



SCOTIA COMMUNITY SERVICES DISTRICT
NOTICE IS HEREBY GIVEN THAT A
REGULAR MEETING
OF THE BOARD OF DIRECTORS

WILL BE HELD AT:
122 MAIN STREET
SCOTIA, CALIFORNIA

Thursday, October 15, 2015
Regular Meeting at 5:30 P.M

AGENDA

- A. CALL TO ORDER/ ROLL CALL** The Presiding officer will call the meeting to order and call the roll of members to determine the presence of a quorum.

PLEDGE OF ALLEGIANCE

- B. SETTING OF AGENDA**

The Board may adopt/ revise the order of the agenda as presented.

- C. CONSENT CALENDAR**

C1. Approval of Minutes from Previous Meetings

September 17, 2015

October 1, 2015

- D. PUBLIC COMMENTS & WRITTEN COMMUNICATIONS**

Regularly scheduled meetings provide an opportunity for members of the public to directly address the SCSD Board Members on any action item that has been described in the agenda for the meeting, before or during consideration of that item, or on matters not identified on the agenda within the Board jurisdiction. Comments are not generally taken on non-action items such as reports or information. Comments should be limited to three minutes.

- E. PUBLIC HEARING- None**

- F. BUSINESS**

F1. New Business –

- a. Consider adoption of Resolution 2015-11: A Resolution of the Board of Directors of the Scotia Community Services District to Adopt the Scotia Community Services District Personnel Policies & Procedures**
- b. Consider adoption of Ordinance No. 2015-2: An Ordinance of the Board of Directors of the Scotia Community Services District Adopting Title II- Water Service**
- c. Consider adoption of Ordinance No. 2015-3: An Ordinance of the Board of Directors of the Scotia Community Services District Adopting Title III- Wastewater Service**

AGENDA FOR MEETING OF THE SCSD BOARD OF DIRECTORS

October 15, 2015

POSTED at 2:00 PM October 12, 2015

- d. **Consider Approval of Agreement Amendment Between The Scotia Community Services District and Planwest Partners, Inc. For Professional Services.**

F2. Old Business –

- a. **Final Report on the Baldwin, Blomstrom Wilkinson and Associates Forest Management Plan for Scotia CSD Lot 247**
- b. **Report on DCI Builders and Cleek Co. work for: Existing Building Surveys, Condition Drawings and ADA Accessibility Upgrades & Schematic Design Drawings for the Winema Theater, Scotia Museum and Day Care Buildings in the Town of Scotia**

G. REPORTS

No specific action is required on these items, but the Board may briefly discuss any particular item raised.

1. **President's Report:** None
2. **Board Director Reports:**
3. **Interim Manager's Report:**
4. **Special Counsel's Report:**
5. **Engineer's Report:**
6. **Fire Chief's Status Report:** None
7. **Board Clerk Report:** None

J. ADJOURNMENT

Next Regular Meeting of the SCSD will be November 19, 2015 at 5:30 PM.
A Special meeting may be held prior to that.

Notice regarding the Americans with Disabilities Act: The District adheres to the [Americans with Disabilities Act](#). Persons requiring special accommodations or more information about accessibility should contact the District Office. Notice regarding Rights of Appeal: Persons who are dissatisfied with the decisions of the SCSD Board of Directors have the right to have the decision reviewed by a State Court. The District has adopted [Section 1094.6](#) of the [Code of Civil Procedure](#) which generally limits the time within which the decision may be judicially challenged to 90 days.

*AGENDA FOR MEETING OF THE SCSD BOARD OF DIRECTORS
October 15, 2015
POSTED at 2:00 PM October 12, 2015*

**Minutes of the Regular Board Meeting of
Scotia Community Services District**
Thursday, September 17, 2015- 5:30 P.M.
122 Main Street, Scotia, CA

A. CALL TO ORDER/ ROLL CALL

The regular meeting of the Board of Directors of the Scotia Community Services District convened at 5:30 pm with the following directors in attendance:

Diane Bristol	Director – present
John Broadstock	Director – present
Gayle McKnight	Director – present
Susan Pryor	Director – present
Rick Walsh	President – present

Staff: T. Boobar, S. Davidson, L. Marshall, S. Tyler

B. SETTING OF AGENDA

Additions/revisions to the agenda: move F1b before F1a

C. CONSENT CALENDAR

C1. Approval/Disapproval of Minutes from Previous Meetings

August 20, 2015

Motion: Motion to approve consent calendar with amendments.

Motion: Pryor Second: Bristol

Motion Vote: Ayes - 5 Opposed - 0

D. PUBLIC COMMENTS & WRITTEN COMMUNICATIONS

T. Boobar spoke about a free funding fair opportunity on September 23rd, with webcasts available through the Water Board.

E. PUBLIC HEARING- NONE

F. NEW AND OLD BUSINESS

F1. New Business –

a. Consider adoption of Resolution 2015-10: A Resolution of the Board of Directors of the Scotia Community Services District to Adopt the Scotia Community Services District Purchasing and Procurement Policy

S. Tyler introduced the purchasing and procurement policy. Questions asked regarding: Section II.3- Definition of Contracts, Gas Card- Renner specifically, Issuance of checks & signatures, \$25k limit. Staff addressed.

Motion: Motion to adopt Resolution 2015-10: A Resolution of the Board of Directors of the Scotia Community Services District to Adopt the Scotia Community Services District Purchasing and Procurement Policy.

Motion: Pryor Second: Bristol

Motion Vote: Ayes – Bristol, Broadstock, McKnight, Pryor, Walsh Opposed – 0

b. Presentation of the Draft Forest Management Plan for Scotia CSD Lot 247 by Baldwin, Blomstrom Wilkinson and Associates

Steve Tyler presented staff report and introduced guest speaker, Greg Blomstrom. Mr. Blomstrom presented the Forest Management Plan with management recommendations for Lot 247 (Community Forest). District asked for a revised report including Natural Diversity Database information, change recommendation slightly to NTMP, information on growth and yield, and revenue for converting cottonwood to redwood, to be brought to the Board on October 15, 2015.

c. Report on Existing Building Surveys, Condition Drawings and ADA Accessibility Upgrades & Schematic Design Drawings for the Winema Theater, Scotia Museum and Day Care Buildings in the Town of Scotia

S. Tyler introduced. Cleek Co. began on Wednesday the 16th. Board asked that Ballfield restrooms, as well as the HVAC systems on the buildings and Fire Hall be included in assessment. Public commented on ADA requirements for outdoor areas and facilities (ballfield stands, picnic tables, parks).

F2. Old Business – None

G. REPORTS

- 1. President's Report:** CSDA Presentation de-brief
- 2. Board Director Reports:** None
- 3. Interim Manager's Report:** working on new insurance quote, staff working on last policy, 218 schedule (waiting on info from TOS), October 1st special meeting.
- 4. Special Counsel's Report:** Transition Agreement Update- projected for next regular meeting 10/15, Attendance at North Coast Environmental Law Conference.
- 5. Engineer's Report:** User Fee and Benefit Assessment Analysis Update- waiting on updates DEA, Planwest hiring Bruce Gehrke under current contract to consult and independently analyze old DEA; Insurance Update; Water Quality Update- public comment about geese in Scotia, and broken pipe by fish display.
- 6. Fire Chief's Status Report:** None
- 7. Board Clerk Report:** Election Update, Working Group Report, CSDA Board Clerk Conference

J. ADJOURNMENT

With no further business to come before the Board, the September 17, 2015 Regular Board Meeting was adjourned at 7:24 pm by Board President Rick Walsh.

Respectfully submitted,
Leslie Marshall, Board Clerk

These minutes were approved by the Board of Directors of the Scotia Community Services District on October 15, 2015 at its duly-noticed regular meeting in Scotia, CA.

APPROVED:

Rick Walsh, President
Board of Directors
Scotia Community Services District

Date

ATTEST:

Leslie Marshall, Board Clerk
Scotia Community Services District

Date

**Minutes of the Special Board Meeting of the
Scotia Community Services District**
Thursday, October 1, 2015 - 5:30 P.M.
122 Main Street, Scotia, CA

A. CALL TO ORDER/ ROLL CALL

The regular meeting of the Board of Directors of the Scotia Community Services District convened at 5:30 pm with the following directors in attendance:

Bristol	Director - Present
Broadstock	Director - Present
McKnight	Director - Present
Pryor	Director – not in attendance
Walsh	President – Present

Staff: T. Boobar, L. Marshall, S. Tyler

B. SETTING OF AGENDA

Additions/revisions to the agenda: None

C. PUBLIC HEARING – NONE

D. BUSINESS

D1. Tour of the TOS Wastewater Facility

A tour was conducted at the Scotia wastewater treatment facility with present Board Members, public remained outside the facility gates.

E. ADJOURN TO CLOSED SESSION- 6:26pm

E1. Call to Order

E2. Roll Call

Bristol	Director - Present
Broadstock	Director - Present
McKnight	Director - Present
Pryor	Director – not in attendance
Walsh	President - Present

E3. Government Code §54956.8 Real Property Negotiations relating to price and terms re: Scotia Wastewater Treatment Plant. Negotiators: Tracy M Boobar & President Rick Walsh.

E4. Closed Session Discussion

F. ADJOURN TO OPEN SESSION – 7:40pm

F1. Report out of Closed Session - Real Property negotiations are on-going.

G. ADJOURNMENT – 7:45pm

Respectfully submitted,
Leslie Marshall, Board Clerk

These minutes were approved by the Board of Directors of the Scotia Community Services District on October 15, 2015 at its duly-noticed regular meeting in Scotia, CA.

APPROVED:

Rick Walsh, President
Board of Directors
Scotia Community Services District

Date

ATTEST:

Leslie Marshall, Board Clerk
Scotia Community Services District

Date

Scotia Community Services District

Staff Report

DATE: October 15, 2015
TO: Scotia Community Services District Board of Directors
FROM: Steve Tyler, Interim District Manager
SUBJECT: SCSD Personnel Policies and Procedures

RECOMMENDATION:

The Administrative staff recommends that the Board receive a staff report on the SCSD Personnel Policies and Procedures (“PP&P”).

ACTION:

Adopt the SCSD PP&P, by Resolution

DISCUSSION:

The State of California requires all Community Services Districts to develop and adopt a Personnel Policies and Procedures document.

The SCSD PP&P was developed utilizing information obtained from other agencies and organizations that provide similar services as SCSD. The administrative staff has developed the PP&P to assure that SCSD complies with all State and Federal regulations.

The SCSD General Manager has the authority and responsibility for implementing the PP&P. This includes training of all SCSD employees and updating the PP&P as required to determine compliance with all State and Federal regulations.

FISCAL IMPACT:

None



PERSONNEL POLICIES AND PROCEDURES

OF

SCOTIA COMMUNITY SERVICES DISTRICT

October 15, 2015

SECTION 1.0 BASIS OF AUTHORITY

1.1 Resolution No. 2015-11 dated 10/15/2015

SECTION 2.0 PERSONNEL POLICIES

2.1 Intent

2.1.1 The purpose of the Scotia Community Services District (“SCSD”) Personnel Policies and Procedures document is to provide direction on all personnel issues in the SCSD. The Personnel Policies and Procedures will ensure consistent application of all personnel rules and regulations for all District employees.

2.2 District Rights

2.2.1 It is the exclusive right of SCSD, except as otherwise provided in these policies and procedures, to make all decisions of a managerial or administrative character, including but not limited to:

2.2.2 Managing and directing its business and personnel.

2.2.3 Managing, controlling, and determining the mission, its departments, building facilities and operations.

2.2.4 Creating, changing, combining or eliminating jobs, policies, departments and facilities in whole or in part.

2.2.5 Subcontracting or discontinuing work for economic or operational reasons.

2.2.6 Specifying or assigning work requirements, including overtime.

2.2.7 Scheduling working hours and shifts.

2.2.8 Adopting rules of conduct and penalties for any violations.

2.2.9 Taking whatever action necessary to prepare for, and to operate in, an emergency.

2.2.10 Hiring, promoting, transferring, assigning, classifying positions, retaining employees, and suspending, demoting, discharging or taking disciplinary action against employees.

2.2.11 Terminating, demoting or furloughing employees from duties for legitimate reasons. The General Manager may determine the order of layoff and those employees who will be affected based on the needs of the District.

2.2.12 Determining the policies, standards, procedures, methods, means and personnel by which SCSD operations are to be conducted.

2.2.13 Nothing in these policies and procedures shall be construed to interfere with the SCSD's right to manage its operations in the most economical and efficient manner consistent with the best interests of all the citizens of SCSD.

2.3 Classes of Employment

2.3.1 Regular Full-Time Employee: An employee who is appointed to a regular, allocated position, regularly scheduled to work eighty (80) hours per bi-weekly pay period.

2.3.2 Regular Part-Time Employee: An employee who is appointed to a regular, allocated position, regularly scheduled to work at least thirty (30) hours per bi-weekly pay period, but not more than 1,040 hours per calendar year and whose employment is anticipated to exceed 6 months in duration.

2.3.3 Part-time Employee: An employee who is appointed to a position to work less than thirty (30) hours per bi-weekly pay period and whose employment is anticipated to exceed 3 months in duration. Such employees do not receive any leave, health insurance, or other benefits, except those required by law.

2.3.4 Temporary Employee: An employee who is appointed to a position which is either seasonal in nature (not to exceed six months in a calendar year) and recurs year to year, or who covers peak workloads, regular employee absences, or a vacant position for a period not to exceed nine months. Such employees do not receive any leave, health insurance, or other benefits except those required by law.

2.4 Working Hours / Pay Information

2.4.1 Work Hours: The SCSD shall establish regular work hours for each employee. The General Manager may change working hours of individual employees to accommodate the functional needs of the SCSD. Alternate work schedules may be authorized by the General Manager provided the alternate schedule does not disrupt or interfere with business operations and service to customers. Employees on alternate work schedules may be required to alter such schedule to cover for absences of other staff members. When possible, forty-eight (48) hours advance notice shall be provided for change in working hours.

2.4.2 Workweek: The workweek is Sunday through Saturday, except that the General Manager may specify an alternate workweek period for any employee. The base compensation for employees shall be deemed to be compensation per bi-weekly pay period and is predicated upon a forty (40) hour workweek for full-time employees. A bi-weekly pay period shall consist of eighty (80) working hours for full-time employees and the base compensation provided shall be payment in full for all services rendered to the SCSD except as otherwise provided. If an alternate work schedule is approved pursuant to Section 2.4.1, the workweek and pay period may not coincide.

2.4.3 Workplace Assignment: The place of work and department or division to which an employee is assigned shall be determined by the General Manager or designee, who may also reassign the employee at any time to a different workplace, department or division.

2.4.4 Advances: Advances in pay are not permitted.

2.4.5 Break and Lunch Time: To promote maximum productivity and morale, it is the policy of the SCSD, to allow employees two (2) rest periods not exceeding fifteen (15) minutes each, during a regular eight (8) hour shift. Such rest periods are to be taken as nearly as possible in the middle of each four (4) hour segment of each employee's workday. Time allowed for rest periods may not be accumulated from one half of the workday to another, nor may rest periods be used to alter an employee's normal work hours and meal periods. Lunch breaks are unpaid and may be thirty (30) or sixty (60) minutes depending on the employee's work schedule. While every effort will be made to schedule breaks and lunch breaks during the middle of each work period, employees may be required to stagger such breaks to ensure adequate levels of customer service.

2.4.6 Overtime: There are certain periods where overtime may be necessary. The General Manager or designee may require overtime work. All employees are expected to work overtime when deemed necessary, but may not work overtime without the specific authorization of the General Manager or designee.

Hours of work, in these Personnel Policies and Procedures and for purposes of determining overtime eligibility, means only those hours that an employee is at their assigned place of work, being compensated for these hours by SCSD and performing their assigned duties at the direction of the General Manager or designee. Hours of work, for purposes of determining overtime eligibility, does not include any compensated or uncompensated leave time, including holidays.

All Fair Labor Standards Act ("FLSA") non-exempt employees shall be eligible for overtime compensation when:

- A regular full-time employee works in excess of the number of hours in his or her normal work day, provided that the employee has worked eight hours prior to the commencement of overtime;
- An employee works in excess of eighty (80) hours in a biweekly pay period;
- An employee whose normal workweek is five (5) scheduled eight (8) hour days in a calendar week of seven (7) days works more than forty (40) hours in five (5) days in a calendar week;

- An employee who, because of shift changes, works two (2) or more shifts in any twenty-four (24) hour period and is off duty less than eight (8) hours between shifts. In such case, the employee shall be compensated for any additional shift(s) in the same manner as for other overtime notwithstanding (b) and (c) above;

FLSA non-exempt employees whose normal workweek varies from the normal five (5) days in a calendar week of seven (7) days shall not be eligible for overtime compensation except as described in (a), (b) and (d) above.

Employees who are employed in classifications eligible for exemption from the overtime provisions of the FLSA and designated by the SCSD Board of Directors to be salaried are exempt from the overtime provisions of the FLSA.

2.4.7 Absenteeism and Tardiness: Regular attendance is necessary to ensure adequate service to customers and to avoid overburdening coworkers. Employees must notify the General Manager or immediate supervisor promptly, but in no case later than thirty (30) minutes before the start of the work period, if he or she is going to be absent or late for work.

2.4.8 Termination: The SCSD reserves the right to terminate any employee with cause at any time.

2.4.9 Resignation: Two (2) weeks' notice is customary and should be given unless circumstances make such notice impossible. Failure to provide sufficient notice may be considered grounds for ineligibility for rehire at a later date. The General Manager may approve resignations with less than two (2) weeks' notice.

2.5 Salary Administration

2.5.1 Establishment of Job Classifications and Salary Schedules: The Board of Directors shall establish classes and shall establish salary ranges. Salary ranges shall be reviewed as determined by the Board. Nothing shall require the Board to adopt a salary increase based solely on cost of living or market analysis.

2.6 Salary Steps and Payroll

2.6.1 Salary Steps. The Board shall adopt a five-step pay range for each class. Initial appointment shall generally be at the first step of the range; however, the Board may authorize advanced step hiring for the General Manager; and when recruiting difficulties exist, the General Manager may authorize that an allocated position be filled at a step above the minimum of the range commensurate with the qualifications of the prospective appointee which are above the minimum requirements set forth in the class specifications. Annually, on an employee's anniversary date, a regular full-time employee may be granted a step increase if performance is satisfactory and advancement

is recommended by the supervisor. The General Manager shall have the authority at any time to increase or decrease the salary of any employee. Step increases are not automatic. If an employee promotes to a higher class, the effective date of the promotion shall become the employee's new review date.

