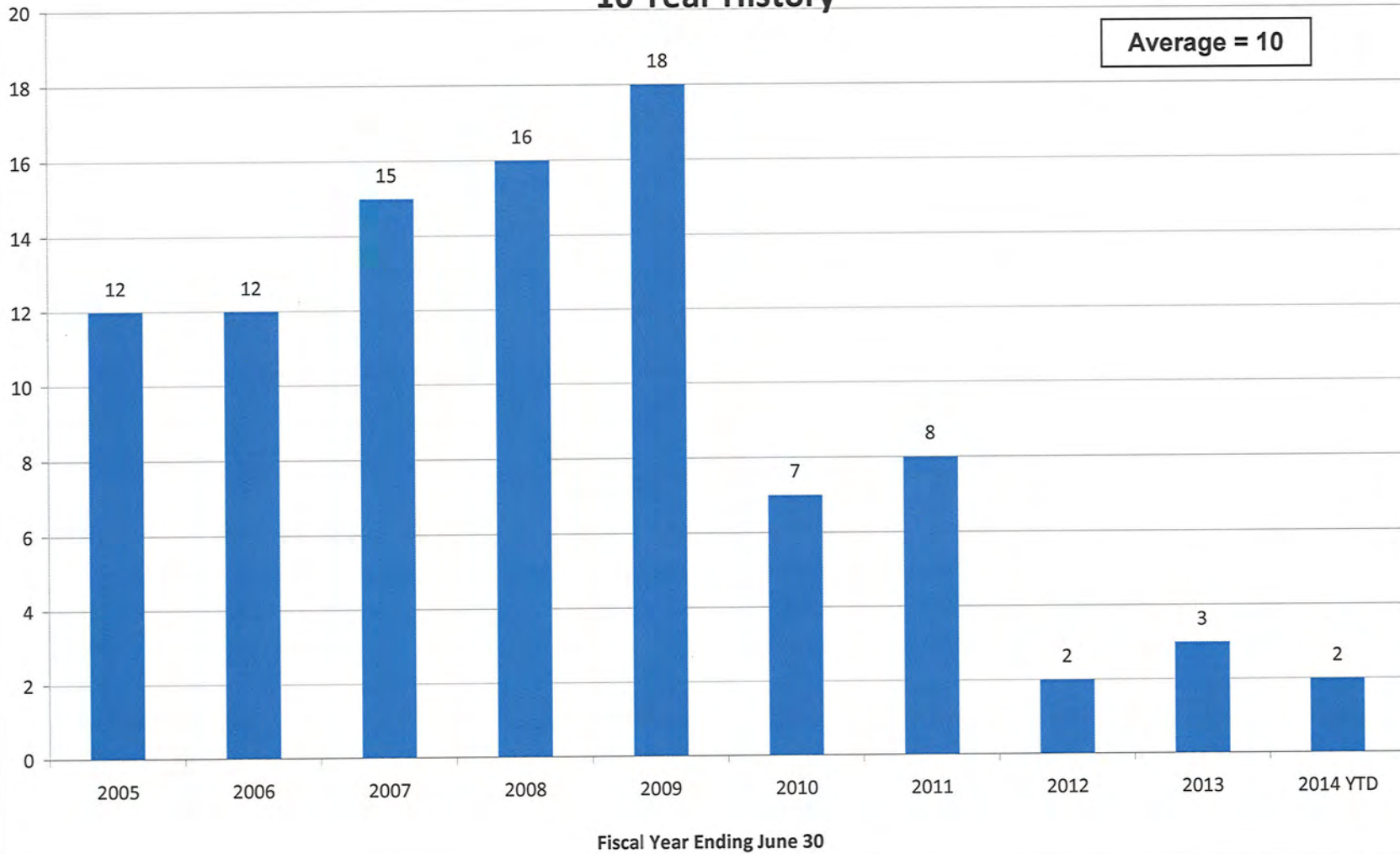
¹ Chartis Insurance proposed \$311,764. State Compensation Insurance Fund proposed \$317,190.