- 2.6.2** Any part-time employee may be granted a step increase if performance satisfactory and advancement is recommended by the supervisor after the employee has worked 2,080 hours at their present step. Step increases are not automatic, if an employee promotes to a higher class, the effective date of the promotion shall become the employee's new review date.
- 2.6.3 Salary upon Promotion.** Upon promotion, an employee appointed to a position with a higher salary range shall have his or her salary adjusted to the first step of the new range or to the step in the new range which is at least 5% higher than the salary the employee was receiving prior to the promotion, whichever is greater, provided that the new salary is within the new range. Any pay supplements received by the employee and which are a percentage of base salary (except above class pay and special assignment pay) shall be added to the pre-promotion base salary prior to determining the appropriate step in the new range.
- 2.6.4 "Y" Rates.** Whenever the effect of a reclassification is to place the incumbent in a class having a lower salary range, the General Manager may direct that the capital letter "Y" be set opposite the reclassified position in the department budget and all payroll and other personnel records. Whenever the "Y" is set opposite a position, the incumbent shall continue to receive his or her previously authorized salary until termination of employment in the position, or until a higher rate of pay may be authorized, whichever comes first.
- 2.6.5 Salary upon Demotion.** If an employee demotes through no fault of the employee, other than a voluntary demotion, the employee shall be "Y-rated" at the employee's current salary and remain at that salary until the salary falls within the range for the employee's demoted class. If an employee voluntarily demotes, the employee shall be placed at the highest step of the range that represents a reduction in pay. If an employee is demoted for failure to complete expected tasks following a promotion, the employee shall return to the step of the range the employee held prior to promotion, but may be granted any merit step increases that would have occurred had the employee not accepted a promotion. If an employee is demoted for cause as a result of a disciplinary action, the employee shall be placed at the step of the range stated in the order of discipline.
- 2.6.6 Special Assignment Supplement.** The General Manager may authorize a 5% salary increase to any employee designated by the General Manager to be on special assignment.
- 2.6.7 Receipt of Supplemental Pay.** No employee shall receive supplemental pay

when on vacation, sick leave, sick leave in conjunction with the receipt of State Disability Insurance or Worker's Compensation temporary disability payments, compensatory time off, holiday, unless such employee shall have been performing duties for a period of not less than four (4) full bi-weekly pay periods or such supplemental duties are scheduled, upon assignment, to last not less than four (4) full bi-weekly pay periods.

2.6.8 Standby Pay. The General Manager or designee may assign employees to be in a stand-by status and must do so in writing. An employee who is on standby status must be reached at all times and upon being called, shall return to work immediately. An employee who is recalled to work shall be deemed to be off standby status. While on standby status, non-exempt employees shall be compensated at 20% of their regular hourly rate. Exempt employees shall receive no additional compensation for being on stand-by status.

2.6.9 Work Above Class. The General Manager or designee may temporarily assign any employee to perform duties normally assigned to a classification with a higher salary. If an employee is assigned to a classification with a higher salary range, the employee shall be compensated, at an amount equal to what the employee would receive if promoted to the higher class or 5% if no class exists. Employees who are being paid for working in a higher classification are not eligible for merit increases in the higher classification.

2.6.10 License/Certificate Fee. The SCSD agrees to pay the cost of renewing state required licenses or certifications that are necessary for the employee, as determined by the General Manager, to fulfill the requirements of the job classification or the tasks assigned to the employee. The General Manager may also authorize the payment of professional organization dues or membership fees if the General Manager considers it in the best interest of employee development that may benefit SCSD.

2.6.11 Paycheck Exceptions. A paycheck exception is defined as the incorrect reporting of payroll or failure to process the following payroll actions, causing an employee to receive less than the pay to which he or she is entitled for that pay period with regard to step increase, supplemental pay, and overtime. Paycheck exceptions shall normally be paid no later than the following paycheck.

All payroll errors resulting in either gross or net salary overpayment must be repaid to the SCSD. Employees shall be allowed, at employee's option, to use accrued annual and holiday leave and CTO to repay the SCSD in cases of payroll error resulting in gross salary overpayment as determined by the General Manager.

2.6.12 Under-filling Positions Authorized in the Budget. Whenever a position is authorized in the budget as adopted by the Board of Directors, the General Manager may fill that position with either the job classification that appears

in the budget or with some other appropriate job classification, provided the salary range is not greater than that of the job classification that appears in the budget.

2.7 Personnel Records and Evaluations

2.7.1 Personnel Records: The SCSD maintains all necessary personnel information. The employee must notify his or her supervisor of any changes in the following:

- Home address
- Home telephone number
- Marital status
- Beneficiary of Insurance
- Number of dependents
- Emergency contact

Current employees of SCSD shall have the right to review and obtain copies of their personnel files. Employees shall be given an opportunity to read and initial any report or evaluation to be added to their personnel files, but an employee shall not be required to sign any such report. An employee's signature on a report shall be understood to be acknowledgment of receipt and shall not be construed as agreement or disagreement with its content. If the employee refuses to sign any report or evaluation, a notation to that effect may be entered on the document. An employee shall have the right to submit written comments regarding any document in his or her personnel file and to have such comments included in his or her personnel file along with the document.

2.7.2 Evaluations: Employee performance evaluations will be prepared by the employee's supervisor prior to the anniversary date of employment, prior to the granting of any step increase, and as may be determined, the General Manager or designee. Evaluation forms will be as designated by the General Manager. It is the employee's supervisor who has the responsibility and authority to prepare the evaluation report. At the request of the employee, the supervisor will meet with the employee to discuss the evaluation prior to the supervisor completing the evaluation with his or her final signature.

Except in cases of termination or leave of absence, evaluation with a rating of "unsatisfactory" shall receive a follow-up evaluation no more than ninety (90) days from the date of the final review of the initial unsatisfactory evaluation.

An employee shall have the right to submit written comments regarding any

evaluation and to have such comments included in his or her personnel file along with the evaluation.

2.8 Leave

2.8.1 General Policy: The SCSD provides employees with paid and unpaid time off and leave options to cover illness, vacation, family emergencies, and other occurrences requiring time away from the job. Unless otherwise provided by law, all leave is granted at the discretion of the General Manager.

2.8.2 Vacation: Full-time employees (2,080 hours) accrue vacation at the rate shown below. Regular part-time employees accrue vacation for each straight-time hour on payroll on a pro-rated basis, based upon the following chart. Vacation time shall accrue as follows:

# of pay periods worked	Accrual rate per each paid hour/hour worked	Bi-weekly accrual (full-time employees)	Approximate annual accrual (full-time employees)	Maximum accrual allowed (full-time employees)
Fewer than 260 (10 years)	.0577	4.616	120	240
260-519 (10-19 years)	.0770	6.160	160	320
520 or more (20 years)	.0885	7.080	184	368

Leave without pay or disciplinary suspension shall delay the advancement to the next higher accrual rate until the employee has been on payroll the number of straight-time hours which equal the number of full, continuous, bi-weekly pay periods specified above.

Subject to the approval of the General Manager, each regular employee shall have the option of receiving cash payment in-lieu of using up to two (2) weeks' vacation time once each calendar year from the employee's accumulated vacation and will have the employee's accumulated vacation balance reduced by said hours. An employee may choose to use accrued vacation or compensatory time, if any, if the employee is absent beyond the limits of accumulated sick leave for reasons of illness, injury or quarantine or death in the immediate family as defined in this policy.

2.8.3 Holidays: Full-time and regular part-time employees become eligible for paid holidays after completing one full pay period. Holiday pay for regular part-time employees is based on the average hours worked in the preceding five (5) pay periods.

Regular Holidays

Employees who work a regular holiday will be paid time and a half of the regular hourly rate for all hours worked on the holiday. The following are

regular holidays:

- a) New Year's Day
- b) Martin Luther King Jr. Birthday
- c) Presidents Day
- d) Memorial Day
- e) Independence Day
- f) Labor Day
- g) Veterans Day
- h) Thanksgiving
- i) Friday following the day designated as Thanksgiving
- j) Christmas Day
- k) All other holidays as may be proclaimed by the Governor of the State of California or the President of the United States and adopted by the SCSD Board of Directors.

When one of the above regular holidays falls on a Saturday, the preceding Friday shall be observed as a holiday. When one of the above holidays falls on a Sunday, the following Monday shall be observed as a holiday.

Floating Holidays

Employees are granted four (4) floating holidays for regular full-time and regular part-time employees, which will be taken within each fiscal year. Each floating holiday taken will be compensated with eight (8) hours of regular pay. Floating holidays must be approved by the General Manager or their designee.

- 2.8.4 Sick Leave:** The use of sick leave with pay is a privilege and not a right. Regular employees eligible for benefits shall accrue one day per month of sick leave.

Sick leave may be authorized for any of the following reasons:

- a) Illness, injury or quarantine of the employee;
- b) Medical, dental or optical care of the employee;
- c) Illness, injury or quarantine of a member of the employee's immediate family that requires the employee to tend, care for, or otherwise provide for the care of such person. Immediate family means the spouse, child,

parent, sibling, grandparent, grandchild, great grandparent, great grandchild of the employee; or the child, parent, sibling, grandparent, grandchild, great grandparent or great grandchild of the employee's spouse;

- d) Illness, injury or quarantine during an authorized vacation or on a floating holiday as evidenced by satisfactory proof attesting to the nature and length of the disability. Sick leave for non-emergency medical, dental, or optical care during an authorized vacation or on a floating holiday period is not permitted.
- e) An amount sufficient which, when added to an employee's disability indemnity under Worker's Compensation, will result in a payment to the employee not more than the employee's regular salary.
- f) An amount sufficient which, when added to an employee's disability indemnity under State Disability Insurance (in accordance with State Disability Insurance rules), will result in a payment to the employee not more than the employee's regular salary.
- g) Care for a new or adopted child.

No employee shall be entitled to sick leave because of:

- a) Disability arising from any illness or injury purposely self-inflicted or caused by the employee's misconduct;
- b) Illness, injury, quarantine or disability while on leave without pay;

A former employee, re-employed by SCSD, shall not be entitled to accumulate sick leave benefits unless his or her return to SCSD service is the result of reinstatement within one year of termination of employment OR is the result of re-employment after a layoff.

2.8.5 Bereavement Leave: Bereavement leave provides time to attend to funeral arrangements and other responsibilities associated with the death of an immediate family member. **Regular full-time and regular part-time employees may be allowed to be absent with pay for up to five (5) regularly scheduled work days** in the event of the death of an immediate family member. Immediate family members include parent, spouse, child, sibling, grandparent, great grandparent, grandchild or great grandchild of the employee or employee's spouse. Bereavement leave is not granted automatically, and must be approved by the General Manager. If an employee requires more than five (5) days away from the job, vacation time may be requested.

2.8.6 Jury Duty: Employees must inform the supervisor when the initial notice or questionnaire is received for jury duty. Since time off with pay will be granted

for such duty, the employee must remit to SCSD the jury duty pay. If the employee chooses to keep the jury duty pay, personal leave must be used.

Because employees may be called for jury duty late in the morning or released early in the day, supervisors may require employees to work the remaining fraction of the workday. If employees do not comply with this obligation, they will not be paid their SCSD salary for time not at work.

2.8.7 Witnesses: Employees subpoenaed as a witness in a civil or criminal trial or hearing must provide their supervisor with a copy of the court order requiring appearance prior to the date of the appearance. They must use personal leave for this time off unless the trial or hearing involves SCSD as determined by the General Manager and under these circumstances, the employee will be given paid time off for this appearance. Any witness fees received by the employee while receiving paid time off for such court appearance shall be paid to the SCSD together with any mileage allowed if the employee uses SCSD-provided transportation.

Other Court Related Appearances: Employees who are called as expert witnesses in a trial in which SCSD has no interest must use personal leave for the time off.

If an employee is personally involved in a court case as a party such as the plaintiff or defendant, he or she must take personal leave to appear in court or to transact business associated with the case.

2.8.8 Military Leave: Military leave will be granted consistent with the California Military and Veterans Code and the SCSD will grant the difference between the military salary and the employee's District salary for a period not to exceed 26 pay periods for each military leave and the SCSD will continue medical, dental, vision and life insurance benefits on the same terms as if the employee were not on military leave. The time on military leave will count as time worked toward the calculation of the employee's next step increase and for determining the accrual rate of vacation.

2.8.9 General Leaves of Absence: A leave of absence without pay provides a means for employees to take prolonged time off without terminating employment. Such leaves are granted only when there is an expectation that the employee will return to work. Employees may request a leave of absence without pay for employee or family illness, maternity or paternity leave, adoption, education, or training which will benefit SCSD, or urgent or substantial personal reasons. The General Manager will determine whether the leave can be granted based on urgency and workload requirements. No employee who has been granted a leave of absence without pay shall accrue any vacation, sick leave or holiday during the time of such leave. For an employee who has been granted an unpaid leave of absence, SCSD will only continue paying health, dental, vision and life insurance premiums through the

end of the month in which such leave commenced. SCSD payment of health, dental, vision and life insurance premiums will resume beginning with the month in which the employee returns to paid status or as otherwise provided by any SCSD insurance contractual requirements.

2.8.10 Pregnancy Disability Leave: Leave without pay shall be granted to temporary, part-time and regular employees in accordance with state and federal laws. Leave for medical reasons may be granted with a physician's statement, and employees may use sick leave or other accrued leave. Current law provides up to four (4) months leave for pregnancy disability. Employees may also be eligible for an additional twelve (12) weeks of leave under the California Family Rights Act (CFRA). The SCSD will comply with any state or federal law and reserves any rights of restrictions.

2.8.11 State Family Leave: In accordance with State law, any employee with one (1) or more years of continuous service with the SCSD and a minimum of 1,250 hours on payroll in the twelve (12) months prior to the start date of the leave, may take a family care leave of up to twelve (12) weeks in a twelve-month period. The SCSD elects to use a rolling twelve month period to determine eligibility for leave. An employee who takes such family care leave shall be returned to employment in the same or comparable position upon return from said leave.

Family care leave may be utilized in conjunction with the birth of a child of the employee, the placement of a child with an employee in connection with the adoption of the child by the employee, for the serious medical condition or illness of the employee, or to allow the employee to care for a parent, spouse, or child who has a serious health condition.

An employee who takes family care leave shall be required to use accrued vacation, compensatory time, floating holiday, and regular holiday time during such leave. In accordance with SCSD regulations governing the use of sick leave, the employee may also use accrued sick leave time.

For an employee covered under the SCSD's medical, dental, vision and life insurance, the SCSD shall make premium payments as though the employee were in paid status for the duration of the leave. An employee who takes family care leave in an unpaid status shall be eligible for all other fringe benefit on the same terms as an employee on any other unpaid leave of absence.

2.8.12 Federal Family Leave Act: The SCSD will comply with the Family Leave Act, maintaining all rights or restrictions that are permitted by the Act.

2.8.13 School Activities: The SCSD shall comply with any federal or state law requiring an employer to grant time off to participate in a child's school activities. Current state law provides that parents may take up to 40 hours per year, but not more than 8 hours per month, to participate in their children's

school activities. An employee may take unpaid leave or may use accrued vacation, compensatory leave, or a floating holiday to the extent that this is consistent with the Fair Labor Standards Act.

2.8.14 Unpaid Medical Leave: Employees physically unable to work and under a doctor's care who have exhausted all sick leave and other accrued leave such as vacation or compensatory time may be granted unpaid medical leave until the attending physician releases the employee to return to work. Supervisors may request a doctor's verification of the employee's physical condition. Leaves of absence for disability related to pregnancy are governed by the California Fair Employment and Housing Act.

2.8.15 Unpaid Leave, Non-Medical: This covers leave for non-medical, urgent, or substantial personal reasons requiring time off from the job. All personal leave must be used before an unpaid leave of absence will be granted.

2.8.16 Leave of Absence without Pay/Benefits: While an employee is on an unpaid leave of absence, except as may otherwise be provided in this policy, no vacation or sick leave will be earned, no seniority will be accrued, and no holidays will be paid. Employees using a combination of leave credits and disability insurance payments will accrue leave credits and holidays on a prorated basis. Granting of unpaid leave status allows the employee to return to his or her former position or a comparable position to which he or she otherwise would have been allowed had he or she not been on leave.

Employees may continue participating in health, dental, and life insurance plans by paying the appropriate premium during the period of time in which such premiums are not paid by SCSD.

2.8.17 Administrative Leave: Administrative Leave is paid time off granted by the General Manager for circumstances not defined in other paid leave categories that the Manager considers justifiably payable.

2.8.18 Abuse of Leave:

- Expiration of Leave: Failure to return to work upon the expiration of leave constitutes an automatic resignation.
- Inappropriate Use of Leave: If an employee uses leave for purposes other than for which it was granted, it may be terminated, employment with SCSD may be terminated, and pay for the leave may need to be reimbursed to SCSD, as determined by the General Manager.
- Unauthorized Leave: Absence without approved leave, voluntary or involuntary, for five consecutive workdays constitutes resignation from the SCSD on the last day worked.

2.8.19 Time off to vote: The SCSD will accommodate employees who need to take time off to participate in public elections. If an employee is unable to vote in an election during non-working hours, the SCSD will grant up to two (2) hours of unpaid time off to vote.

2.9 Worker's Compensation

2.9.1 Under the Worker's Compensation Act, provisions are made for benefit payments if an employee is disabled in the course of employment and misses work as a result of the disabling condition. The Worker's Compensation Act also provides free medical and hospital service, if necessary, for the disabling condition. In order to meet the requirements of the act, the SCSD carries Worker's Compensation Insurance. For the employee's protection, it is mandatory that any injury, no matter how slight, be reported immediately to the employee's supervisor.

2.9.2 Employees who are receiving temporary disability indemnity payments under Division 4 or Division 4.5 of the Labor Code shall accumulate vacation, holidays and sick leave during such period of time that they are drawing such temporary disability indemnity. The SCSD shall continue to provide health, dental, vision and life insurance plan coverage for regular full-time and regular part-time employees as if they were on payroll as regular employees.

2.9.3 Employees disabled in the course of employment and eligible for Worker's Compensation Benefits shall be on paid administrative leave until the effective date of temporary disability indemnity payments to the employee or until it is determined that recovery from disability is sufficient to release the employee to return to work, whichever occurs sooner. With the commencement of temporary disability indemnity payments, the employee may use accrued leave in an amount such that the combination of leave time and temporary indemnity payments equals the employee's regular salary. When and if the leave time is exhausted, the employee shall be on unpaid leave until it is determined that recovery from disability is sufficient to release the employee to return to work or it is determined that the employee's disability is permanent and the employee will not be able to return to work.

2.10 Benefits

2.10.1 Medical Coverage: All regular full-time and regular part-time employees are eligible for participation in the SCSD's medical insurance plan, which provides health, dental, and vision coverage in accordance with provisions adopted by the SCSD Board.

If the employee loses coverage for any reason, the employee may continue medical coverage at his or her own expense in accordance with the provisions of the Federal Consolidation Omnibus Budget Reconciliation Act (COBRA) and such other provisions as may be adopted by the SCSD Board of Directors.

COBRA gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the SCSD's health plan when a qualifying event would normally result in the loss of eligibility. Some qualifying events are resignation, termination of employment, death of employee, a reduction in an employee's hours or leave of absence, an employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the SCSD's group rate plus an administration fee of 2% of the premium. Coverage can continue for eighteen (18) months after termination, or as much as twenty-nine (29) months if the employee is disabled, provided the employee has paid the applicable premiums at least two (2) weeks prior to the premium due date.

2.10.2 IRC 125 and 129 Plans: The SCSD may establish a pre-tax plan as provided under IRC 125 and IRC 129 of the Internal Revenue Service Code. This plan may provide 1) a cafeteria plan in addition to or in lieu of health, dental, and/or vision insurance; 2) a dependent care assistance plan for pretax payment of child care expenses; 3) a medical spending account for pre-tax payment of out-of-pocket medical expenses up to a limit established by the SCSD; and/or 4) pre-tax payment of medical premiums. Participation in such plans will be established by the plan document.

2.10.3 Life Insurance: All regular full-time and regular part-time employees are eligible for participation in the SCSD's life insurance plan in accordance with provisions adopted by the SCSD Board by resolution.

2.10.4 Safety Equipment: The SCSD shall provide designated employees with safety prescription glasses whenever safety glasses are required by the CAL/OSHA or other State or Federal regulation. The SCSD will not provide for broken lenses or frames unless such breakage is the result of an on-the-job accident. The SCSD shall provide designated employees with safety shoes as specified by the General Manager whenever such shoes are required by the CAL/OSHA or other State or Federal regulations.

2.11 Outside Employment

2.11.1 Outside employment cannot be incompatible with the employee's duties and/or responsibilities. An employee's work for the SCSD must not be adversely affected by any outside employment, as determined by the General Manager. In addition it is the employee's responsibility to avoid conflicts of interest under the Political Reform Act of 1974.

2.12 Discipline

2.12.1 The SCSD retains the discretion to determine what constitutes proper disciplinary action and procedure in individual situations. Employees of the

SCSD are considered at-will employees and employment may be terminated at any time with cause.

SECTION 3.0 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

3.1 Equal Employment Opportunity Policies

3.1.1 It is the policy of the SCSD to comply with the spirit and letter of all laws prohibiting discrimination. The SCSD shall provide equal opportunity in the provision of programs, services, and employment opportunities. No person shall be discriminated against with regard to recruitment, selection, appointment, training, promotion, retention, discipline, or other aspects of employment because of race, creed, color, religion, sex, marital status, ancestry, national origin, physical disability, mental disability, medical condition, age, political affiliation, sexual orientation, or other non-merit factors.

3.2 Sexual and Other Harassment Policies:

3.2.1 It is the policy of the SCSD to provide a workplace free of harassment. Harassment is prohibited, is considered an act of misconduct and may result in disciplinary action up to and including termination. This policy applies to all of the SCSD's employees and agents, including supervisory and non-supervisory employees. All supervisors and managers are responsible for implementing and monitoring compliance with this policy.

3.2.2 Harassment is defined as unwelcome or unsolicited verbal, physical, sexual, or visual conduct which is made a term or condition of employment; is used as the basis for employment decisions; or creates an intimidating, hostile, or offensive working environment. Examples of what may be considered harassment, depending on the facts and circumstances, include, but are not limited to, the following:

- Verbal harassment: Derogatory or vulgar comments regarding a person's race, sex, gender, age, religion, ethnic heritage, national origin, disability, or other classifications protected by law; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes or invitations.
- Physical harassment: Hitting, pushing, touching, assaulting, impeding or blocking movement or other aggressive physical conduct, or threats to take such action.
- Sexual harassment: Unwelcome or unsolicited sexual advances, demands for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where either (1) submission to

such conduct is made an explicit or implicit term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

- Visual harassment: leering, making sexual gestures, displaying sexually suggestive objects, pictures, cartoons, posters, or other writing or graphic materials.

3.2.3 Any employee who has a complaint of harassment at work involving anyone, including supervisors, co-workers, or visitors, should promptly notify the General Manager or designee.

3.2.4 Supervisors who become aware of any harassment, whether it involves employee-to-employee, employee to-supervisor or supervisor-to-employee conduct, must promptly report the matter to the General Manager. If supervisors observe such harassment, they should take immediate action to stop it and report it to the General Manager.

3.2.5 Special privacy safeguards will be applied in handling all harassment complaints. All employees should be aware that the privacy of the charging party and the person accused of harassment will be, to the extent practicable, kept confidential. The SCSD will take appropriate corrective action, up to and including termination of employment, to remedy all violations of this policy.

- The SCSD strictly prohibits any form of retaliation against anyone who complains of harassment to management.

3.3 Sex Discrimination Policy Statement

3.3.1 The SCSD is committed to equal employment opportunity for all employees and applicants for employment without regard to an individual's sex or other non-merit factors. Applicants of both sexes will be recruited for all vacancies unless sex has been established as a bona fide occupational qualification.

Employees of both sexes shall have equal opportunity to any available job that he or she is qualified to perform. No distinction shall be made between men and women in compensation, benefits, or other conditions of employment.

3.4 Religion and National Origin Policy Statement

3.4.1 The SCSD is committed to providing equal employment opportunity and shall not discriminate against any employee or applicant for employment because of religion, national origin, or other non-merit factor. The SCSD shall make reasonable accommodations to the religious observances and practices of employees or prospective employees when such accommodation can be made

without undue hardship on the conduct of business. Business necessity, costs or expenses, and any resulting personnel problems will be considered when making a determination on reasonable accommodation.

3.5 Americans with Disabilities Act (“ADA”) Policy Statement

3.5.1 It is the policy of the SCSD to comply with the ADA and all other laws that prohibit discrimination. The SCSD shall hire otherwise qualified applicants who can perform the essential functions of the job without regard to an individual's physical disability or mental disability. The SCSD shall reasonably accommodate the physical disabilities or mental disabilities of employees or applicants who are otherwise qualified unless the accommodation would impose an undue hardship.

3.6 Equal Employment Opportunity Program Details

3.6.1 Responsibilities. To ensure equal employment opportunity for all individuals, the SCSD has designated specific responsibilities to various staff members. The following positions shall undertake the responsibilities described below.

- **SCSD Board of Directors:** The Board has the ultimate responsibility for setting a climate in which equal employment opportunity goals can be achieved through the establishment of policy and supporting programs.
- **General Manager:** The General Manager has overall responsibility for all Equal Employment Opportunity Issues and compliance with the Americans with Disabilities Act. The General Manager shall ensure that the organization's policies of equal opportunity are effectively implemented at all levels of the organization.
- **Managers and Supervisors:** Each manager and supervisor shall ensure that the SCSD's policy of equal employment opportunity is implemented in the unit and shall:
 - a. Assure compliance with Equal Employment Opportunity/Affirmative Action and Americans with Disabilities Act programs and policies in their units.
 - b. Assist in developing and implementing Equal Employment Opportunity/Affirmative Action and Americans with Disabilities Act programs.
 - c. Ensure that the SCSD's policies and programs are communicated and upheld by all unit employees.
 - d. Develop and implement equal employment in response to identified deficiencies in the unit.

- e. Cooperate in the investigation and resolution of discrimination complaints.
 - f. Ensure that all recruitments, interviews, offers of employment, development programs, transfers, job assignments, promotions, and separations are consistent with the SCSD's Equal Employment Opportunity policy.
- Employees: Employees shall adhere to and support Equal Employment Opportunity policies and procedures and the Americans with Disabilities Act via their actions and behaviors.

3.6.2 Definitions

- **Discrimination.** The following federal laws establish requirements for nondiscrimination in employment:
 - a. Title VII of the Civil Rights Act of 1964 (Title VII) prohibits employment discrimination based on race, color, religion, sex, or national origin;
 - b. The Equal Pay Act of 1963 (EPA) protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;
 - c. The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older;
 - d. Title I and Title V of the Americans with Disabilities Act of 1990 (ADA) prohibit employment discrimination against qualified individuals with disabilities in the private sector and in state and local governments;
 - e. Sections 501 and 505 of the Rehabilitation Act of 1973 prohibit discrimination against qualified individuals with disabilities (who work in the federal government); and
 - f. The Civil Rights Act of 1991, among other things, provides monetary damages in cases of intentional employment discrimination.
 - g. The California Fair Employment and Housing Act establishes the requirement for nondiscrimination in employment on the basis of race, religion, creed, color, national origin, age (40 and over), ancestry, disability (mental and physical) including HIV and AIDS, medical condition (cancer and genetic characteristics), marital status, sex, sexual orientation, or denial of family and medical care leave.

Discrimination in employment as prohibited by federal, state, and other

directives includes but is not limited to:

- a. Exclusion from employment or work activities for non-job related reasons.
- b. Verbal harassment; e.g., racial or ethnic slurs or epithets.
- c. Harassment of any kind initiated because of an individual's race, sex, age, handicap, religion, or ethnicity.

- **Sexual Harassment.** Harassment on the basis of sex is a violation of Title VII of the Civil Rights Act of 1964, as amended, and The Fair Employment and Housing Act, Government Code Section 12940. Sexual Harassment includes but is not limited to:

- a. Verbal harassment; e.g., graphic verbal comments about an individual's body, suggestive letters or notes, swearing, cursing, derogatory comments, or slurs that have a sexual connotation.
- b. Physical harassment; e.g., touching, assault, impeding or blocking movement, or any interference with normal work or movement when directed sexually at an individual.
- c. Visual forms of harassment; e.g., sexual gestures, derogatory or sexually suggestive posters, cartoons, or drawings of a sexual nature.
- d. Quid pro quo - conditioning an employment offer or benefit upon an exchange of sexual favors.
- e. Sexual advances or harassment which interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

3.6.3 Complaint Process. This section states the SCSD's policy, guidelines, and procedures regarding discrimination and sexual harassment.

The SCSD's policy is to provide a work environment free from any type of discrimination and sexual harassment. Discrimination and sexual harassment are illegal and will not be tolerated by the SCSD. Appropriate disciplinary action, including the possibility of termination, will be taken against employees found responsible for discrimination or sexual harassment, and against supervisors who allow such practices to continue.

The SCSD will not discriminate against or harass any employee for filing a complaint. Employees, supervisors or managers who retaliate against an employee for filing a complaint are in violation of this policy.

3.6.4 Guidelines

- Process for Resolving Complaints: The SCSD encourages employees to try to resolve their complaints informally within their work units before considering a formal complaint. However, employees may file a formal complaint without going through the informal complaint process.
- Date of Occurrence: The date and time that an employee realizes that he or she has been discriminated against or sexually harassed. The date of occurrence is an important factor in the investigation process.
- Informal Complaint Process: An employee who believes that he or she is being discriminated against or sexually harassed by a co-worker or supervisor is encouraged to:
 - a. Confront whoever is doing the discriminating or harassing in a polite but firm manner. The employee should state how he or she feels about what is occurring.
 - b. Request the person to stop the discriminating/harassing behavior because it is intimidating, offensive, and/or uncomfortable. If possible, the employee should bring a witness for this discussion.
 - c. Write a statement for the employee's own records about the incident, noting the date of occurrence, time, and other details; summarize in writing the results of any conversation(s) with the person who is doing the discriminating/harassing. This information may be important if there is a formal investigation later.

If the discrimination or harassment continues and has not been resolved in the daily work environment, or if the employee does not wish to confront the person doing the discriminating or harassing, the employee is encouraged to present the complaint as follows:

- a. If a co-worker perpetrates the discrimination or harassment, the employee should present the complaint to his or her supervisor.
- b. If the employee's supervisor perpetrates the discrimination or harassment, the employee should present the complaint to the next level of management.
- c. If the employee does not feel comfortable with the above, or if the supervisor or manager would be the General Manager, he or she should present the complaint to the SCSD's Board of Directors. The supervisor or next level of management will attempt to resolve the issue with an objective, confidential investigation to begin within three working days of the date of the employee contact.

A written response will be given to the employee within fifteen (15) working days of the date of the employee contact.

- Formal Complaint Process:
 - a. If the employee chooses to bypass the informal complaint process, a formal complaint shall be made no later than 10 days after the employee should reasonably have been aware of the alleged act of discrimination or harassment.
 - b. If the complaint is not resolved through the informal complaint process, a formal complaint should be made as soon as possible, but not later than 45 days after the employee should reasonably have been aware of the alleged act of discrimination or harassment, or if the employee chooses to bypass the informal complaint process, then a formal complaint may be presented in one of two ways:
 - i. In writing to the General Manager
 - ii. Orally to the General Manager
 - c. Within five (5) working days of receiving the complaint, the General Manager if the complaint is against the General Manager, will appoint an investigator to conduct a thorough, impartial, and confidential inquiry.
 - d. The investigator will interview the parties involved and complete a written report including recommended course of action for the General Manager within fifteen (15) working days of receiving the complaint. The General Manager may extend the time required for completion of the investigation if there are extenuating circumstances.
 - e. Within five (5) working days of receiving the recommendation, the General Manager will take appropriate action to resolve the complaint, unless the complaint is against the General Manager, in which case the report of the investigation and any recommendation will be referred to the SCSD Board of Directors to take appropriate action to resolve the complaint within (10) working days of receiving the report.

The employee who initiated the complaint will be notified of the decision through his or her manager unless the complaint was against the manager, in which case, the General Manager will contact the employee. If the complaint was against the General Manager, the Board of Directors will contact the employee.

- Appeal: If the complainant is not satisfied with the decision, he or she may file an appeal within fifteen (15) calendar days of receiving the decision with the President of the Board of Directors. The President may decide to refer the appeal to the full Board, refer the appeal to a committee of the

Board, or refer the case to a hearing officer for a non-binding recommendation. The Board shall consider the recommendation in a closed session and issue a decision within thirty (30) days after consideration.

SECTION 4.0 MISCELLANEOUS PROCEDURES

4.1 Work Rules

4.1.1 The General Manager may establish work rules to govern daily operations of the SCSD and may amend such rules as needed.

4.2 Confidentiality

4.2.1 Certain materials, files and information are confidential and occasionally sensitive. SCSD employees are responsible for knowing which information is confidential and what may be released and for maintaining the security and confidentiality of confidential materials. Release of confidential information may be damaging to the safety and security of employees or customers, may result in loss of privacy for employees or customers and may subject the SCSD to liability or damage the SCSD's image. Failure to maintain confidentiality may subject the employee to disciplinary action.

4.2.2 Disclosure of Closed Session Information.

An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the Board authorizes disclosure of that information. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has received training or notice as to the requirements of this policy. (Government Code 54963)

The General Manager, or designee, shall provide a copy of this policy to all employees who attend closed sessions. New employees who may attend closed sessions shall also receive a copy of this policy.

The district shall not take disciplinary action against any employee for disclosing confidential information acquired in a closed session, nor shall the disclosure be considered a violation of the law or Board policy, when the employee is: (Government Code 54963)

- Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of the law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session.
- Disclosing information that is not confidential.

4.2.3 Other Disclosures

An employee who willfully releases confidential/privileged information about the district, the public, or staff shall be subject to disciplinary action.

No employee shall disclose confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

Any action by an employee that inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the General Manager, or designee, may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

4.3 Acceptance of Gifts

- 4.3.1** Occasionally, SCSD employees may be offered or receive gifts, often as small as candy, baked goods, promotional items, flowers, etc., from customers, vendors or others. In these circumstances, it is inappropriate to accept the gift when offered. If the gift is received without prior notice to the employee, the gift must be returned, used for work-related purposes or shared in its entirety with staff and/or visitors to SCSD offices. In no circumstances may an employee accept cash or its equivalent or alter the level of service or purchasing based on such gifts.
- 4.3.2** Any honorarium paid to an SCSD employee for a speaking engagement or other presentation such as an appearance shall be returned to the SCSD.
- 4.3.3** As public employees, SCSD employees are covered by provisions of the fair Political Practices Commission and conflict of interest legislation. Guidelines require designated employees to report meals, gifts, or expenditures on the employee's behalf of over \$50.00 on conflict of interest forms. All employees shall report gifts of any value to their supervisor.

4.4 Nepotism

- 4.4.1** No SCSD supervisor or manager may directly or indirectly supervise a spouse,

parent, child, sibling, grandparent, grandchild, niece, or nephew of the employee or the employee's spouse, unless otherwise approved by the General Manager.

4.5 Use of SCSD Resources

- 4.5.1 **General:** Incidental use of SCSD equipment is permissible as long as it is kept to a minimum, does not conflict with SCSD business, is on the employee's own time, and is not used for personal profit. Supervisors are expected to monitor use. All use must be consistent with the provisions of Section 26.
- 4.5.2 **Cell Phones:** Employees issued a District phone will not use it for personal use.
- 4.5.3 **SCSD Business-Related Education:** The SCSD would like to support employees' desire to further their education. SCSD equipment may be used for educational purposes with management approval. If the employee requires more than five (5) megabytes of file server disk storage, management approval is required. Printer paper should be reimbursed at the same rate as copy paper.
- 4.5.4 **SCSD Staff:** SCSD staff shall not be used for personal business during working hours.
- 4.5.5 **Personal Software:** No personal software shall be installed or loaded on the SCSD network (including workstation hard disks). SCSD maintains a collection of approved/maintained software and no other software may be installed or loaded without approval from the General Manager.
- 4.5.6 **Software Installation and Changes to Configuration:** No software will be installed on SCSD owned workstations by employees. No configuration changes will be made to SCSD owned computers with the exception of: colors, screen resolution, file directory defaults, and desktop wallpaper. SCSD owned computers are the property and maintenance responsibility of the SCSD and will be upgraded by technology support staff only.
- 4.5.7 **Privately Owned Computers:** An employee has all rights and authority over their own personal equipment. No SCSD owned software will be installed by the employee on a privately owned computer without prior approval of management. When a user installs SCSD owned software, they are responsible for maintenance and upgrades. Regardless of software ownership, the privately owned computer is not and will not be the maintenance responsibility of SCSD and will not be upgraded or maintained by SCSD staff or contracted service providers. This policy will allow for the separation of responsibility; SCSD staff is responsible for SCSD computers and applications, and the home user is responsible for the home user's own private computer.

4.6 Workplace Privacy

4.6.1 Any information contained on SCSD networks, hard disks, files, desks, and lockers is not "personal/confidential." The SCSD may have need, during the normal course of business, to search computer or hard copy files or an employee's desk for necessary information. The SCSD will not guarantee that items of a personal nature will be undisturbed if this type of search is necessary. If employees have information that they deem personal and confidential, it should not be located at the SCSD. Common sense and courtesy will be exercised in the event staff needs to search another employee's work area, but personal items of a sensitive nature may be inadvertently disturbed.

4.6.2 Employees should not encrypt documents of a business nature unless they are highly sensitive. In this case, the encrypted password should be given to the employee's supervisor for emergency access. All desks, filing cabinets, and hard disks that lock should have a key located with the employee's supervisor for emergency purposes.