Workers' Compensation Claim Cost by Year Injury Incurred 10 Year History



Workers' Compensation Claims Filed - Frequency 10 Year History

Average = 10



**Marin County Civil Grand Jury
Sanitation Agencies Survey, December 2013**

GENERAL

1. What year was the Sanitation Agency established? 1973

2. How many full time (or full time equivalent) employees work in the Agency? 50
(Operation & Maintenance of the Oceana Marin Sewer System is provided by private contractor)

3. Please check below the Sanitation Sewer Activity(ies) of the Agency?
 X Collection X Treatment X Disposal

4. What size is the Agency? Please complete the following:
 Oceana Marin Sewer System
 - a. The number of active residential connections served by the Agency 229
 - b. The number of active non-residential connections served by the Agency 0
 - c. The number of residents served by the Agency 400
 - d. The number of square miles within the Agency's boundaries 1

5. How many miles of sewer pipe are in the Agency's boundaries?
 - a. Gravity pipes 5
 - b. Force Main Pipes 0.5

6. What is the age of the oldest pipes? 40 yrs
7. What is the average age of the pipes? 30 yrs
8. What is the age of the newest pipes? 1 yrs

9. How many pumping stations are in the Agency's boundaries? 2

10. How many flow meters are in the Agency's system? 2

OPERATIONS

A. Sanitation Sewer Management Plan

1. Does the Agency have a current Sanitation Sewer Management Plan (SSMP)?
If Yes, please provide a copy. If no, please explain. Yes X No

2. Did the public provide input into the SSMP? Yes X No

3. When was the most recent audit of the SSMP? Date 12/2013

**Marin County Civil Grand Jury
Sanitation Agencies Survey, December 2013**

4. Is the SSMP available for public review? Yes X No _____
If Yes, please explain how/where it can be viewed.
Upon request
5. Please provide the Agency's Average Sewer Flows for a dry day 13,000 gallons
6. Please provide the Agency's Average Sewer Flows for a wet day 36,000 gallons
7. Please provide the Agency's Peak Wet Day flow 69,000 gallons
8. What is the capacity rating of the Agency's treatment system? 122,000 gallons

B. Sanitary Sewer Overflows

9. How does the Agency communicate Sanitary Sewer Overflows to the public?
Please explain.
When the Agency becomes aware of a sewer overflow an assessment of the spill is made and the local home owners association is contacted. Within two hours calls are made to the follow:
a.) California Office of Emergency Services
b.) North Coast Regional Water Quality Control Board
c.) Marin County Health if potential public health impacted
d.) California Department of Fish and Game if ocean or live stream is impacted.
10. How much time does it take to alert the public that a spill has occurred? 2 hrs
11. Does the Agency have a Sewer Overflow Response Manual? Yes X No _____
If Yes, please provide a copy.
12. Does the Agency have a Sewer Overflow Response Training Manual?
Yes X No _____
If Yes, please provide a copy.
13. How many sewer spills have occurred in your Agency in the last three years? (The Categories are defined by the SWRCB). How much do the spills in each year add up to in gallons?
- a. 2011 Category 1 0, Category 2 0, Category 3 0 Total 0 gallons
b. 2012 Category 1 0, Category 2 0, Category 3 0 Total 0 gallons
c. 2013 Category 1 0, Category 2 1, Category 3 0 Total 300 gallons

**Marin County Civil Grand Jury
Sanitation Agencies Survey, December 2013**

C. Asset Management Plan

14. Please provide information about violations or citations related to sewer spills in 2011, 2012 and 2013.

None

15. Does your Agency use a Geographic Information System to map sewer mains, pump stations, valves and storm drains? Yes ___ No X___

16. Has the Agency identified all the problem pipes that require rehabilitation/replacement? Yes X___ No ___

17. Has the Agency established a plan for rehabilitating/replacing the problem pipes? Yes X___ No ___

18. Does the Agency have a Capital Improvement Plan? Yes X___ No ___
If Yes, please provide a copy.

D. Co-Operation with Other Agencies

19. Has the Agency co-operated with other Sanitary Agencies on any activities? Yes X___ No ___
If Yes, please provide details.

NMWD and Novato Sanitary District have a mutual aid agreement allowing either agency to request personnel, equipment or supplies from the other. Both NSD and NMWD have called upon one-another for assistance under the agreement.¹

20. Has the Agency considered consolidation, annexation or other re-organization? Yes X___ No ___
If Yes, please provide a brief summary.

If not, please explain why not.