4.7 Smoking Prohibited

4.7.1 The SCSD provides its employees and visitors with a safe work place free of smoke, smokeless tobacco, electronic cigarettes, and all by-products. As such, smoking is prohibited in all work areas and District vehicles. Employees or visitors wishing to smoke must do so in designated areas outside any SCSD buildings but no closer than 20 feet from any doorway or open window.

4.8 Personal Appearance

4.8.1 The SCSD promotes an attractive, professional, and high quality workplace for our customers and our employees. Accordingly, staff is expected to dress in a manner appropriate for the type of work performed.

4.9 Drug and Alcohol Abuse

4.9.1 The SCSD is a drug-free workplace. The SCSD recognizes the problems and hazards associated with drug and alcohol use. Therefore, the SCSD prohibits the use, possession, or distribution of drugs and alcohol on its property. To ensure a drug and alcohol-free environment, the SCSD has adopted the following policy:

The use, possession, or distribution of any alcoholic beverages, intoxicants, narcotics, illegal or unauthorized drugs, "look-alike", or simulated drugs, prescription drugs not prescribed for the employee, and related paraphernalia on SCSD worksites or in SCSD vehicles is strictly prohibited. Employees shall not report to work under the influence of any drug, alcoholic beverage, intoxicant, narcotic, or other substance, including prescribed drugs and medication that will adversely affect their working ability, alertness, response, or coordination, or jeopardize the safety of themselves, co-workers, and the public. The SCSD reserves the

right to require a drug test of any employee reasonably believed to be under the influence.

Serious offenses may be grounds for termination. Depending on the nature of the offense, and extenuating circumstances involved, the General Manager shall determine the appropriate level of discipline.

Drug testing may be required of certain job classifications, as described in the job description.

4.10 Electronic Mail

4.10.1 It is the SCSD's policy that the electronic mail (e-mail) system, like other SCSD property, be used in a professional and lawful manner and solely for the benefit of the SCSD.

- **The Nature of E-Mail:** When a message is deleted from the e-mail system, a record of it may remain on the computer system. Because there is the possibility that inappropriate communications on e-mail may be not only widely published, but also indelibly stored, the SCSD requires that all employees exercise appropriate discretion in using the e-mail system. Even though e-mail is a less formal communication than business letters, employees must remember that e-mail messages are SCSD communications and must be treated as such.

Accordingly, the e-mail system may not be used to send jokes or other comments to others that may be perceived as discriminatory, harassing, offensive, or disruptive. Employees may not use the e-mail system to send material that disparages an individual, the SCSD, or business entity or discloses personal information without authorization.

- **Access to E-Mail:** The e-mail system is not a private mode of communication. When you use e-mail, you are creating SCSD documents that may be read by others in circumstances, including, but not limited to, the following business or legal purposes:
 - a. During regular system maintenance;
 - b. When a business need exists to access the employee's mail box;
 - c. In response to a legal request to disclose e-mail messages from law enforcement officials or in ongoing legal proceedings;
 - d. When the SCSD has reason to believe that the employee is using e-mail in violation of SCSD policies (including, but not limited to, its policies prohibiting discrimination and harassment, misappropriation of SCSD property, or using SCSD equipment for personal purposes);
or

- e. For periodic, unannounced inspection by the SCSD for business purposes.

System security features, including passwords and message delete functions, do not prevent the SCSD from accessing any message at any time. Employees must be aware that the possibility of such access always exists. Should employees make incidental use of the e-mail system to transmit personal messages, such messages will be treated no differently than other messages and may be accessed by the SCSD under any of the circumstances in the preceding list.

Solicitations, offers to buy and sell goods or services, and other personal messages to large groups via the e-mail system are not appropriate uses of this SCSD asset.

4.11 Use of SCSD Resources

- 4.11.1** SCSD equipment, including, but not limited to, telephones, computers, facsimile machines, and copying machines, must be used with care and must not be abused. Employees are prohibited from using any SCSD equipment for personal reasons unless the employee has received prior authorization from a supervisor or manager.

4.12 Solicitation Policy

- 4.12.1** It is the SCSD's policy that no solicitation and/or advertising of any nature be permitted in SCSD facilities unless authorized by the General Manager and/or the Board of Directors. The purpose of this policy is to prevent the unnecessary interruption of SCSD business and to establish a common procedure governing solicitation and/or advertising.

4.13 Workplace Violence Prevention

- 4.13.1** The SCSD is committed to preventing workplace violence and to maintaining a safe work environment. To help ensure a safe environment, the SCSD may install security cameras.
- 4.13.2** All employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons and other dangerous or hazardous devices or substances are prohibited.
- 4.13.3** Conduct that threatens, intimidates, or coerces another employee, a customer, or member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment.
- 4.13.4** All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other members of

management. This includes threats by employees, customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible. All suspicious individuals or activities should be reported as soon as possible.

4.14 Use of Vehicles.

4.14.1 From time-to-time, SCSD employees may be required to drive either a SCSD vehicle or the employee's personal vehicle on SCSD business. This policy is being implemented to assist the organization in managing the risk and exposure related to employees driving on SCSD business. The goal of this policy is for all employees to maintain a good driving record, carry an amount of insurance as determined by the General Manager, and assist the SCSD in minimizing the risk factor of over exposure to litigation and claims resulting from auto accidents while conducting SCSD business.

4.14.2 Documentation: Any SCSD employee who drives a personal vehicle on SCSD business must provide the following at the start of employment and at the start of each fiscal year:

- Proof of insurance for all personal vehicles used when conducting SCSD business. Verification may include a copy of the declaration sheet stating (a) name of insurance carrier; (b) effective date of coverage; (c) limits of coverage.
- A current, valid, California Driver's license.

4.14.3 An approved driver's list will be maintained for all employees who must drive as a part of their jobs. Supervisors will be responsible for identifying these positions (work-based needs). All drivers must be able to legally drive in California. An employee who loses the right to drive, or whose license is restricted for any reason, must immediately report such to his or her supervisor.

4.14.4 Motor Vehicle Record Reporting Requirements: All employees are required to immediately report to their supervisor or manager when they have been involved in an accident while driving on SCSD business in a personal or SCSD vehicle. If an employee reports two (2) at-fault (preventable) accidents within a 24-month period, a review of the employee's insurance coverage and job-related driving activity will be required.

4.14.5 Insurance Liability Coverage and Limits: All drivers must carry insurance with minimums of no less than the State of California legal requirement, or a greater amount as determined by the General Manager. The current minimum State requirement is:

- \$15,000 bodily injury liability per person

- \$30,000 bodily injury liability per occurrence
- \$5,000 property damage liability coverage

In addition to the minimum coverage required, SCSD employees must provide their own comprehensive coverage if they want their vehicles insured. The SCSD insurance will not cover auto body damage to employees' vehicles. For those employees with comprehensive coverage, the SCSD will pay their deductible, up to \$250, for accidents occurring while on SCSD business, provided the employee is not at fault.

4.15 Travel Policy

4.15.1 General Policy. Travel on SCSD business or individual contract business shall be by the most economical means consistent with the situation, as determined by the General Manager. The SCSD will reimburse authorized travelers for their necessary and reasonable expenses incurred while traveling on SCSD business.

The General Manager must approve travel on SCSD business outside of Humboldt County in advance. All reimbursement requests must be signed by the employee and approved by the General Manager or designee.

Employees may make their own plane/rental car/lodging reservations or have the SCSD staff make them. Travel shall be by the least expensive method (plane or private car), consistent with the work needs of the SCSD as determined by the General Manager or designee. An employee wishing to travel by private car rather than public transportation shall be reimbursed only up to the cost of public transportation and necessary car rental as determined by the General Manager.

4.15.2 Local Travel: The SCSD will fully reimburse authorized travelers for local transit expenses. Receipts must support any amount over \$3.50.

4.15.3 Parking: The SCSD will fully reimburse authorized travelers for parking expenses. Receipts are required for amounts over \$6.00.

4.15.4 Private Automobile: The SCSD will fully reimburse mileage at the standard Internal Revenue Service (IRS) allowable mileage rate. Any increases or decreases in the allowable rate will occur simultaneously with the publication date of the new IRS rate as determined by the General Manager or designee.

4.15.5 Rental Car: The General Manager or designee may authorize use of a rental car. Employees should rent compact cars when traveling unless business necessity dictates otherwise, as determined by the General Manager or designee.

Authorized travelers may claim cost of gas, oil, and related auto expenses

when supported by receipts and when such expenses are not part of the rental agreement. Travelers should accept the corporate rate whenever possible. This rate includes necessary insurance. When the corporate rate is taken, travelers do not need to accept the over-the-counter insurance unless they do not have required coverage on their personal insurance. If a traveler must take over-the-counter insurance because personal Insurance does not meet SCSD minimums, the extra insurance cost will not be reimbursed.

For economic reasons, travelers are strongly encouraged to fill the gas tank of the rental car themselves before turning it back in to the rental agency.

- 4.15.6** Tolls: The SCSD will fully reimburse authorized travelers for tolls. Receipts are required for amounts over \$6.00.
- 4.15.7** Lodging: The SCSD will fully reimburse authorized travelers for actual lodging expenses consistent with the area of travel when supported by the itemized bill from the establishment. Lodging and the cost of lodging must be pre-approved by the General Manager or designee.
- 4.15.8** Meals: The SCSD will reimburse the actual reasonable, as may be defined by the General Manager, cost of meals excluding alcohol, to authorized travelers on SCSD business outside Humboldt County. Any exception to this restriction will require specific approval by the General Manager or designee.
- 4.15.9** Business Meals: SCSD-authorized travelers are allowed to host meals for other persons when the meal is related to the business. Travelers may claim actual cost for the meal when supported by receipts. The reason for the meal and the names and titles of guests will be listed on the travel claim form. Any deviation from the above guidelines requires approval by the General Manager or designee. Expenses for business meals consumed within Humboldt County will be reimbursed for the client only unless the appropriate manager pre-approves the employee's meal or it is consistent with the written policy of the General Manager. Documentation as listed in the above paragraph must be supplied.
- 4.15.10** Registration Fees: The SCSD will fully reimburse authorized travelers for registration fees required to attend a seminar, organized luncheon meeting, etc., when supported by receipt. Reimbursement will occur only when the employee has prior written authorization and is representing the SCSD.
- 4.15.11** Phone Calls: Authorized phone calls on a business trip are calls made in the course of SCSD business. All long distance business calls should be placed on a station-to-station basis using a telephone credit card, except that SCSD will reimburse the employee for one call of reasonable length to home each day that the employee is required to stay overnight outside of the area on SCSD business. Phone call reimbursement is subject to the limitations in the below section on "Incidental Expenses".

4.15.12 Incidental Expenses: The SCSD will reimburse authorized travelers for actual incidental expenses incurred, such as personal phone calls, taxi driver and baggage tips, etc. up to a maximum of \$8.00 per day (no receipt required) when certified by the claimant. These are claimed and itemized as incidentals on the claim form.

4.15.13 General: When employees traveling by air wish to extend an authorized trip beyond the time required for business, they may do so on their own time as long as they obtain pre-approval for vacation taken. The SCSD will reimburse the employee for the cost of lodging and meals only up to the initial return date.

4.15.14 Adequate Records: It is the responsibility of the traveler to keep adequate documentation of expenses claimed for reimbursement. Incidentals, while not requiring receipts, must be itemized on a log with the date, description of each incidental expense, and amount attached to the travel claim. All receipts must be original. They should be placed in chronological order and attached to 8 1/2 X 11 sheets of paper with the date and explanation next to the receipt. Any claim submitted that does not follow these guidelines may be returned to the claimant for correction. Any exceptions to this policy require written approval by the General Manager or designee.

4.16 Educational Reimbursement Policy

4.16.1 Reimbursement is subject to determination by the General Manager that a course is career related and subject to approval by the General Manager who may prepare and issue guidelines for the administration of this policy.

4.17 Political Activities.

4.17.1 Employees shall not engage in political activities of any kind either during the employee's work hours or on District property.

Scotia Community Services District

Staff Report

Date: October 15, 2015

To: Scotia CSD Board of Directors

From: Stephen Davidson, PE
Bayside Civil Consultants
Contract District Engineer

Subject: SCSD Title II - Water Service, Ordinance 2015-02

RECOMMENDATION:

The Administrative staff recommends the Board receive the attached staff report on the SCSD Title II - Water Service (also known as the Water Ordinance).

ACTION:

Adopt Title II - Water Service, Ordinance 2015-02, by Resolution, by Title only, by roll call vote.

DISCUSSION:

Title II Water Service provides and sets the District Rules and Regulations governing water service within the District. It establishes how water service is provided the customer, general water use regulations, water meter rules, customer billing, customer water connection and discontinuance of service, fire protection, fire hydrants and other water related use provisions.

As specified in the Ordinance, all rates, fees and penalties are not part of this document, but are referenced to a separate "Rate Schedule" to be developed and adopted by the Board at a future date, by separate Board Resolution. This will allow the Board to update any water rates or fees by separate resolution without having to affect changes to the Water service ordinance itself.

FISCAL IMPACT:

None.

ORDINANCE NO. 2015 - 2

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE
SCOTIA COMMUNITY SERVICES DISTRICT
ADOPTING TITLE II –WATER SERVICE**

The Board of Directors of the Scotia Community Services District does ordain as follows:

Section 1: Title II (Water Service) is hereby adopted as follows:

TITLE II - WATER SERVICE

CHAPTER 1 - WATER

SEC. 1.01. Words and Phrases. For the purpose of this article all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

SEC. 1.02. Water System. The District will furnish a system, plant works and undertaking used for and useful in obtaining, conserving and distributing of water for public and private uses, including all parts of the water system, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment.

SEC. 1.03. Separability. If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SEC. 1.04. Pressure Conditions. All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distributing system at the location of the proposed service connection, and to hold the District harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.

SEC. 1.05. Maintenance of Water Pressure and Shutting Down. The District shall not accept any responsibility for the maintenance of pressure, and it reserves the right to discontinue service while making repairs. Customers dependent upon a continuous supply should provide emergency storage and supply.

SEC. 1.06. Tampering With District Property. No one except an employee or an authorized representative of the District shall at any time in any manner operate the curb stops or valves, main stops, gates or valves of the District's system; or interfere with meters or their connections, street mains or other parts of the water system. Water service may be discontinued until situation is resolved.

SEC. 1.07. Penalty for Violation. For the failure of the customer to comply with all or any part of this article, and any ordinance, resolution or order fixing rates and charges of the District, a penalty for which has not hereafter been specifically fixed, the customer's service shall be discontinued and the water shall not be supplied until the customer has complied with the rule or regulation, rate or charge which was violated or, in the event that they cannot comply with said

rule or regulation, until they have satisfied the District that in the future they will comply with all the rules and regulations established by ordinance of the District, and with all rates and charges of this District.

SEC. 1.08. Ruling Final. All rulings of the General Manager shall be final unless appealed in writing to the Board of Directors within (5) days. When a ruling of the General Manager is appealed in writing, the Board of Directors' ruling shall be final.

SEC. 1.09. General Definitions. All definitions included in Ordinance 2015-1 – Definitions, shall be included by reference and by such reference shall be incorporated in this ordinance as though herein set out in full.

SEC. 1.10. General Manager. The position of General Manager is hereby created. The General Manager shall regularly inspect and maintain all physical facilities related to the District water system, to see that they are in good repair and proper working order, and to note violations of any water regulations. The General Manager shall report directly to the Board of Directors.

The General Manager shall have, subject to approval of the Board of Directors, full charge and control of the maintenance, operation and construction of the water works and system; authority to employ and discharge all employees and assistants; fix and alter the compensation of employees and assistants subject to approval by the Board; and shall have charge of all employees and assistants. The General Manager shall perform such other duties as are imposed from time to time, and shall report to the Board of Directors in accordance with the rules and regulations as adopted by the Board.

The General Manager shall promptly report any violation or disrepair to the Board of Directors. If the work required is in the nature of an emergency, they shall take whatever steps are necessary to maintain service to Customers.

The General Manager, or their designee shall supervise all repair of construction work authorized by the Board and perform any other duties prescribed elsewhere in this ordinance or which shall be hereafter prescribed by the Board.

SEC. 1.11. Clerk. The position of the Clerk is hereby created. The Clerk shall have charge of the District office and of the billing for and collecting the charges herein provided. The Clerk shall perform such other duties as shall be determined by the General Manager and Board.

The Clerk shall compute, prepare and mail bills as hereinafter prescribed, make collections, maintain proper books of account, collect account for and refund deposits, do whatever else is necessary or directed by the Board to set up and maintain an efficient and economical bookkeeping system, and perform any other duties now or hereafter prescribed by the Board.

SEC. 1.12. Performance of Duties. The foregoing duties of the Clerk may be performed by an additional authorized employee.

CHAPTER 2 - NOTICES

SEC. 2.01. Notices to Customers. Notices from the District to a customer will normally be given in writing, and either delivered or mailed to their last known address. Where conditions warrant and in emergencies, the District may resort to notification either by telephone, messenger or door hanger.

SEC. 2.02. Notices from Customers. Notice from the customer, or authorized representative, to the District may be given in writing at the District's operating office.

CHAPTER 3 - APPLICATION FOR REGULAR WATER SERVICE

SEC. 3.01. Application. A property owner or their agent may apply for regular water service at the District offices by completing an application form, paying a nonrefundable processing fee and providing a deposit. The fee schedule and deposit amount can be acquired at the District office. The amounts are set by a resolution of the Board. The deposit will be applied to the account as a credit after 12 months with a good payment record.

SEC. 3.02. Application Agreement. The completion of an application will signify the customers' willingness and intention to comply with this and other ordinances or regulations relating to the regular water service and to make payment for all fees, costs and expenses associated with provision of the water service. In the event an application is executed by two or more individuals as the customer, each individual executing the application shall be jointly and severally liable to make payment for all fees, costs and expenses associated with provision of the water service.

SEC. 3.03. Payment for Previous Service. An application will not be honored unless payment in full has been made for water service previously rendered to the applicant by the District.

SEC. 3.04. Installation Charges. Services and meters shall be installed without charge for all applications for water service received prior to or during the initial construction of the District's water system. The charges below will apply to applications received after the District's Contractor has progressed with the work beyond their property frontage.

Where the applicant requests installation of a 1 1/2 inch or larger water meter or where unusual circumstances exist, the charge for installation of water service shall be equal to the estimated cost plus 10 percent of such service connection. The applicant shall deposit said amount with the District prior to installation, the District will track actual expenditures, the District will compute the difference between the deposit and the actual expenditure, the District will rebate the difference to the applicant where the actual expenditure is less than the deposit. The term "unusual circumstances", as used in this rule, shall include water mains deeper than 6 feet, slopes greater than 20 percent, service line lengths of more than 35 feet and closure of roadway due to traffic safety considerations. The schedule for all other service connections shall be as shown in the rate schedule.

Where the applicant requests the installation of a water meter in an existing water meter box, and the requested meter is to be connected to an existing meter set, the schedule of water meter installation charges shall be as shown in the rate schedule.

SEC. 3.05. Installation of Service. Upon application approval, water service infrastructure will be installed as requested by the applicant. The size shall be determined by the applicant. Service installations will be made only to property abutting on distribution mains as have been constructed in public streets, alleys, or easements, or to extensions thereof as hereby provided.

SEC. 3.06. Changes in Customer's Equipment. Customers making any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the District written notice of the nature of the change and, if necessary, amend their application.

SEC. 3.07. Size and Location. The District reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be served. The

laying of Customer's pipe line to the meter should not be done until the location of the service connection has been approved by the District.

SEC. 3.08. Curb Stop. Every service connection installed within the District shall be equipped with a curb stop on both sides of the meter. The inlet curb stop is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the inlet curb stop is damaged by the Customer's use to an extent requiring replacement, such replacement shall be at the Customer's expense. All new installations shall have a customer isolation valve, or outlet curb stop in box, to be owned, maintained, and used by customer.

SEC. 3.09. Residential, Commercial and Industrial Service Connection. It shall be unlawful to maintain a connection excepting in conformity with the following rules:

- A. **Separate Building.** Each building under separate ownership must be provided with a separate service connection. Two or more buildings on the same lot shall have separate services if the buildings could legally be sold separately. Two or more buildings under one ownership and on the same lot or parcel of land may (with specific Board approval, based on hardship) or extenuating circumstances be supplied through the same service connection; provided, that for each building under a separate roof an additional minimum will be applied to the single meter serving said buildings. The District reserves the right to limit the number of buildings or the area of land under one ownership to be supplied by one service connection.
- B. **Separate Property.** A service connection shall not be used to supply property of the same owner across a street or alley, without written approval for specific cases otherwise meeting the intent of this ordinance.
- C. **Divided Property.** When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

SEC. 3.10. Service Connections. The service connections extending from the water main to the property line and including the meter, meter box and curb stop, shall be maintained and owned by the District. All pipes and fixtures extending or lying beyond the meter shall be installed, owned and maintained by the owner of the property.

SEC. 3.11. Water Capacity Fee. A water capacity fee shall be collected from each applicant requesting a new water service in addition to any processing fees and/or installation charges. The capacity fee is based on meter size, as shown on the rate schedule.

Due to recent changes in building code regulations, new single-family homes are to be sized with a 1" meter because of fire protection systems, rather than the typical 5/8" meter. It is recommended that all **new single family residential units**, with meter sizes 5/8" up to and including 1", that require a larger size meter because of fire protection, be charged the 5/8" meter rate to reflect their typical demand on the system.

SEC. 3.12. Commercial Landscape Meters. The General Manager shall encourage all commercial users to install an irrigation meter in addition to the regular water meter. Where the customer agrees to install an irrigation meter, the overall connection charge shall be the same as if one water meter had been installed and the installation charge shall reflect the actual time and materials cost of adding an additional meter on the service line constructed for the primary meter.

CHAPTER 4 - GENERAL USE REGULATION

SEC. 4.01. Number of Services per Premises. The applicant may apply for as many services as may be reasonably required for their premises, provided that the pipe line system from each service be independent of the others, they are not interconnected, and adequate water supply and pressure exists.

SEC. 4.02. Water Waste. No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises seriously affecting the general service, the District may discontinue the service if such conditions are not corrected within five (5) days after giving the customer written notice.

SEC. 4.03. Responsibility for Equipment on Customer Premises. All public facilities installed by the District on private property for the purpose of rendering water service shall remain the property of the District and may be maintained, replaced or repaired by the District without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made by District for placing or maintaining said facilities on private property.

SEC. 4.04. Damage to Water System Facilities. The customer shall be liable for any damage to the service facilities when such damage is from causes originating on the premises by an act of the customer or their tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, or by blocking or parking on the meter. The District shall be reimbursed by the customer for any such damage or towing charge promptly on presentation of a bill.

SEC. 4.05. Ground-Wire Attachments. All individuals or business organizations are forbidden to attach any ground- wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the District. The District will hold the customer liable for any damage to its property occasioned by such ground-wire attachments.

SEC. 4.06. Control Valve on the Customer Property. The customer shall provide a private outlet isolation valve in box on the private property side of the service installation, as close to the meter location as practicable, to control the flow of water to the piping on their premises. The customer shall not use the public inlet curb stop to turn water on and off for their convenience.

SEC. 4.07. Cross-Connections. The customer must comply with State and Federal laws governing the separation of dual water systems or installations of back flow protective devices to protect the public water supply from the danger of cross-connections as determined by the District. Back flow protective devices must be installed as near the service as possible and shall be open to test and inspection by the District. Plans for installation of back flow protective devices must be approved by the District prior to installation. Backflow protective devices shall be owned, maintained and tested at customer expense.

SEC. 4.08. ID. - Special Cases. In special circumstances, when the customer is engaged in the handling of especially dangerous or corrosive liquid(s) or industrial or process water(s), the District may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection to the back flow preventive devices.

SEC. 4.09. Pressure Reducing Valves. As a protection to the customer's plumbing system, a suitable pressure reducing valve must be installed, owned and maintained by the customer at their expense, when check valve or other protective devices are used. The pressure reducing valve shall be installed on the customer side of the meter between the check valves and the residence.

SEC. 4.10. Back Flow Device. Whenever back flow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the District's mains entering such premises, buildings or structures shall be protected by an approved back flow device, regardless of the use of the additional water supply lines. The ownership, maintenance, and certified testing shall be the responsibility of the customer. The customer shall submit the testing results annually to the District. Failure to properly maintain or submit certified test results may result in termination of water service.

SEC. 4.11. Discontinued Service. The service of water to any premises may be immediately discontinued by the District if any defect is found in the check valve installation(s), other protective device(s), private water service, or if it is found that dangerous unprotected cross-connection(s) exist. Service will not be restored until such defect(s) are corrected.

SEC. 4.12. Interruptions in Service. The District shall not be liable for damage which may result from an interruption in pressure or service.

SEC. 4.13. Ingress and Egress. The District shall have the right of ingress and egress to the customer's premises for any purpose reasonably connected with the furnishing of water service.

SEC. 4.14. Underground Water Service. All private water services shall be buried; no above ground water service shall be allowed.

CHAPTER 5 - METERS

SEC. 5.01. Meter Installations. Meters will be installed in the sidewalk area whenever possible, or as determined by the District, and shall be owned by the District and installed and removed at its expense. No rent or other charge will be paid by the District for a meter or other facilities, including connections on private property. No meter, seal, or lock shall be altered or broken except by one of the District's authorized employees or agents.

SEC. 5.02. Change in Location of Meters. Meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the District's property will be moved at District expense. If the customer desires to have the meter moved, the customer will be required to pay for new service at the desired location, as approved by the District.

CHAPTER 6 - BILLING

SEC. 6.01. Billing Period. The regular billing period will be monthly.

SEC. 6.02. Meter Reading. Meters will be read monthly or bi-monthly.

SEC. 6.03. Opening and Closing Bills. Opening and closing bills for less than the normal billing period shall be pro-rated as to volumetric consumption, excluding base rate. If the total period for which service is rendered is less than one month, the monthly base rate shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the District for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued.

SEC. 6.04. Water Charges. Water charges are due and payable at the office of the District on the date of mailing the bill to the property owner or their agent as designated in the application, and delinquent thirty (30) days after the invoice date.

SEC. 6.05. Payment of Bills. Bills for metered water service shall be rendered at the end of each billing period. Bill shall be payable on presentation. If this bill is not paid within thirty (30) days after the invoice date, service may be discontinued. A reconnection charge and penalties will be made and collected prior to renewing service following a discontinuance.

SEC. 6.06. Billing of Separate Meters Not Combined. Separate bills will be rendered for each meter installation except where the District has, for its own convenience, installed two or more meters in place of one meter. Where such installations are made the meter reading may be combined for billing purposes.

SEC. 6.07. Customer's Guarantee. The water charge begins when a service connection is installed and the meter is set, unless the water is ordered to be left shut off when the service connection is ordered to be installed. Before water is turned on by the District for any purpose, the customer must sign a form in which they guarantee payment of future water bills for the service required. The person signing the guarantee form or meter set form will be held liable for water used until the District is notified in writing to discontinue service or to transfer the account to another party.

SEC. 6.08. Water Used Without Required Application. A person taking possession of premises and using water from an active service connection without having made application to the District for water service shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter is found inoperative, the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the District, and if accumulated bills for service are not paid immediately, the service shall be discontinued by the District without further notice.

SEC. 6.09. Damages through Leaking Pipes and Fixtures. The District's jurisdiction and responsibility ends at the property line and the District will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property line.

SEC. 6.10. Damage to Meters. The District reserves the right to set and maintain a meter on any service connection. The water Customer shall be held liable, however, for any damage to the meter.

SEC. 6.11. Public Institution Base Billing Charges. Where multiple water meters serve a public institution, a single meter base charge may be charged based on the largest meter serving the institution.

CHAPTER 7 - DISCONTINUANCE OF SERVICE

SEC. 7.01. Termination of Service. Water service may be terminated by the District in compliance with the notice and other requirements of Title 6, Division 1, Chapter 9.6 of the California Government Code.

A. Water service may be discontinued for any one of the following reasons:

1. Delinquency in payment of any water service rate or charge, except that residential service **shall not** be discontinued for non-payment in any of the following situations:
 - a. During the pendency of any investigation by the District of a customer dispute or complaint;

- b. When a customer has been granted an extension of the period for payment of a bill respecting water service;
 - c. On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the District and requests permission to amortize, over a period not to exceed twelve (12) months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal payment period;
 - 2. The unauthorized taking of water or the taking of water in excess of the amount paid for;
 - 3. Failure of the customer to maintain their facilities in suitable condition to prevent waste of water;
 - 4. The existence of an unprotected cross connections on the customer's premises or the lack of adequate backflow protection at the service connection;
 - 5. Any violation by the customer of any rules of the District governing water service.
- B. The following process will be followed prior to discontinuance of **residential** service for non-payment:
 - 1. At least fifteen (15) days before any proposed discontinuance of residential water service for non-payment of a delinquent account respecting such service, the District shall mail a notice, postage prepaid, to the customer to whom the service is billed of the proposed discontinuance. Such notice shall be given not earlier than twenty-nine (29) days from the date of mailing the District's bill for such services and the fifteen (15) day period shall not commence until five (5) days after the mailing of the notice. In addition to the fifteen-day notice provided for in the preceding sentence, the District shall make a reasonable attempt to contact an adult person residing at the premises of the customer by telephone or personal contact at least forty-eight (48) hours prior to discontinuance of service, except that, whenever telephone or personal contact cannot be established, the District shall give, by mail, in person, or by posting in a conspicuous location at the premises, a notice of discontinuance of service, at least forty-eight (48) hours prior to disconnection. To avoid service disconnection payment must be made at the District Office prior to 11:59 a.m. on the day specified for discontinuance.
 - 2. Every notice of discontinuance of service required by this section shall include the following information:
 - a. The name and address of the customer whose account is delinquent;
 - b. The amount of the delinquency;
 - c. The date by which payment or arrangements for payment is required in order to avoid discontinuance;

- d. The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, unless the District's bill for services contains a description of that procedure;
 - e. The procedure by which the customer may request amortization of unpaid charges;
 - f. The procedure for the customer to obtain information on the availability of financial assistance;
 - g. The telephone number and name of a representative of the District who can provide additional information or institute arrangements for payment.
- C. The following process will be followed prior to a discontinuance of **non-residential** water service for non-payment:

At least fifteen (15) days before discontinuing such a water service the District shall provide written notice which shall specify the reason for the proposed discontinuance and inform the customer of the procedure for and the availability of the opportunity to discuss the reason for the proposed discontinuance with the General Manager or the General Manager's designee, who is empowered to review disputes and rectify errors and settle controversies pertaining to such proposed discontinuance of service. The name and phone number of the General Manager or the General Manager's designee, shall be included in any such notice of proposed discontinuance given to the customer.

- D. No water service shall be discontinued to any customer because of any delinquency in payment on any Friday, Saturday, Sunday, legal holiday or at any time during which the business office of the District is not open to the public.
- E. Every complaint or request for investigation by a residential customer that is made within five (5) days of receiving the disputed bill for water service and every request by a residential customer that is made within fifteen (15) days of the mailing of the notice required by section B of this rule for an extension of the payment period of such a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment shall be reviewed by the General Manager or the General Manager's designee. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed nine (9) months. Any customer whose complaint or request for an investigation has resulted in an adverse determination by the General Manager or the General Manager's designee may appeal the determination to the Board of Directors.
- F. The General Manager or the General Manager's designee is authorized to investigate complaints and to review disputes pertaining to water service disconnections and to rectify errors and settle controversies pertaining to such matters and disputes. The General Manager or the General Manager's designee is also authorized to amortize one unpaid balance at a time for any account over a reasonable period of time. The General Manager may bring any such controversies to the Board of Director for settlement by the Board.
- G. The General Manager or the General Manager's designee is authorized to discontinue service to a residential customer with an amortization agreement if the customer fails to keep the account current as charges accrue in each subsequent billing period. The

District shall not discontinue such service without giving notice to the customer at least forty eight (48) hours prior to discontinuance of the conditions the customer is required to meet to avoid discontinuance. Such notice does not entitle said customer to further investigation by the District.

SEC. 7.02. Reconnection. Failure to receive bill does not relieve Customer of liability. Any amount due shall be deemed a debt to the District and any person, firm or corporation failing, neglecting or refusing to pay said indebtedness shall be liable to an action in the name of the District in any court of competent jurisdiction.

SEC. 7.03. Reconnection Charge. A reconnection charge plus penalties as applicable, shall be made and collected prior to renewing service following an initial discontinuance or suspension. Service reconnection shall also require the payment of all charges currently due in addition to the reconnection charges. An additional deposit will be required for water only customers or a larger deposit will be required of water/sewer accounts that have begun new service, reconnected or with an outstanding balance remaining from a previous SCSD service. Reconnection charges and penalties shall be as shown on the rate schedule.

SEC.7.04. Unsafe Apparatus. Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

SEC. 7.05. Cross-Connections. Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of state or federal laws.

SEC. 7.06. Fraud or Abuse. Service may be discontinued if necessary to protect the District against fraud or abuse.

SEC. 7.07. Non-Compliance with Regulations. Service may be discontinued for non-compliance with this or any other ordinance or regulation relating to the water service.

SEC. 7.08. Upon Vacating Premises. Customers desiring to discontinue service should so notify the District two (2) days prior to vacating the premises. Unless discontinuance of service is ordered, the customer(s) shall be liable for charges whether or not any water is used.

SEC.7.09. Returned Check Fee. The District shall charge the full returned payment fee, plus penalty, each time a customer's payment is rejected by that customer's financial institution. Returned check fees plus penalty shall be as shown on the rate schedule.

CHAPTER 8 - COLLECTION BY SUIT

SEC. 8.01. Penalty. Water rates and charges which are not paid on or before the day of delinquency shall be subject to a penalty of ten percent (10%) and thereafter shall be subject to a further penalty of two percent (2%) per month on the first day of each month following.

SEC. 8.02. Suit. All unpaid water rates and charges and penalties herein provided may be collected by suit, collection agency, or other method as determined by District.

SEC. 8.03. Costs. Defendant shall pay all costs of suit in any judgment rendered in favor of District.

SEC. 8.04. Collection by Interagency Intercept Program. As an alternate to any of the other procedures herein provided, the District may collect unpaid user fees and charges through the State

of California Interagency Intercept Program or other collection agency as determined by the District. Upon submitting an unpaid charge to the collection agency, SCS D will also notify the customer at the last known customer address. Customers may appeal said submittal by filing an appeal with the District.

CHAPTER 9 - PUBLIC FIRE PROTECTION

SEC.9.01. Use of Fire Hydrants. Fire hydrants are for use by the District or by organized fire protection agencies pursuant to contract with the District. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the District prior to use and shall operate the hydrant in accordance with instructions issued by the District. The District will install a hydrant meter with a control valve. Unauthorized use of hydrants will be prosecuted according to law.

SEC.9.02. Moving of Fire Hydrants. When a fire hydrant has been installed in the location specified by the proper authority, the District has fulfilled its obligation. If a property owner or other party desires a change in size, type or location of the hydrant, they shall bear all costs of such changes, without refund. Any change in the location of a fire hydrant must be approved by the District.

CHAPTER 10 - PRIVATE FIRE PROTECTION SERVICE

SEC. 10.01. Payment of Cost. The applicant for private fire protection service shall pay the total actual cost of installation of the service from the distribution main to the customer's premises, including the cost of a detector check meter or other suitable and equivalent device, valve and meter box. Said installation to become the property of the applicant. The District shall inspect and approve all private fire protection systems.

SEC. 10.02. No Connection to Other System. There shall be no connections between this fire protection system and any other water distribution system on the premises.

SEC. 10.03. Use. There shall be no water used through the fire protection service except to extinguish fires and for testing the firefighting equipment.

SEC. 10.04. Meter Rates. Any consumption recorded on the meter will be charged for at 10 times the regular service rates except that no charge will be made for water used to extinguish fires where such fires have been reported to the District.

SEC. 10.05. Monthly Rates. The monthly rates for private fire protection lines shall be as specified in the rate schedule.

SEC. 10.06. Water for Fire Storage Tanks. Occasionally water may be obtained from a private fire service for filling a tank connected with the fire service, but only if written permission is secured from the District in advance and an approved means of measurement is available. The regular water rates will be applied.

SEC. 10.07. Violation of Agreement. If water is used from a private fire service in violation of the agreement or of these regulations, the District may, at its option, discontinue and remove the service.

SEC.10.08. Water Pressure and Supply. The District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such

quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

SEC. 10.09. Fire Services. The following rules shall apply to fire service connections:

A. **Valve.** When a fire service connection is installed, the valve governing same will be closed and sealed and remain so until a written order is received from the owner of the premises to have the water turned on;

B. **Meter.** If the District has not required a meter, and if water is used through a fire service connection for any other purpose than extinguishing of fires, it shall have the right to place a meter on the fire service connection at the owner's expense, or shut off the entire water supply from such premises;

C. **Additional Service.** The District shall have the right to take a domestic, commercial or industrial service connection from the fire service connection at the curb to supply the same premises as those to which the fire service connection belongs. The Board of Directors shall also have the right to determine the proportion of the installation cost properly chargeable to each service connection, if such segregation of costs shall become necessary.

D. **Check Valve.** The District reserves the right to install on all fire service connections a check valve of a type approved by the National Board of Fire Underwriters, and to equip the same with a by-pass meter at the expense of the owner of the property.