In 1968, a proposal for consolidation of the North Marin Water District with the Novato Sanitary District was defeated by a vote of the citizens.

A 1980 repeat on consolidation of Novato Special Districts concluded that consolidation offered low potential in cost savings and the disadvantages of uneven political accountability, and was therefore not recommended.

¹ Most notably in the area of the laboratory services for water testing.

**Marin County Civil Grand Jury
Sanitation Agencies Survey, December 2013**

FINANCIAL

1. Please specify the Agency's fiscal year months i.e. Jan-Dec, July-June
2. What is the current annual sewer rate per household in the Agency? \$ 780
3. What is the current annual non-residential sewer rate in the Agency? \$ n/a
4. Please provide a copy of the Budget for the Current Year.
5. Does the Agency have Audited Financial Statements for the last two fiscal years?
Please provide copies. Yes X No
6. Does the Agency have a policy on reserves? yes
Please provide details.
Policy included as Attachment 9
7. Please provide information on your reserve allocations as follows:

○ Operating Reserves	\$ <u>60,000</u>
○ Rate Stabilization reserves	\$ <u> </u>
○ Emergency Repair reserve	\$ <u> </u>
○ Capital Reserve	\$ <u>200,075</u>
○ Other purpose (please specify) Self-insured W.C. fund	\$ <u>3,659</u>
○ Total Combined Reserves	\$ <u>263,734</u>
8. Please provide the average annual cost per employee including total compensation and benefits (exc. Pensions benefits) \$ 113,463
9. Please provide the total annual compensation and benefits (exc. Pension) of the General Manager. \$ 215,022
10. Does the Agency have an Unfunded Pension Liability? Yes X No
Please provide a copy of the last actuarial valuation of the Pension Plan.
11. What is the date of the Agency's last Actuarial Valuation for Other Post Retirement Benefits (OPEB)? Date 7/18/13
Please provide a copy.
12. Does the Agency have an unfunded liability for OPEB? Yes No X
Liability is fully funded
If so, what is the amount? \$

**Marin County Civil Grand Jury
Sanitation Agencies Survey, December 2013**

13. What were the Agency's Capital expenditures in the last fiscal year? \$ 8.7M

14. What are the Agency's anticipated capital expenditures in the current fiscal year?
\$ 6.1M

15. How much has the Agency spent on Legal Fees in 2012 and 2013?

2012 \$ 30,489 2013 \$ 23,051

GOVERNANCE

1. Please complete the following chart:

Board Member Name	Length of Term (yrs)	Years on the Board	Term Expires	Elected (E) or Appointed (A)	Date of Last Ethics Training*	Total Compensation Paid last fiscal year \$
Jack Baker	4	30	12/15	E	4/17/12	2,700
Rick Fraites	4	10	12/17	E	3/21/12	3,300
Stephen Petterle	4	12	12/15	A (2001) E (2003)	3/16/12	2,300
Dennis Rodoni	4	18	12/15	E	3/11/12	3,100
John Schoonover	4	29	12/17	A (1984) E (1985)	3/26/12	3,000

*Ethics Training per Code CA AB1234, Article 2.4 and CA Government Code Section 53234-53235.2

2. Please describe the role of the Board for the Agency

The Board is the governing body of NMWD. The NMWD Board is charged with full jurisdiction over all water works necessary for acquisition, treatment, sale and distribution of water served to NMWD customers and is responsible for the collection and disposal of sewage in the West Marin Ocean Marin Sewer system.

Among other duties, the Board has authority to acquire or sell real property, to construct and operate facilities, to purchase equipment and enter into contracts. The Board establishes NMWD mission and goals, and adopts policies and strategies to meet these needs. The Board adopts regulations for administration of NMWD water and sewer service, approves an annual budget, fixes water and sewer rates, hires the General Manager and establishes compensation for all NMWD employees.

**Marin County Civil Grand Jury
Sanitation Agencies Survey, December 2013**

OTHER

1. Please rank the following activities 1-3, in order of importance for the Agency, with 1 being the most important.
- Establishing and Monitoring the Asset Management Plan 1
 - Installing Flow Meters 3
 - Minimizing and Managing Sanitary Sewer Overflows 2

2. Would you consider billing customers by usage? Yes _____ No X

3. Are there challenges with this approach? Yes X No _____
If so, please explain

Obtaining the water use Data

(Note: since 100% of the customer base is single-family residential, the variation in water use between customers would not be significant enough to warrant the additional complexity of a use-based billing system)

4. What are the advantages of local control for sewer system agencies?
Local control allows the customer the opportunity to have concerns addressed in their community face-to-face with decision-makers on a regular basis.