CHAPTER 11 - TEMPORARY SERVICE

SEC. 11.01. Duration of Service. Temporary service connections shall be disconnected and terminated within six (6) months after installation unless an extension of time is granted in writing by the District.

SEC. 11.02. Deposit. The applicant shall deposit in advance, the estimated cost of installing and removing the facilities required to furnish said service, exclusive of the cost of salvageable materials. Upon discontinuance of service, the actual cost shall be determined and an adjustment made as an additional charge, refund or credit. If service is supplied through a fire hydrant, the applicant will be charged in accordance with the rate schedule:

SEC. 11.03. Installation and Operation. All facilities for temporary service to the customer connection shall be made by the District and shall be operated in accordance with its instructions.

SEC. 11.04. Responsibility for Meters and Installations. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the District which are involved in furnishing the temporary service from the time they are installed until they are removed, or until 48 hours' notice in writing has been given to the District that the contractor or any other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer or deducted from the amount of the deposit.

SEC. 11.05. Supply from Fire Hydrant. An applicant for temporary use of water from a fire hydrant must secure a permit from the District and pay the regular fee charged for the installation and removal of a meter to be installed on the hydrant; and pay for the water used in accordance with the meter readings, at the rates prescribed by the District.

SEC. 11.06. Unauthorized Use of Hydrants. Tampering with any fire hydrant for the unauthorized use of water therefrom or for any purpose is a misdemeanor punishable by law.

SEC.11.07. Short Term Processing Fee. A property owner may set up a short-term water account to purchase up to 500 cubic feet of water for use at an existing meter for up to a two-week period by paying a non-refundable fee as shown on the rate schedule. The property owner may extend the time period and/or consumption limit by paying an additional non-refundable processing fee for each additional increment of time and/or consumption. The District will bill the customer for all water consumption over the 500 cubic foot consumption limit in any two-week period at the then current water rates.

SEC.11.08. Bulk Water Sales. The General Manager may sell water to water transporters who have first secured a permit for subsequent individual bulk sales in a specified transport vehicle. The General Manager shall charge the water transporter by truckload for the rated volume capacity of the transport vehicle based on the rate schedule. Each truckload will be charged a processing fee per load of water. Truckloads to be used inside the District boundaries will pay for the cost of water at current rates based on the capacity of the water transport vehicle. Truckloads to be used outside of District boundaries will pay for the cost of water at one and one-half (1.5) times the cost of water at current rates.

CHAPTER 12 - GENERAL PROVISIONS

SEC. 12.01. Pools and Tanks. When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the District prior to taking such water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the District's facilities and if other Customers are not inconvenienced thereby.

SEC. 12.02. Responsibility for Equipment. The customer shall, at their own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the District shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the customer or of any of their tenants, agents, employees, contractors, licensees, or permittees in installing, maintaining, operating or interfering with such equipment.

SEC. 12.03. Service Outside District. Where possible, potential customers outside the District shall annex before service is allowed if their property is contiguous to the District boundary or if the Board considers it to be in the best interest of the District. In addition to all other costs for providing service, the applicant shall be charged for the annexation proceedings. Where in the opinion of the Board, annexation is not feasible or desirable immediately upon application, the Board may elect to provide service outside of the District in accordance with state law. The terms and conditions of service shall be the same as in District except charges for water shall be 150% of the rates specified in this Ordinance. In addition, the applicant, their heirs or assigns must agree not to protest annexation if initiated at a later time.

SEC. 12.04. Water Conservation. Starting in Fiscal Year 2015-16 and in every year thereafter, the District shall conform with all local, state and federal requirements.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The Board of Directors hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: California Environmental Quality Act (CEQA) Determination. Under the Environmental Impact Report which was completed upon the formation of the Scotia Community Services District, a determination was made that the District would not result in a significant environmental impact. This ordinance is also exempt from the CEQA Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 4: Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 5: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: _____, 20____

ATTEST:

APPROVED:

Clerk, Scotia Community Services District

President, Scotia Community Services District

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. _____, passed and adopted at a regular meeting of the Board of Directors of the Scotia Community Services District, Humboldt County, California on the _____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Clerk, Scotia Community Services District

Scotia Community Services District
Staff Report

Date: October 15, 2015
To: Scotia CSD Board of Directors
From: Stephen Davidson, PE
Bayside Civil Consultants
Contract District Engineer
Subject: SCSD Title III - Public Sewer, Ordinance 2015-03

RECOMMENDATION:

The Administrative staff recommends the Board receive the attached staff report on the SCSD Title III – Wastewater Service (also known as the Wastewater Ordinance).

ACTION:

Adopt Title III - Wastewater Service, Ordinance 2015-03, by Resolution, by Title only, by roll call vote.

DISCUSSION:

As stated in the Ordinance: This Wastewater Discharge Ordinance sets uniform requirements for discharges into the wastewater collection and treatment system and enables the District to comply with the administrative provisions set by the California Regional Water Quality Control Board, North Coast Region and the applicable effluent limitations, national standards of performance, toxic and pre-treatment effluent standards, and any other discharge criteria which are required or authorized by State or Federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the District systems. This Ordinance provides a means of determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

Title III Wastewater Service provides and sets the District Rules and Regulations governing sewer service within the District. It also establishes how sewer service is provided the customer, general sewer use regulations, sewer construction, customer billing, customer sewer connection and discontinuance of service, public sewer laterals and private building sewers, and other sewer related use provisions.

The Wastewater Ordinance includes the rules and regulations for wastewater discharge to the Publically Owned Treatment Plant (POTW or WWTP) including discharge limitations, sewer

strength determinations, wastewater volume determination, pre-treatment requirements, enforcement, permitting and abatement.

As specified in the Ordinance, all rates, fees and penalties are not part of this document, but are referenced to a separate "Rate Schedule" to be developed and adopted by the Board at a future date, by separate Board Resolution. This will allow the Board to update any sewer rates or fees by separate resolution without having to affect changes to the Wastewater Ordinance itself.

FISCAL IMPACT:

None.

ORDINANCE NO. 2015 - 3

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE
SCOTIA COMMUNITY SERVICES DISTRICT
ADOPTING TITLE III – WASTEWATER SERVICE**

The Board of Directors of the Scotia Community Services District does ordain as follows:

Section 1: Title III – Wastewater Service is hereby adopted as follows:

TITLE III – WASTEWATER SERVICE

CHAPTER 13 – WASTEWATER

SEC. 13.01. Purpose and Policy. This Wastewater Ordinance sets uniform requirements for discharges into the Wastewater collection and treatment system and enables the District to comply with the administrative provisions set by the California Regional Water Quality Control Board, North Coast Region and the applicable effluent limitations, national standards of performance, toxic and pre-treatment effluent standards, and any other discharge criteria which are required or authorized by State or Federal law, and to derive the maximum public benefit by regulating the quality and quantity of Wastewater discharged into the District systems. This Ordinance provides a means of determining Wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate Wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

SEC. 13.02. Violation Unlawful. It shall be unlawful for any person whose building is required to be connected to a Wastewater under this ordinance to connect to, construct, install or provide, maintain and use any other means of sewage disposal from said building except by connection to a Wastewater in the manner as in this Ordinance provided.

SEC. 13.03. Relief on Application. When any person, by reason of special circumstances, is of the opinion that any provision of this ordinance is unjust or inequitable as applied to their premises, they may make written application to the Board of Directors, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to their premises.

If the application is approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

SEC. 13.04. Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and ordinance should be suspended or modified as applied to a particular premise, and may, by resolution, order such suspension or modification for such premises during the period of such special circumstance, or any part thereof.

SEC. 13.05. District Inspector. The General Manager may personally perform or employ a qualified person or persons to perform the duties of inspecting the installation, connection, maintenance and use of all infrastructure and collection facilities in the District, to be known as the District Inspector.

SEC. 13.06. Wastewater Permits and Fees. No Wastewater, side Wastewater, building Wastewater or other sewerage facility shall be installed, altered or repaired within the District until a permit for the work has been obtained and all fees paid in accordance with the requirements of this ordinance, and any other ordinance adopted by the Board of Directors.

CHAPTER 14 – USE OF WASTEWATERS REQUIRED

SEC. 14.01. Treatment of Wastewaters Required. It shall be unlawful to discharge to any stream or watercourse any domestic or industrial Wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this ordinance.

SEC. 14.02. Unlawful Disposal. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of Wastewater.

SEC. 14.03. Wastewater Required. The applicant of any proposed building to be situated within the District and abutting on any street in which there is now located or may be in the future be located a Wastewater of the District, is hereby required to connect, at their expense, said building, directly with the proper Wastewater in accordance with the provisions of this ordinance provided that said Wastewater is within three hundred (300) feet of the nearest point of the property line and the building is within one thousand (1,000) feet of the Wastewater.

The applicant of any existing building, provided with a lateral connection shall connect to the Wastewater within ninety (90) days after the date of official notice to do so.

SEC. 14.04. Occupancy Prohibited. No building, industrial facility or other structure shall be occupied until the applicant of the premises has complied with all rules and regulations of the District.

CHAPTER 15 – PERMITS AND FEES

SEC. 15.01. Permit Required. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any community Wastewater or appurtenances or perform any work on any lateral or building Wastewater without first obtaining a written permit from the

District and paying to the District the applicable permit fee. Other non-district permits may be required.

SEC. 15.02. Application for Permit. Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. They shall give a description of the character of the work proposed to be done and the location, occupancy and use of the premises. The General Manager may require plans, specifications or drawings and such other information as may be needed necessary.

If the General Manager determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the District, a permit shall be issued upon payment of the required fees. The schedule of fees shall be set by resolution of the Board. The schedule shall be available at the District office upon request. The issuance of Wastewater discharge permits to establishments producing industrial wastes shall be governed by the provisions of this ordinance.

SEC. 15.03. Plan Check Fees. A plan check fee in the amount of 2% of the estimated construction cost for main extensions and engineering review of subdivisions will be charged when an application for service is filed with the District. Actual Cost will be charged when the application is approved by the Board of Directors.

SEC. 15.04. Compliance with Permit. After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the Wastewater, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the District, the General Manager or other authorized representatives.

SEC. 15.05. Agreement. The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District, and with the plans and specifications filed with their application, of any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alternation from the applicant.

SEC. 15.06. All Work to Be Inspected. All Wastewater construction work shall be inspected by an inspector acting for the District to insure compliance with all requirements of the District. No Wastewater infrastructure shall be covered at any point until it has been inspected and passed for acceptance. No Wastewater infrastructure shall be connected to the District's community Wastewater until the work covered by the permit has been completed, inspected, and approved by the Inspector. If the test proves satisfactory, the Inspector shall issue a certificate of satisfactory completion.

SEC. 15.07. Notification. It shall be the duty of the person doing the work authorized by permit to notify the General Manager of the District in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected.

It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the District before giving the above notification.

SEC. 15.08. Condemned Work. When any work has been inspected and the work condemned and no certification of satisfactory completion given, the applicant of the premises, or the agent of such applicant, shall repair the Wastewater infrastructure or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

SEC. 15.09. All Costs Paid By Applicant. All costs and expenses specific to the installation and connection of any Wastewater infrastructure or other work for which a permit has been issued shall be paid by the applicant. Such costs shall include the costs expended by the District for the installation of lateral infrastructure. These costs are in addition to any other connection permit fee required by this or any other ordinance of the District that provides for connection fees, rates and charges. The applicant shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

SEC. 15.10. Street Excavation Permit. A separate permit must be secured from the State, County or any other party having jurisdiction thereover by applicants or contractor intending to excavate a public street for the purpose of installing Wastewaters or making Wastewater connections.

SEC. 15.11. Liability. The District and its officers, agents and employees shall not be liable for any injury or death to any person or damage to any property arising during or growing out of the performance of any work by the applicant. The applicant shall be responsible for, and shall hold the District and its officers, agents, and employees harmless from, any liability imposed by law upon the District or its officers, agents, or employees, including all defense or enforcement costs, expenses, fees and interest incurred. Applicant shall be responsible for any defects in the performance of their work or any failure which may develop therein.

SEC. 15.12. Time Limit in Permits. If work under a permit is not commenced within six (6) months from the date of issuance or if after partial completion, the work is discontinued for a period of one year, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. A new fee shall be paid upon the issuance of said new permit.

CHAPTER 16 – CONNECTION CHARGES

SEC. 16.01. General. It is hereby found and determined that it is necessary to reimburse the District for money advanced and to establish conditions of equality as to properties, either not assessed or by later occurring facts, deemed to have been under-assessed, during special assessment proceedings conducted by the District for the purpose of constructing Wastewater mains and facilities to serve properties within the assessment district created therefore when such non-assessed properties are permitted to connect to such Wastewater mains and facilities.

CHAPTER 17 – BUILDING WASTEWATERS, LATERAL WASTEWATERS AND CONNECTIONS

SEC. 17.01. Permit Required. In accordance with this Ordinance, no person shall construct, lateral Wastewater infrastructure without first obtaining a written permit from the District and paying all fees and connection charges.

SEC. 17.02. Design and Construction Requirements. Design and construction of lateral Wastewater infrastructure shall be in accordance with the rules, regulations and ordinances of the District.

SEC. 17.03. Minimum Size and Slope. The size and slope of the lateral infrastructure shall be subject to the approval of the General Manager, but in no event shall the diameter be less than four (4) inches. The slope of such 4-inch pipe shall not be less than one-fourth (1/4) inch per foot.

SEC. 17.04. Lateral Infrastructure. No building Wastewater infrastructure shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The building Wastewater shall be laid at uniform grade and in straight alignment. Changes in direction shall be made only in conformance with the Uniform Plumbing Code (“UPC”).

SEC. 17.05. Separate Lateral Infrastructure. Every building or industrial facility must be separately connected to a community Wastewater infrastructure. Any exceptions may be reviewed by the District. .

SEC. 17.06. Existing Lateral Infrastructure. Existing lateral infrastructure may be used in connection with new buildings upon review and testing by the District Inspector, to meet all requirements of the District.

SEC. 17.07. Cleanouts. Cleanouts in building laterals shall be provided in accordance with all applicable rules, regulations and ordinances. All cleanouts shall be watertight and shall comply with the UPC.

SEC. 17.08. Lateral Too Low. In all buildings in which any building lateral is too low to permit gravity flow to the community Wastewater, sanitary Wastewater carried by such building shall be lifted by artificial means, approved by the General Manager, and discharged to the community Wastewater at the expense of the applicant. In all buildings in which the floor level is below the elevation of the nearest manhole located upstream from the point at which the lateral Wastewater intersects the main, a backflow prevention device, to be owned and maintained by lot owner, shall be installed in the building Wastewater at the expense of the applicant. Sewage lift stations shall be constructed outside the building.

SEC. 17.09. Joints and Connections. All excavations required for the installation of a side lateral infrastructure shall be open trench work unless otherwise approved by the General Manager. Pipe laying and backfill shall be performed in accordance with the rules, regulations and ordinances of the District, except that no backfill shall be placed until the work has been inspected.

SEC. 17.10. Connection to Wastewater. The connection of the building Wastewater into the community Wastewater shall be made in strict accordance with the standard District specifications and at the applicant's expense. The invert of the building Wastewater at the point of connection shall be at a higher elevation than the invert of the community Wastewater. A smooth neat joint shall be made and the connection made secure and watertight. The connection to the community Wastewater shall be made in accordance with the rules, regulations and ordinances of the District. Any work on community Wastewaters and any work on lateral Wastewaters done within a public right of way shall be performed by a duly licensed plumber or contractor under the inspection of the District. Any damage to the Wastewater shall be repaired at the cost of the applicant to the satisfaction of the District

SEC. 17.11. Protection of Excavation. All excavations for side Wastewater installation shall be adequately guarded by the applicant with barricades or lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District or any other person having jurisdiction.

SEC. 17.12. Maintenance of Lateral Infrastructure. Lateral infrastructure shall be maintained by the applicant of the property served thereby. The owner shall be responsible for clearing the entire lateral infrastructure. The District will perform all other lateral maintenance within the public right of way.

SEC. 17.13. Testing. All building lateral infrastructure shall be tested in strict accordance with rules, regulations and ordinances of the District.

CHAPTER 18 – SUBDIVISION WASTEWATER INFRASTRUCTURE CONSTRUCTION

[Chapter Content to be Determined When Needed]

CHAPTER 19 – USE OF WASTEWATER INFRASTRUCTURE

SEC. 19.01. Prohibitions on Discharges. No user shall introduce or cause to be introduced into the Publicly Owned Treatment Works (POTW) any pollutant or Wastewater which causes pass through or interference. This general prohibition applies to all users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. No user shall introduce any pollutant or wastewater which would violate the District's State or Federal Wastewater National Pollutant Discharge Elimination System (NPDES) Discharge Permit.

No person shall introduce or cause to be introduced into the POTW the following pollutants, substances, or Wastewater containing:

- A. Pollutants which cause a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C).

- B. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference or injury to the treatment works;
- C. Pollutants which cause a danger to life or safety of personnel;
- D. Pollutants which cause a strong offensive odor or prevention of the effective maintenance or operation of the treatment works;
- E. Pollutants which cause air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;
- F. Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
- G. Pollutants which cause the District's effluent or any other product of the treatment process, residues, sludge, or scums, to be unsuitable for reclamation, disposal, reuse or treatment process;
- H. Pollutants which cause a detrimental environmental impact or a nuisance in the Waters of the State or a condition unacceptable to any public agency having regulatory jurisdiction over the District;
- I. Any Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, wood waste, dye wastes, and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the SCSD's NPDES permit;
- J. Pollutants which cause conditions at or near the District's POTW which violate any statute or any rule, regulation, or ordinance of any public agency or State or Federal regulatory body;
- K. Pollutants which cause the District's POTW to be overloaded or cause excessive collection or treatment costs, or may use a disproportionate share of the facilities;
- L. Pollutants which cause a pass through of any pollutant;
- M. Wastewater having a pH less than 6.5 or more than 8.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- N. Wastewater having a temperature greater than 140 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case Wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

- O. More than 50 mg/l of oil or grease of animal or vegetable origin;
- P. More than 25 mg/l total Petroleum Hydrocarbons (TPH) as diesel, motor oil, hydraulic oil or gasoline;
- Q. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- R. Identifiable chlorinated hydrocarbons;
- S. Trucked or hauled pollutants;
- T. Substances which, if otherwise disposed of would be a hazardous waste under state or federal law;
- U. Medical Wastes,;
- V. Any detectable concentration of DDT, or other prohibited pesticides or herbicides.

SEC. 19.02 Prohibitions on Storm Drainage and Ground Water. Storm water, ground water, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to a community Wastewater.

SEC. 19.03 Prohibitions on Unpolluted Water. Unpolluted water, including, but not limited to cooling water, process water or blown-down from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to a community Wastewater.

SEC. 19.04. Limitations on Radioactive Wastes. No person shall discharge or cause to be discharged any radioactive waste into a community Wastewater except;

- A. When the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and
- B. When the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) and the Nuclear Regulatory Commission regulations, and recommendations for safe disposal, and
- C. When the person is in compliance with all rules and regulations of all other applicable regulatory agencies.