Survey Completed by: David L. Bentley (name) 1/27/14 (date)
Auditor-Controller (title)

**Marin County Civil Grand Jury
Sanitation Agencies Survey, December 2013**

**SANITATION AGENCY SURVEY
DOCUMENT CHECK LIST**

PLEASE PROVIDE COPIES OF THE FOLLOWING DOCUMENTS:

	Check if Included
Sanitation Sewer Management Plan	<u>Attachment 1</u>
Sewer Overflow Response Manual	<u>Attachment 2</u>
Sewer Overflow Response Training Manual	<u>Attachment 3</u>
Capital Improvement Plan	<u>Attachment 4</u>
Budget for the current fiscal year	<u>Attachment 5</u>
Audited Financial Statements for the last 2 fiscal years	<u>Attachment 6</u>
Actuarial Valuation of the Agency's Pension Plan	<u>Attachment 7</u>
Agency's last Actuarial Valuation for Other Post Retirement Benefits (OPEB)	<u>Attachment 8</u>

If a document is not included, please explain.

MEMORANDUM

To: Board of Directors

January 31, 2014

From: Alicia Manzoni, Customer Service Supervisor *am*

Subject: Information – Postage Rate Increase

t:\cons srvc\postage machine\postup01222012.docx

RECOMMENDED ACTION: Information Only

FINANCIAL IMPACT: \$3,356 Increase in Annual Postage Cost

The US Postal Service increased postage rates January 27, 2014. The bulk rate for the water bills increased by 2.1¢ to 37.8¢ (5.9%) per bill if sorted by the first 5 zip code digits and mailed in bundles of 500 or more. Regular first class letters increased 2¢ to 48¢ (4.3%). Last year we spent approximately \$6,000 on general postage and \$46,500 for water bill postage. In addition, the District mails two Waterline Newsletters per year at an annual postage cost of \$6,000 per year. Cumulatively, the District's postage cost will increase by about \$3,356 annually.

MARIN LOCAL AGENCY FORMATION COMMISSION

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY AND VOLUNTARILY GIVEN BY THE MARIN LOCAL AGENCY FORMATION COMMISSION (LAFCO) that on Thursday, February 13, 2014 at 7:00 P.M. in the City of San Rafael Council Chambers located at 1400 Fifth Avenue, San Rafael, California the agency will consider the following action:

Scope of Analysis for Countywide Water Municipal Service Review

This action – if approved – is to provide formal direction to staff in preparing a comprehensive study assessing the availability, demand, and performance of public water service in Marin County relative to current and future community needs and as provided under Government Code Section 56430. Affected agencies anticipated for study include Bolinas Public Utility District, Inverness Public Utility District, Marin Municipal Water District, Muir Beach Community Services District, North Marin Water District, and Stinson Beach County Water District. An associated staff report will be available for download at www.marinlafco.org approximately one week prior to the hearing date. You may also request a written copy of the associated staff report by contacting LAFCO at 415-446-4409.

Keene Simonds, Executive Officer
Marin Local Agency Formation Commission
January 23, 2014

Marin County plans drought summit

Posted:

marinij.com

Water officials across Marin will convene at the Civic Center Tuesday for a drought summit with county supervisors.

Representatives from Marin Municipal and North Marin water districts, which serve the bulk of the county, along with officials from six smaller agencies serving coastal communities, will provide an update of "current supply capabilities, challenges and plans" when the county board meets at 10 a.m.

The forum has been in the works for several months and comes a week after Gov. Jerry Brown's declaration of a drought emergency in California. Supervisor Steve Kinsey several months ago asked water agencies to get together and report back on the drought and what they are doing to cope.

The event is intended as an informational session as well as an opportunity to elevate public awareness about the potential consequences of the water crisis, which has cut Marin reservoir levels in half and dried up 95 percent of the pasture land.