SEC. 19.05. Limitations on the Use of Garbage Grinders. Waste from garbage grinders shall not be discharged by any nonresidential users into the community Wastewater.

SEC. 19.06. Limitations on Point of Discharge. No person shall discharge any substances directly into a manhole or other opening in a community Wastewater other than through an approved building sewer.

SEC. 19.07. Holding Tank Waste. No person shall discharge any holding tank waste into a community sewer.

SEC. 19.08. National Categorical Pretreatment Standards. Users must comply with all National Categorical Pretreatment Standards.

SEC. 19.09. Limitations on Wastewater Strength (Local Limits)

SEC. 19.09.01. The General Manager is authorized to establish Local Limits pursuant to state and federal regulations. No person shall discharge Wastewater containing in excess of the following concentrations:

POLLUTANT	PROPOSED DAILY MAXIMUM LIMIT (mg/L)
Copper	0.1300
Lead	0.0055
Molybdenum	0.0047
Nickel	0.0052
Zinc	0.135
bis(2-ethylhexyl) Phthalate	0.0235
Oil and Grease (petroleum and vegetable)	50
BOD	250

- A. The above limits apply at the point where the Wastewater is discharged to the POTW and apply to instantaneous maximum concentrations. All concentrations for metallic substances are for total metal unless indicated otherwise. The General Manager may impose mass limitations in addition to the concentration-based limitations above.
- B. **Analytical Requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard.
- C. **BMPs.** The General Manager may develop Best Management practices (BMPs), by ordinance or in individual Wastewater discharge permits, or general permits, to implement the requirements of this ordinance.
- D. **Right of Revision.** The SCS D reserves the right to establish, by ordinance or in individual Wastewater discharge permits or in general permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

- E. **Dilution**. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The General Manager may impose mass limitations on users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

SEC. 19.09.02. The General Manager shall cause to be prepared from time to time a list of the maximum permissible quantities or concentrations of certain constituents in industrial or Wastewater flows and otherwise issue detailed directions for meeting the requirements of this section.

Limitations on Wastewater strength in this ordinance may be supplemented with more stringent limitations provided:

- A. If the District determines that the limitations in this ordinance may not be sufficient to protect the operation of the District's POTW, or
- B. If any regulatory agency determines that the limitations in this ordinance may not be sufficient to enable the District's POTW to comply with water quality standards or effluent limitations specified in the District's National Pollutant Discharge Elimination System (NPDES) permit.

SEC. 19.10. Disposal of Unacceptable Waste. Waste not permitted to be discharged into the community Wastewater must be transported to a State or Local approved disposal site. The required "Waste Haulers Report" must be completed and a copy furnished within thirty (30) days to the District by the discharger.

SEC. 19.11. Interceptors Required. Grease, oil and sand interceptors shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the General Manager and shall be so located as to be readily and easily accessible for cleaning and inspection. All such grease, oil and sand interceptors shall be maintained by the Applicant, at their expense, in continuous efficient operation at all times.

SEC. 19.11.01. Grease Interceptors/Traps. Establishments including but not limited to serving food, manufacturing food products, Slaughter Houses, Packing Establishments, Car Washes, and Auto Wash Racks etc. are grouped into the following major categories:

INDUSTRIAL: commercial facilities as defined in the UPC, and those facilities designated by the General Manager.

HIGH VOLUME: full menu establishments operating over sixteen (16) hours per day and/or serving 500 or more meals per day.

MEDIUM VOLUME: full menu or specialty menu establishments service full meals eight (8) to sixteen (16) hours per day, and/or 100 to 400 meals per day.

SMALL VOLUME: fast foot, take out or specialty food establishments with limited menus, a minimum of dish washing, and/or minimal seating capacity.

SEC. 19.11.02. Grease Interceptors. Industrial facilities, High Volume and Medium Volume food establishments as defined in the UPC, or as determined by the District, are required to install a grease interceptor. The size, type and location of each grease interceptor shall be approved by the District. Waste in excess of 140° F (60° C) shall not be discharged into a grease interceptor. Grease interceptors shall have a minimum 750-gallon capacity.

Any type of business or establishment such as, but not limited to restaurants, bakeries, donut shops, take-out, drive-in eating establishments, ice cream or milk drive-in stations, hospitals, hotels, markets, recreation or reception halls, etc., where any grease or other objectionable materials may be discharged into a public or private sewage main or disposal system shall have a grease interceptor.

Interceptors shall be constructed and installed at the expense of the applicant, in accordance with the design approved by the General Manager.

Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning, and removal of the intercepted grease. A grease interceptor may not be installed in any part of a building where food is handled. Proper location of the grease interceptor shall meet the UPC Requirements and the approval of the General Manager.

Each commercial facility or business establishment for which a grease interceptor is required shall have an interceptor which shall serve only that business establishment.

Buildings remodeled for use requiring interceptors shall be subject to these regulations.

For the purpose of this section the term ‘fixture’ shall mean and include each plumbing fixture, appliance, apparatus or other equipment required to be connected to or discharged into a grease interceptor by any provision of this section.

Waste discharge from fixtures and equipment in the above-mentioned types of establishments which may contain grease or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposal, soup kettles, etc., and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through the interceptor when approved by the General Manager. Exception: Toilets, urinals, and other fixtures containing fecal material shall not flow through the interceptor.

The interceptors shall be maintained in efficient operating condition by periodic removal and proper disposal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or public or private Wastewater.

Abandoned grease interceptors shall be emptied and filled in the same manner as required for abandoned septic tanks in conformance with state and local requirements.

The cover for grease interceptors shall be reinforced as required depending on the load to be imposed upon the plate.

Interceptors shall be installed in such a manner that drainage from areas outside the area intended to be served may not enter. Interceptors shall be tested in a manner approved by the District and shall be witnessed by a District Inspector.

SEC. 19.11.03. Grease Traps. Any type of business or establishment such as, but not limited to restaurants, bakeries, donut shops, take out, drive-in eating establishments, ice cream or milk drive-in stations, hospitals, hotel markets, recreation or reception halls, etc., where any grease or other objectionable materials may be discharged into a public or private sewage main or disposal system which is deemed by the General Manager or his designated representative to be a Small Volume food establishment may choose to install a grease trap in place of a grease interceptor.

The size, type and location of each grease trap shall be approved by the General Manager or designated representative. Wastes in excess of 140° F (60° C) shall not be discharged into a grease trap.

For the purpose of this section, the term “fixture” shall mean and include each plumbing fixture, appliance, apparatus or other equipment required to be connected to or discharged into a grease trap by any provision of this section.

Waste discharge from fixtures and equipment in the above-mentioned types of establishments which may contain grease or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposal, soup kettles, etc., and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through the grease trap when approved by the General Manager. Exception: Toilets, urinals, and other fixtures containing fecal material shall not flow through the grease trap.

No grease trap shall be installed which has an approval rate of flow of more than fifty-five (55) gallons per minute, nor less than twenty (20) gallons per minute except with prior written approval of the General Manager.

Each plumbing fixture or piece of equipment connected to a grease trap shall be provided with an approved type flow control or restricting device installed in a readily accessible and visible location in the tailpiece or drain outlet of each such fixture. Flow control devices shall be so designed that the flow through such device or devices shall at no time be greater than the rated

capacity of the grease trap. No flow control device having adjustable or removable parts shall be approved.

Each grease trap required by this section shall have an approved rate of flow, expressed in gallons per minutes, which is not less than forty (40) percent of the total capacity in gallons of fixtures discharging into said trap. The grease retention capacity of the trap, expressed in pounds of grease, shall not be less than two times the approved rate of flow in gallons per minute.

Any grease trap installed with the inlet more than four (4) feet lower in elevation than the outlet of any fixture discharging into such grease trap shall have an approved rate of flow which is not less than fifty (50%) percent greater than given in the preceding paragraph. Not more than four (4) separate fixtures shall be connected to or discharged into any one (1) grease trap.

Each fixture discharging into grease trap shall be individually trapped and vented in an approved manner. An approved type grease trap may be used as a fixture trap for a single fixture when the horizontal distance between the fixture outlet and the grease trap does not exceed four (4) feet and the vertical tailpipe or drain does not exceed two and one-half (2 ½) feet.

No water-jacketed grease trap or grease interceptor shall be approved or installed. No mechanical grease trap shall be allowed.

Each grease trap shall have an approved water seal of not less than two (2) inches in depth or the diameter of its outlet, whichever is greater.

SEC. 19.11.04 Time of Compliance. All commercial facilities and food establishments shall be required to install a sand and/or grease interceptor or grease trap within the sixty (60) day period after the first occurrence of any of the following events:

- A. Transfer of any applicants or interest in the commercial facility;
- B. The issuance by the County of any building permit for the construction, reconstruction or related work to be performed on the premises;
- C. The backup or discharge of raw sewage on or from the premises due to grease build up in their service lateral;
- D. Or ninety (90) days after receiving written notice from the General Manager of the necessity for installation of such facilities.

SEC. 19.11.05 Monitoring and Reporting. All establishments having a grease trap or interceptor shall maintain and clean this unit as recommended by the manufacturer. Each grease trap or interceptor shall be regularly maintained by the proprietor or property applicant and records kept at the site for inspection by the District. Maintenance will vary depending upon the size of the unit and grease loading. The property applicant or proprietor shall send a

copy of the maintenance records to the District annually from the time of installation or some other agreed upon date by the District. At no time shall the unit be allowed to become clogged with grease so as to create damage to the District collection or treatment facilities. The Proprietor must develop a cleaning schedule sufficient to keep the unit functioning properly. Records of grease disposal to a collection agent must be made available to District personnel upon request.

SEC. 19.12. Preliminary Treatment of Wastes and Maintenance of Pretreatment Facilities.

Users shall provide Wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in this ordinance within the time limitations specified by EPA, the State, or the General Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the General Manager for review, and shall be acceptable to the General Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to District under the provisions of this ordinance.

SEC. 19.13. Availability of District Facilities. If capacity is not available, the District may require the discharger to restrict their discharge until sufficient capacity can be made available. When requested, the District will advise persons desiring to locate new facilities as to the areas where Wastewater of their proposed quantity and quality can be received by available Wastewater facilities. The District may refuse service to persons locating facilities in areas where their proposed quantity or quality of Wastewater is unacceptable in the available collection facility.

SEC. 19.14. Hauled Wastewater. Septic tank waste and/or hauled Wastewater is prohibited from being introduced into the POTW.

SEC. 19.15. Additional Pretreatment Measures. Grease, oil, and sand interceptors shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of Wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the General Manager, shall comply with the SCSD's Oil and Grease Management in this ordinance and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with this ordinance by the user at their expense.

SEC. 19.16. Accidental Discharge Control Plans. The General Manager may require any industrial user to develop and implement an accidental discharge control plan. At least once every two (2) years the General Manager shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge control plan shall submit a plan which provides, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;

- B. Description of stored chemicals;
- C. Procedures for immediately notifying the General Manager of any accidental discharge, as required by this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

CHAPTER 20 – WASTEWATER VOLUME DETERMINATION

SEC. 20.01. Metered Water Supply. When charges and fees are based upon water usage, such charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the District, significant portions of water received are not discharged into a community Wastewater. The total amount of water used from public and private sources may be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the District.

SEC. 20.02. Metered Wastewater Volume and Metered Diversions. When charges and fees are based upon water usage and where, in the opinion of the District, a significant portion of the water received from any metered source does not flow into the community Wastewater because of the principal activity of the user or removal by other means, the charges and fees will be applied against the volume of water discharged from such premises into the community Wastewater. Written notification and proof of the diversion of water must be provided by the user, and approved by the District, if the user is to avoid the application of the charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the District and at the user's expense. Such meters shall measure either the amount of Wastewater discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the General Manager.

Wastewater meters and vaults shall be approved by the District. They must be accurate, trouble free and allow easy access at any time, by District personnel for inspection, measurement or waste character and strength.

SEC. 20.03. Estimated Wastewater Volume.

SEC. 20.03.1. For users where, in the opinion of the District, it is unnecessary or impractical to install meters, the charges and fees may be based upon an estimate of the volume to be discharged, prepared by the District. A rational method will be used to estimate the quantity of Wastewater discharged and may consider such factors as the number of fixtures, seating

capacity, population equivalent, annual production of goods and services or such determinations of water use necessary to estimate the Wastewater volume discharged.

SEC. 20.03.2. For users who, in the opinion of the District, divert a significant portion of their flow from a community Wastewater, the charges and fees may be based upon an estimate of the flow and volume to be discharged, prepared by the user and approved by the District provided the user obtains a Wastewater Discharge Permit and pays the applicable charges and fees. The estimate must include the method and calculations used to determine the Wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the Wastewater volume discharged.

CHAPTER 21 – REPORT, WASTEWATER DISCHARGE PERMITS AND ADMINISTRATION

SEC. 21.01. Discharge Reports. The District may require that any person discharging or proposing to discharge Wastewater into a community Wastewater file a periodic Discharge Report. The Discharge Report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rates, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including Wastewater discharge. Such reports may also include the chemical constituents and quality of liquid or gaseous materials stored on site even though they are not normally discharged. In addition to Discharge Reports, the District may require information in the form of Wastewater Discharge Permit applications and self-monitoring reports and other reports contained in this ordinance.

SEC. 21.02. Baseline Monitoring Reports.

- A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the General Manager a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the General Manager a report which contains the information listed in paragraph (b) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
 - 1. Measurement of pollutants.
 - a. The user shall provide the information required in this Ordinance.

- b. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated, the adjusted limit along with supporting data shall be submitted to the District.
 - d. Sampling and analysis shall be performed in accordance with this Ordinance, as well as State and Federal guidelines.
 - e. The General Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measure.
 - f. The baseline report shall indicate the time, method, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- C. **Compliance Certification.** A statement, reviewed by the user's Authorized Representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- D. **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet with Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in this ordinance.
- E. **Signature and Report Certification.** All baseline monitoring reports must be certified in accordance with this ordinance and signed by an Authorized Representative.

SEC. 21.03. Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by this ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routing operation.);
- B. No increment referred to above shall exceed nine (9) months; and
- C. The user shall submit a progress report to the General Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

SEC. 21.04. Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any user subject to such Pretreatment Standards and Requirements shall submit to the General Manager a report containing the information described in this ordinance. All compliance reports must be signed and certified. All sampling will be done in conformance with this ordinance.

SEC. 21.05. Periodic Compliance Reports.

- A. Any significant Industrial User subject to a pretreatment standard must, at a frequency determined by the General Manager, submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with Best Management Practices (BMP) or pollution prevention alternative, the user must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance this ordinance.
- B. All Wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

SEC. 21.06. Reports of Changed Conditions. Each user must notify the General Manager of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its Wastewater at least forty-five (45) days before the change.

- A. The General Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater discharge permit application under this ordinance.
- B. The General Manager may issue an individual Wastewater discharge permit or a general permit under this ordinance in response to changed conditions or anticipated changed conditions.

SEC. 21.07. Reports of Potential Problems.

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge that might cause potential problems for the POTW, the user shall immediately telephone and notify the General Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, any corrective measures taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the General Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the General Manager immediately of any changes at its facility affecting the potential for a non-approved discharge. Failure to report may result in fines, penalties, or liability, pursuant to this Ordinance.

SEC. 21.08. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the General Manager within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the General Manager within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the SCSD performs sampling at the user between the time when the initial sampling was conducted and the time when

the user or the SCSD receives the results of this sampling, or if the SCSD has performed the sampling and analysis in lieu of the Industrial User. Lab test results may take weeks.

SEC. 21.09. Notification of the Discharge of Hazardous Waste. Any user who accidentally discharges hazardous waste shall notify the General Manager, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge of a substance which, if otherwise disposed of, would be a hazardous waste. Discharge of hazardous waste is prohibited under this ordinance.

SEC. 21.10. Other Reporting Requirements.

- A. All periodic compliance reports must be signed and certified in accordance with this ordinance.
- B. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the General Manager, using the procedures prescribed in this ordinance, the results of this monitoring shall be included in the report.

SEC. 21.10.01. Recordkeeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices.

SEC. 21.10.02. Certification Statements.

- A. **Certification of Permit Applications, User Reports.** A Certification statement is required to be signed and submitted by users submitting permit applications in accordance with this ordinance; users submitting baseline monitoring reports under this ordinance; users submitting reports on compliance with the categorical Pretreatment Standard deadlines under this ordinance; and users submitting periodic compliance reports required by this ordinance.
- B. **Annual Certification for Non-significant Categorical Industrial Users.** A facility determined to be a Non-significant Categorical Industrial User by the General Manager, must annually submit certification statement signed in accordance with the signatory requirements of authorized or duly authorized representative.

SEC. 21.10.03. Sample Collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- A. Except as indicated in Section (B) and (C) below, the user must collect Wastewater samples using 24-hour flow-proportional composite sampling or grab sampling as

authorized by the General Manager. Where time-proportional composite sampling or grab sampling is authorized by the SCSD, the samples must be representative of the discharge.

- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the General Manager may authorize a lower minimum.

SEC. 21.11. Individual Wastewater Discharge Permit and General Permit Requirement. No Significant Industrial User shall discharge Wastewater into the POTW without first obtaining an individual Wastewater discharge permit or a general permit from the General Manager.

The General Manager may require other users to obtain individual Wastewater discharge permits or general permits as necessary to carry out the purposes of this ordinance.

Any violation of the terms and conditions of an individual Wastewater discharge permit or a general permit shall be deemed a violation of this ordinance and subjects the Wastewater discharge permittee to the sanctions set out in this ordinance. Obtaining an individual Wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all federal and state Pretreatment Standards or Requirements or with any other requirements of federal, state, and local law.

- A. **Individual Wastewater Discharge and General Permitting: Existing Connections.** Any user required to obtain an individual Wastewater discharge permit or a general permit who was discharging Wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within forty-five (45) days after said date, apply to the General Manager for an individual Wastewater discharge permit or a general permit in accordance with this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety(90) days of the effective date of this ordinance except in accordance with an individual Wastewater discharge permit or a general permit issued by the General Manager.
- B. **Individual Wastewater Discharge and General Permitting: New Connections:** Any user required to obtain an individual Wastewater discharge permit or a general permit, who proposes to begin or recommence discharging into the POTW, must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual Wastewater discharge permit or general permit must be filed at least forty-five (45) days prior to the date upon which any discharge will begin or recommence.