"No current issue poses a greater risk to our residents, businesses, and environment than the possibility of a prolonged drought," Kinsey said. "Though talking about the weather never changed it, this forum will give the public and our board an accurate understanding of what each of the water agencies in Marin is doing and the additional conservation efforts we should all be taking."

"It's critically important to use every avenue to raise public awareness about the severity of the situation," Supervisor Katie Rice said. "Droughts do not discriminate. Everyone and every organization needs be taking steps to start seriously conserving water right now."

Libby Pischel, spokeswoman for Marin Municipal, said water agencies welcome the county's public forum. "It's a community-wide concern," she said. "We are glad to have the opportunity for a conversation with the Board of Supervisors."

A session designed especially for Marin businesses is being planned as well by the Marin Economic Forum.

Liza Crosse, a Marin Municipal director who serves as Kinsey's aide, called the drought a "looming crisis" requiring the attention of all.

"In the face of this extraordinary year, the water suppliers are working overtime to address the extremely urgent need to reduce water consumption," Crosse said. "They are continuing their work on long-term water solutions."

Key county departments are expected to report on what they are doing to conserve water, with several already taking action, including Fire Chief Jason Weber, who ordered a 25

percent reduction in water use at fire stations, shut down landscape irrigation and hired 14 seasonal firefighters in light of high fire danger in mid-winter.

Longtime Marin residents are no strangers to the hardships of drought. Before three bone-dry years ended with 67 inches of rain in the winter of 1977-78, Marin residents faced rationing of 37 gallons a day per person, with supplies piped in through an emergency conduit on the Richmond-San Rafael Bridge. The crisis became so pronounced that then Rep. John Burton flirted with the idea of towing an iceberg in from Alaska.

On average, Marin Municipal reservoirs are at 79 percent capacity at this time of year, but now stand at just 54 percent. Last year, only 10.68 inches of rain fell at Lake Lagunitas, down from an average 52 inches, making it the driest year since officials began recording totals in 1879.

While Gov. Brown ordered a series of conservation moves and asked residents to cut water use 20 percent, Marin Municipal officials hope to squeeze out a voluntary 25 percent cut in use. If that doesn't work and dry weather persists, a mandatory 25 percent cut in use will be ordered April 1, depending on reservoir levels.

"We are preparing for a severe drought," according to Jon LaHaye, a water district engineer.

Contact Nels Johnson via email at njohnson@marinij.com. Follow him at twitter.com/nelsjohnsonnews

if you go

Representatives from eight Marin water agencies will hold a drought summit at 10 a.m. Tuesday in the Board of Supervisors chambers at the Marin Civic Center, 3501 Civic Center Drive.

Marin looks north for needed water supplies as drought continues

Posted:

marinij.com

As the drought continues, Marin has to look north beyond its borders to fully assess how it impacts the county.

While a majority of county residents get their water from reservoirs on Mount Tamalpais, a good chunk of the supply comes from the Sonoma County Water Agency.

The Marin Municipal Water District serves about 190,000 people between Sausalito and San Rafael and gets 25 percent of its water from Sonoma, the balance coming from local reservoirs on Mount Tamalpais. The North Marin Water District, which provides water to Novato and West Marin to 60,000 people, gets 80 percent of its water from Sonoma and the rest from Stafford Lake.

"What happens with the Sonoma County Water Agency is very important to us," said Chris DeGabriele, general manager of the North Marin Water District.

As in Marin, the Sonoma County Water Agency's primary reservoirs — Lake Sonoma and Lake Mendocino — rely on rainfall. Those reservoirs also have been affected by the dry skies. Lake Sonoma is at 67 percent of capacity, when normally it would be full. Mendocino is at 37 capacity and would normally be 90 percent or more.

"We need rain and it hasn't come," said Brad Sherwood, spokesman for the agency. "It's disheartening to see all the rain clouds being pushed to the north and south."

And correspondingly water levels have dropped in the Sonoma County reservoirs. Key is Lake Sonoma, from which Marin County gets its supplies. Water from the reservoir flows into Dry Creek, then into the Russian River, where it is gathered in ponds. Groundwater is then tapped and supplies are sent south to Marin via a series of pipelines.

Built in 1984, the expansive Lake Sonoma reservoir has a capacity of 245,000 acre feet. An acre foot can supply about three single-family homes with water for a year. There are 325,851 gallons in an acre foot. By comparison, all seven of the Marin Municipal Water District reservoirs hold a little less than 80,000 acre feet. Those reservoirs currently hold 43,340 acre feet of water.

Even though Lake Sonoma is currently holding only 163,000 acre feet, that is enough to provide enough water for the year. Marin Municipal Water District officials have also said there is likely enough water for the year, but both agencies say more conservation steps will likely be needed as 2014 progresses if rains do not come.

"The real problems come when you don't have rain for two years in a row," said Larry Russell, Marin Municipal board member.

Both agencies worry that a dry fall and winter this year could be catastrophic.

"We are certainly thankful for Lake Sonoma, but we do not want to rest on our laurels," Sherwood said. "We need people to step up to the conservation challenge."

Said Sonoma Water Agency Director Mike McGuire: "Unless we have a fantastic February or miracle March, our region will face a drought unlike any other ... we need to double down on our conservation efforts."

Contact Mark Prado via email at mprado@marinij.com

Marin Municipal Water District asks public for a larger cut in water use

Posted:

marinij.com

Marin Municipal Water District officials said Tuesday night the county is facing a "severe" drought this year and approved a resolution calling for a 25 percent voluntary reduction in water use.

Initially the district was considering a 20 percent voluntary reduction, but the board upped the goal after hearing about the dire water situation.

"I think we can ask people to do a little more," said board member Larry Russell.

The county is in for another 1977-like rain year — when drought gripped Marin and forced mandatory cutbacks — according to projections.

"We are preparing for a severe drought in 2014," Jon LaHaye, principal engineer at the water district, told the water board.

The voluntary cutback adopted will not affect those who use less than 4,500 gallons a month. But for heavier users the board wants the public to take heed and reduce use.

"We need to get the conservation ethic set up," Russell said.

The lack of rain has shown up in the county's water consumption. Last year at this time 16.7 million gallons were used a day, or 90.4 gallons per person. This year that has jumped to 19.6 million galls a day, or 105.9 gallons per person.

For the third year in a row, the weather has been dry. As a result, reservoirs are much lower than normal for this winter season and are unlikely to fill with the spring runoff, according to the district.

This week the district's reservoirs contained 43,340 acre-feet and the reservoirs are at 54 percent of capacity. Typically at this time of year there are 63,058 acre feet and the reservoirs are at 79 percent of capacity. An acre foot can supply about three single-family homes with water for a year. There are 325,851 gallons in an acre foot.

If the district's watersheds do not receive a substantial amount of rain over the next few months, the amount of water stored in the reservoirs will be looked at April 1.

At that point if there are less than 40,000 acre feet, a 25 percent mandatory program would be implemented. The current dry year water use reduction program was adopted by the district in February 1999 in response to the extended drought of 1987 through 1992.

Marin just experienced its driest year on record. In 2013, 10.68 inches of rain were recorded at Lake Lagunitas, where the water district — which has data dating to 1879 — keeps its official weather gauge.

The previous record low was set in 1929 when 19.06 inches of rain fell. The annual average is 52 inches per year.

The Marin Municipal Water District serves about 190,000 people between Sausalito and San Rafael and gets 25 percent of its water from Sonoma, the balance coming from local reservoirs on Mount Tamalpais.

Contact Mark Prado via email at mprado@marinij.com



POINT REYES LIGHT

Districts urge conservation as state declares emergency

By Samantha Kimmey 01/23/2014

The drought declaration issued by Governor Jerry Brown last Friday that called on citizens to voluntarily curtail water use by 20 percent could ease the way for Marin ranchers to secure aid for parched operations. Meanwhile two local water districts—Marin Municipal Water District and Bolinas Community Public Utility District—are asking customers to cut water usage by 25 percent, and a recent report from the National Weather Service says drought conditions are likely to continue through the end of April.

Sam Dolcini, the president of the Marin County Farm Bureau, said the drought declaration brought attention to the agricultural community's worsening struggle. "We're counting hay bales and how much we have left for cows," he said. That hay is not just more and more expensive as the drought continues, but the quality of what is available is dwindling.

The last drought declaration was issued as recently as 2009, by then-Governor Arnold Schwarzenegger. After several more dry years, the county faced the driest on record in 2013, forcing some producers to sell cattle they can no longer afford to feed. The emergency declaration could help them document their need for government assistance, said David Lewis, the director at the University of California Cooperative Extension in Marin.

The United States Department of Agriculture began offering low-interest emergency loans of up to \$500,000 last summer after designating Marin and Sonoma as primary disaster areas. Val Dolcini, the head of the state division of the U.S.D.A. that administers several farm assistance programs, expects that designation will be renewed. The agency also administers a crop disaster assistance program; those that pay into it are covered for a small portion of losses for crops—including livestock forage—for the coming year.

Loren Poncia of Stemple Creek Ranch in Tomales said that current prices for loads of hay were between \$6,000 to \$8,000—twice as much as they were five years ago.

The federal farm bill will offer additional drought-related assistance, and possibly grant programs to provide funds to cattle ranchers to offset the cost of supplemental feed. But the bill has been stuck in Congress since the previous bill lapsed last September.

Val Dolcini encouraged anyone seeking help to reach out to their local Farm Service Agency (the closest is in Petaluma). Apparently many are already doing just that. “The phones are ringing off the hooks in all of our county offices,” he said.

The drought has not hit local row crop farmers as severely, but Mr. Lewis said farmers are considering what choices they will make as they prepare for this year’s harvest. Some might plant fewer water-hungry crops, like leafy greens, and focus more on root vegetables, he said.

Peter Martinelli, who owns Fresh Run Farm in Bolinas, is trying to remain optimistic about coming rains. But if those rains don’t measure up—he wants at least 15 inches—he said he would increase his root vegetable crop and even raise animals like sheep on the cover crop already growing on his field. He might also seek extra, non-agriculturally related work to get him through the season.

On Tuesday, Marin Municipal Water District, which serves the San Geronimo Valley as well as much of eastern Marin, asked for a voluntary 25 percent cut in water use—twice what the district had previously asked and beyond the Governor’s 20 percent request.

Last week the district announced it would draw from Phoenix Lake, just west of Kentfield. The lake is one of two reservoirs reserved for dry years and the second-smallest of all seven district reservoirs. Aside from tapping it for a brief two-week period in 2009, Phoenix Lake hasn’t been used for 20 years, district spokeswoman Libby Pischel said.

The Bolinas Community Public Utility District is also asking for 25 percent cut in residential use and requesting the cessation of all landscape irrigation. The district’s two reservoirs currently have about 10 million gallons of water, and mandatory rationing could begin if that reserve approaches 8 million.

North Marin Water District’s wells, served by Lagunitas Creek, are sufficient for now. Chris DeGabriele, the district’s general manager, said that if the area does not see around 20 inches of rain, it will call for a 15 percent voluntary reduction in use from April to June and a 25 percent reduction from July to the end of October, the typical conclusion to the dry season. Not only do they expect flows from the creek to be slower than usual, but salinity intrusion from nearby Tomales Bay would also be more severe with lagging creek waters.

Neither is the Inverness Public Utility District, which sources water mostly from First Valley and Second Valley Creeks, asking for any conservation measures, though water levels are below normal. Jim Fox, the chief of operations for the district, surmised that the area’s geology accumulates water and fog over a period of years that then slowly makes it way out through springs that feed the creeks. Demand, he added, has remained low this winter, despite the drought.

All water districts in Marin will present plans for managing the drought to the county Board of Supervisors next Tuesday.

Mandatory water rationing in Marin likely April 1, water officials say

Posted:

marinij.com

Water rationing requiring a 25 percent cut will be imposed on most Marin residents April 1, barring a deluge in the meantime, the county's top water official said Tuesday.

Krishna Kumar, head of the Marin Municipal Water District, said rationing is all but a certainty for the 185,000 people served by the agency because reservoirs are at half capacity and there is no alternative.

More than 90,000 letters outlining the water crisis will be mailed out to district households this week.

The Stinson Beach County Water District, Kumar added, will impose a "stage three" rationing program of 110 gallons per day next month. Among Marin's eight water agencies, only the Coast Spring Water Co., which has eight wells serving 253 homes in Dillon Beach, has a supply deemed adequate.

Kumar spoke for all water officials at an animated water parley convened by the Board of Supervisors to weigh the severity of the drought, find out what water agencies plan to do about it, and generate publicity to prompt conservation measures at home.

After three bone-dry years in 1974-77, the water district imposed rationing of 37 gallons a person, using a billing program that imposed stiff fees for excess use, and a similar program is now under review.

Water officials are "working around the clock," Kumar said, adding the community must "step up to the conservation challenge" and cut back on water use by 25 percent now. "We have done it before, and we can do it again," the water chief said.

"We're all in this," agreed Supervisor Steve Kinsey, urging people "not to panic, but to participate ... It's going to depend enormously on individual actions."

Supervisor Susan Adams called for a review of managing growth and urged "follow-up conversations ... to really come up with a vision" on water policies, while Supervisor Kate Sears called for cooperation and creativity. Supervisor Judy Arnold said people are asking "Why don't we have a drought plan?" and added that expanding storage seems inevitable.

Supervisor Katie Rice sounded the most urgent call to arms.

"We need to be planning for the worst-case scenario," Rice declared, chiding an official who expressed concern about keeping key park landscaping alive. "You should be contemplating letting your landscaping go," said Rice, whose mother, Pamela Lloyd, helped steer Marin through the 1976 drought as a member of the Marin Municipal board.

A parade of residents among a crowd of about 100 weighed in at a session that attracted three television crews as well as radio and newspaper reporters. A forum designed for Marin businesses is being planned by the Marin Economic Forum and Dominican University, but no date has been set.

Sam Dolcini, head of the Marin County Farm Bureau, said ranchers face a water shortage as well as a lack of feed, with prices skyrocketing for forage, as the drought has killed West Marin's pastures. The situation is so bad that officials should consider saving the grass and weed cuttings from highway median mowing for use as cattle feed, he said. And Supervisor Kinsey called for a study of trucking recycled wastewater for use by Marin farmers, a suggestion that recalled a county water-hauling program in 1976.

Housing advocate David Coury warned against rate structures which in effect force the poor to subsidize water used by those to water roses and fill swimming pools.

Ross Valley Sanitary District Director Frank Egger urged rewarding those who recycle, including rebates for gray water and reclamation systems, and the board later approved joining Mill Valley and other agencies in a program promoting gray water systems.

Luke Mazur of Belvedere said Kumar's presentation of familiar facts and figures missed the big picture because it failed to deal with increasing supply.

"What can be done to get more water?" Mazur said. "There is nothing in the plan (about) increasing supply."

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Editorial: Make it easy to track our water conservation

Posted:

marinij.com

MARIN IS HEADED toward water rationing.

With little promise of rain — and after a record dry year — rationing appears to be around the corner, according to leaders of Marin water agencies.

The Marin Municipal Water District has started by encouraging its ratepayers to voluntarily cut water use by 25 percent, barring a series of storms that could refill district reservoirs that are half full.

The North Marin Water District, which last year joined other North Bay water agencies in urging their ratepayers to join in a "challenge" to cut their water use by 20 percent, is talking about taking action, as well.

While there appears to be widespread public awareness about the necessity to conserve, water agencies could help ratepayers by giving them simple reports — perhaps on a daily or weekly basis — on how they are doing in conserving.

By comparing local water use today with that of last year and average years, water users can see for themselves that their efforts are making a difference.

"We're all in this," Supervisor Steve Kinsey said at a special county board meeting with water agency leaders. Getting people to include water-saving steps and measures in their lives is going to be important.

Longtime Marin residents, veterans of the 1976-77 drought during which daily water use was restricted to 37 gallons per person, call it an "ethic" of water conservation. That ethic, or community focus, is needed to get through this emergency.

MMWD, at one time, had talked about installing smart meters on homes and businesses to help ratepayers monitor their daily water use and to conserve. The local uproar over PG&E's installation of smart meters appeared to sidetrack that proposal.

But with electronic calculations, local water agencies should be able to track daily water use — or the success of conservation efforts — on a more frequent and helpful basis than waiting for monthly water bills or trying to figure out how to read the water meter.

Kinsey is correct; we are all in this together. Each of us has a responsibility to conserve water.

Marin residents have done it before. It takes a community focus on an important goal — every single drop counts.

Setting a goal, devoting efforts to promoting community awareness and providing the public with an easy way to track the success of our efforts could prove valuable in responding to this emergency — together.