SEC. 21.11.01 Permit Application Contents. Applicants for an individual or general Wastewater Discharge Permit shall complete an application, in the form prescribed by the District. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- A. The name and address of the facility, including the name of the operator and applicant, and the Standard Industrial Classification (“SIC”) code;
- B. Volume of Wastewater to be discharged;
- C. Wastewater constituents and characteristics including but not limited to those included in this ordinance;
- D. Time and duration of discharge;
- E. Average and daily peak Wastewater flow rates, including daily, monthly and seasonal variations, if any;
- F. Site plans, floor plans, mechanical and plumbing plans and details to show all Wastewaters and appurtenances by size, location and elevation;
- G. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s), carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes and types of materials which are or could be discharged;
- H. Each product produced by type, amount, and rate of production;
- I. Number and type of employees, and hours of work;
- J. Any other information as may be deemed by the District to be necessary to evaluate the permit application;
- K. Environmental Permits. A list of any environmental control permits held by or for the facility;
- L. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in this ordinance.
- M. Measurement of Pollutants.
 - 1. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Categorical Standard or by the General Manager, of regulated pollutants in the discharge from each regulated process.
3. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this ordinance. Where the Categorical Standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the General Manager or the applicable Categorical Standard(s) to determine compliance.
5. Sampling must be performed in accordance with procedures set out in this ordinance.

SEC. 21.11.02. Application Signatories and Certifications.

- A. All Wastewater discharge permit applications, user reports and certification statements must be signed by an Authorized Representative of the user and contain a certification statement.
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements must be submitted to the General Manager prior to or together with any reports to be signed by an Authorized Representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by the General Manager must annually submit a signed certification statement.

SEC. 21.11.03. Permit Issuance Process. The General Manager will evaluate the data furnished by the user and may require additional information. Within forty five (45) days of receipt of a complete permit application, including additional information requested, the General Manager will determine whether or not to issue an individual Wastewater discharge permit or a general permit. The General Manager may deny any application for an individual Wastewater discharge permit or a general permit.

SEC. 21.11.04. Wastewater Discharge Permitting: General Permit.

- A. At the discretion of the General Manager, the General Manager may use general permits to control Significant Industrial User (“SIU”) discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 1. Involve the same or substantially similar types of operations;

2. Discharge the same types of wastes;
 3. Require the same effluent limitations;
 4. Require the same or similar monitoring; and
 5. In the opinion of the General Manager, are more appropriately controlled under a general permit than under individual Wastewater discharge permits.
- B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit;
- C. The General Manager will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in this ordinance and applicable State regulations, and a copy of the user's written request for coverage for three (3) years after the expiration of the general permit.

SEC. 21.11.05. Individual Wastewater Discharge Permit and General Permit Contents.

An individual Wastewater discharge permit or general permit shall include such conditions as are deemed reasonably necessary by the General Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Individual Wastewater discharge permits and general permits **shall** contain:
1. A statement that indicates the Wastewater discharge permit issuance date, expiration date and effective date;
 2. A statement that the Wastewater discharge permit is nontransferable;
 3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
 4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or BMP) to be monitored, sampling location, sampling frequency, an sample type based on Federal, State and local law;
 5. Requirements to control accidental discharge, if determined by the General Manager to be necessary.
- B. Individual Wastewater discharge permits and general permits **shall** contain:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment device, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of user charges and fees for the management of the Wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
7. A statement that compliance with the individual Wastewater discharge permit or the general permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual Wastewater discharge permit or the general permit; and
8. Other conditions as deemed appropriate by the General Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

SEC. 21.11.06. Permit Modification.

- A. The General Manager may modify an individual Wastewater discharge permit for good cause, including but not limited to, the following reasons:
 1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 2. To address significant alternations or additions to the user's operation, processes, or Wastewater volume or character since the time of the individual Wastewater discharge permit issuance;
 3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

4. Information indicating that the permitted discharge poses a threat to the SCSD's POTW, SCSD personnel, or the receiving waters;
5. Violation of any terms and/or conditions of the individual Wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the Wastewater discharge permit application or in an required reporting;
7. Revision of or a grant of variance from Categorical Pretreatment Standards.

SEC. 21.11.07. Individual Wastewater Discharge Permit and General Permit Revocation.

The General Manager may revoke an individual Wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the General Manager of significant changes to the Wastewater prior to the changed discharge;
- B. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater discharge permit application;
- C. Falsifying self-monitoring reports and certification statements;
- D. Tampering with monitoring equipment;
- E. Refusing to allow the General Manager, or designee, timely access to the facility premises and records;
- F. Failure to meet discharge limitations;
- G. Failure to pay Wastewater charges;
- H. Failure to meet compliance schedules;
- I. Failure to complete a Wastewater survey or the Wastewater discharge permit application;
- J. Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater discharge permit or the general permit or this ordinance.

Individual Wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual Wastewater discharge permits or general permits issued to a user are void upon the issuance of a new individual Wastewater discharge permit or general permit to that user.

SEC. 21.11.08. Individual Wastewater Discharge Permit and General Permit Reissuance.

A user with an expiring individual Wastewater discharge permit or general permit shall apply for individual Wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with this ordinance, a minimum of forty five (45) days prior to the expiration of the user's existing individual Wastewater discharge permit or general permit.

SEC. 21.11.9. Individual Wastewater Discharge Permit and General Permit Duration.

Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. Each individual Wastewater discharge permit or a general permit will indicate a specific date upon which it will expire. The terms and conditions of the Permit may be subject to modification and change by the District during the life of the Permit as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in User's Permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance. Any user proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the District at least forty five (45) days prior to the proposed change or connection.

SEC. 21.11.10. Wastewater Discharge Permits are issued to a specific user for a specific operation. Wastewater Discharge Permits shall not be reassigned or transferred or sold to a new applicant, new user, different premises, or a new or changed operation.

SEC. 21.12. Inspection and Sampling. The District may inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where Wastewater is created or discharged shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The District shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operation. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the District will be permitted to enter without delay for the purposes of performing their specific responsibilities.

SEC. 21.13. Pretreatment. Users shall make Wastewater acceptable under the limitations established herein before discharging into any community Wastewater. Any facilities required to pretreat Wastewater to a level acceptable to the District shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be approved by the District before construction of the facility.

SEC. 21.14. Protection from Accidental Discharge. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the

user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be approved by the District before construction of the facility.

SEC. 21.15. Confidential Information. All information and data regarding a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restrictions unless the user specifically requests and is able to demonstrate, to the satisfaction of the District, that the release of such information would divulge information, processes or methods which are proprietary.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; and shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the District as confidential shall not be transmitted to any governmental agency or to the general public by the District until and unless prior and adequate notification is given to the user.

SEC 21.16. Publication of Industrial Users in Significant Noncompliance. The General Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the SCSD, a list of the Significant Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users:

- A. Chronic violations of Wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement;
- C. Any other violation of a Categorical Pretreatment Standard that the General Manager determines has caused, along or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual Wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;

- E. Failure to provide within forty-five (45) days, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- F. Failure to accurately report noncompliance; or
- G. Any other violation(s), which may include a violation of Best Management Practices, which the General Manager determines will adversely affect the operation or implementation of the local pretreatment program.

CHAPTER 22 – WASTEWATER CHARGES AND FEES

SEC. 22.01. Classification of Users. All users are to be classified either by assigning each one to a “user classification” category according to the principal activity conducted on the user’s premises, by individual user analysis, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of Wastewater discharges based on Wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of charges and fees which will ensure an equitable recovery of the District’s cost.

SEC. 22.02. Types of Charges and Fees. The charges and fees established in the District’s schedules of charges and fees, may include, but not be limited to:

- A. User classification charges;
- B. Fees for monitoring;
- C. Fees for permit applications;
- D. Appeal fees;
- E. Connection fees or assessments;
- F. Service charges;
- G. Penalties or special cost recovery charges;
- H. Charges and fees based on Wastewater constituent flows and characteristics to include industrial cost recovery provisions of the Clean Water Act.

SEC. 22.03. Basis for Determination of Charges. Charges and fees established for each user or user classification, including permit users, shall be based on measured or estimated constituents and characteristics of the Wastewater discharge of each user or user classification, which may

include, but not be limited to, BOD, TSS, oil and grease, chlorine demand, volume, and rate of flow.

Unless otherwise specified, the charges and fees for each user or user classification shall be computed on the basis of characteristics of Wastewater from a domestic dwelling and relative difficulty to transport and treat.

SEC. 22.04. Wastewater Charges. The monthly charge for Wastewater service shall be calculated by adding a fixed charge per bill (or per dwelling unit for residential customers) to a variable charge per hundred (100) cubic feet (“HCF”) of water consumed. No residential customer shall be charged for in excess of 12 HCF of water consumption in a month, regardless of the actual amount of water consumed. The rates shall be as in the rate schedule.

SEC. 22.05. Extraordinary Charges. The Board of Directors reserves the right to set special Wastewater service charges where, in the opinion of the General Manager, a waste discharge strength and loading does not fit into existing rate schedules.

SEC. 22.06. Pretreatment Charges and Fees. The District may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the District’s pretreatment program. All fees will be based on:

- A. Fees for Wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user’s discharge, and reviewing monitoring reports submitted by the users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Other fees as the District may deem necessary to carry out the requirements contained in this section.

CHAPTER 23 – BILLING AND COLLECTING

SEC. 23.01. Billing. The regular billing period will be each calendar month.

SEC. 23.02. Opening and Closing Bills. Opening and closing bills for less than the normal billing period shall be prorated on a daily water used basis.

SEC. 23.03. Billing Time. Bills for Wastewater service shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided.

SEC. 23.04. Collection by Interagency Intercept Program. As an alternate to any of the other procedures herein provided, the District may collect unpaid user fees and charges through the State of California Interagency Intercept Program. Upon submitting an unpaid charge to the State, SCSD will also notify the customer at the last known customer address. Customers may appeal said submittal by filing an appeal with the District.

SEC. 23.05 Collection by Suit. As an alternative to any of the other procedures herein provided, the District may collect unpaid charges by suit, in which event it shall also have judgment for the cost of suit and reasonable attorney's fees.

SEC. 23.06. Other Utility Charges. The District will provide for the collection of its Wastewater service charges with the rates for the services of the water system or other utility service furnished. The Wastewater service charges shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charge.

SEC. 23.07. Discontinuing Service. If all or any part of the bill on which any Wastewater service charge is collected is not paid, the District may discontinue its water or utility service until such bill is paid.

SEC. 23.08. Billing and Collecting Delinquencies on Tax Roll. The District may provide for the collection of all such delinquent charges that have not been paid and collected at the time of establishing its tax rate, upon the tax roll which District taxes are collected and in the same manner provided by law therefore.

SEC. 23.09. Other Remedies. The District may provide otherwise for the collection of such delinquent charges. All remedies herein provided for their enforcement and collection are cumulative and may be pursued alternately or collectively as the District determines.

SEC. 23.10. Procedure. When the District elects to use the tax roll on which general taxes are collected for the collection of current and delinquent Wastewater service charges, proceedings therefore shall be had as now or hereafter provided therefore in the Health and Safety Code.

SEC. 23.11. Alternative. The powers authorized by this Title shall be an alternative to all other powers of the District and an alternative to procedures adopted by the Board thereof for the collection of such charges.

SEC. 23.12. Report. A written report shall be prepared and filed with the clerk, which shall contain a legal description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for the forthcoming fiscal year, computed in conformity with the charges prescribed by this ordinance.

SEC. 23.13. Notice. The Clerk shall cause notice of the filing of the report and of the time and place of hearing thereof to be published once a week for two (2) successive weeks prior to the date set for hearing, in a newspaper of general circulation, printed and published in the general area. Prior to such hearing for the first time, the Clerk shall mail a notice in writing of the filing of said first report proposing to have such changes for the forthcoming fiscal year collected on the tax roll

and of the time and place of the hearing thereon, to be mailed to each person to whom any part of parcel of real property described in the report is assessed in the last equalized assessment roll on which general taxes are collected, at the address shown on the tax roll or as known to the Clerk.

SEC. 23.14. Hearing. At the time of said hearing, the Board shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time.

SEC. 23.15. Final Determination of Charges. Upon the conclusion of the hearing on the report, the Board will adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each change as described in said report, which determination shall be final.

SEC. 23.16. Filing of Report with County Auditor. On or before the 10th day of August in each year following the final determination of the Board, the Clerk shall file with the Auditor a copy of said report with a statement endorsed thereon over the Clerk's signature that it has been finally adopted by the Board of the District, and the Auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.

SEC. 23.17. Lien. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March of each year. The tax collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

SEC. 23.18. Tax Bill. Thereafter, the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from the general taxes for the District, and shall be delinquent at the same time and thereafter be subject to the penalties for delinquency.

SEC. 23.19. Collection. All laws applicable to the levy, collection and enforcement of general taxes of the District, including but not limited to those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges.

SEC. 23.20. Use of Revenues. Revenues derived under this ordinance shall be used only for the acquisition, construction, or reconstruction, maintenance and operation of Wastewater facilities of the District and to repay principal and interest on bonds issued for the construction or reconstruction of Wastewater facilities.

SEC. 23.21. Disconnection. As an alternative method of collecting such charges, the District may disconnect any premises from the water and Wastewater system if the user fails to pay the service charges for their premises after they have become delinquent. The person in charge of the Wastewater system shall estimate the cost of disconnection of such premises from the enterprise and the cost of reconnecting it thereto, and such user shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the Wastewater system.

SEC. 23.22. Abatement. During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of said premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorneys' fees and costs of suit arising in said action.

CHAPTER 24 – ENFORCEMENT

SEC. 24.01. Accidental Discharges.

1. Users shall notify the District immediately upon accidentally discharging wastes in violation of this ordinance to enable countermeasures to be taken by the District to minimize damage to the POTW, treatment processes, the receiving water, and the public in general.

The notification shall be followed, within fifteen (15) business days of the date of occurrence, by a detailed, written statement from user describing the cause(s) of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the Wastewater system, treatment plant, or treatment process, or for any fines imposed.

2. In order that employees of users are informed of District requirements, users shall make available to their employees copies of this ordinance together with such other Wastewater information and notices which may be furnished by the District from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge or spill in violation of this ordinance.

3. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system would be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this ordinance.

SEC. 24.02. Notice of Violation. When the General Manager finds that a user has violated, or continues to violate, any provision of this ordinance, an individual Wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may serve upon that user a written Notice of Violation (NOV) within five (5) business days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the General Manager. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after the receipt of the NOV. Nothing in this Section shall limit the authority of the General Manager to take any action, including emergency actions or any other enforcement action, without first issuing a NOV.

SEC. 24.03. Consent Orders. The General Manager may enter into any documents establishing an agreement with any user responsible for noncompliance. These documents shall include specific

action to be taken by the user to correct the noncompliance within a time period specified by the document. The documents shall have the same force and effect as the administrative orders issued pursuant to this ordinance and shall be judicially enforceable.

SEC. 24.04. Compliance Orders. When the General Manager finds that a user has violated, or continues to violate, any provision of this ordinance, an individual Wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, Wastewater service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the Wastewater. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

SEC. 24.05. Administrative Fines.

- A. When the General Manager finds that a user has violated, or continues to violate, any provision of this ordinance, an individual Wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, General Manager may fine such user for each and every violation committed. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one half of one percent (0.5%) per month. A lien against the user's property shall be sought for unpaid charges, fines, and penalties as authorized by California Government Code section 61621.
- C. Users desiring to dispute such fines must file a written request for the General Manager to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the General Manager may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The General Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user authorized under these regulations or by California law, including the damages sustained by the District as a result of any such violation(s).

SEC. 24.06. Issuance of Cease and Desist Orders. When the General Manager finds that a user has violated, or continues to violate, any provision of this ordinance, an individual Wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the user's past violations are likely to recur, the General Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against or a prerequisite to taking other action against the user.

SEC. 24.07. Emergency Suspensions. The General Manager may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present, or cause an imminent or substantial endangerment to the public health or safety. The General Manager may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW.

Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the General Manager may take such steps as deemed necessary, including immediate severance of the Wastewater connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The General Manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed, unless the termination proceedings in this ordinance are initiated against the user.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension.

SEC. 24.08. Termination of Discharge. In addition to the provisions in this ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of individual Wastewater discharge permit or general permit conditions;
- B. Failure to accurately report the Wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or Wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the Pretreatment Standards in this ordinance.

Such user will be notified of the proposed termination of its discharge. Exercise of this option by the General Manager shall not be a bar to, or a prerequisite for, taking any other action against the user.

SEC. 24.09. Appeals. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including Cease and Desist Orders, made by the General Manager, interpreting or implementing the provisions of this ordinance or in any permit issued herein, may file with the General Manager, a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the subsequent ruling made by the General Manager is unsatisfactory to the person requesting reconsideration, they may, within ten (10) days after notification of the District action, file a written appeal to the Board. The written appeal shall be heard by the Board within thirty (30) days from the date of filing. The District's Board shall make a final ruling on the appeal within fifteen (15) days of the closing of the meeting. The General Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

SEC. 24.10 Remedies Non-Exclusive. The remedies provided for in this ordinance are not exclusive. The General Manger may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with Districts enforcement response plan. However, the General Manager may take other action against any user when the circumstances warrant. Further, the General Manager is empowered to take more than one enforcement action against any noncompliant user.

SEC. 24.11. Affirmative Defenses to Discharge Violations.

1. Process Failure.

- A. A process failure is an unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation;
- B. A process failure shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (C), below, are met;
- C. A user who wishes to establish the affirmative defense of process failure shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. A process failure occurred and the user can identify the cause(s) of the process failure;
2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
3. The user has submitted the following information to the General Manager within twenty-four (24) hours of becoming aware of the process failure [if this information is provided orally, a written submission must be provided within five (5) days]:
 - i. A description of the indirect discharge and cause of noncompliance;
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance;
 - iv. In any enforcement proceeding, the user seeking to establish the occurrence of a process failure has the burden of proof;
 - v. Users shall have the opportunity for a judicial determination on any claim of process failure only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards; and
 - vi. Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

2. Bypass.

A. For the purposes of this section:

1. Bypass means the intentional diversion of waste streams from any portion of a user's treatment facility;
2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be

expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- B. A user may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. Requirements may be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

C. **Bypass Notifications.**

1. A user shall submit prior notice to the General Manager, at least ten (10) days before the date of the bypass, if possible;
2. A user shall submit oral notice to the General Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

D. **Unavoidable Bypass.**

1. Bypass is prohibited, and the General Manager may take an enforcement action against a user for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass, which occurred during normal periods of equipment downtime or for preventive maintenance; and
 - c. The user submitted notices as required under paragraph (C) of this section;
2. The General Manager may approve an anticipated bypass, after considering its adverse effects, if the General Manager determines that it will meet the three conditions listed in paragraph (D)(i) of this Section.

CHAPTER 25 - ABATEMENT

SEC. 25.01. Public Nuisance. Discharges of Wastewater in any manner in violation of this ordinance or of any order issued by the General Manager is authorized by this ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager. Any person creating a public nuisance shall be subject to provisions of District codes or ordinances, rules and/or regulations governing such nuisance.

SEC. 25.02. Injunctive Relief. When the General Manager finds that a user has violated, or continues to violate, any provision of this ordinance, an individual Wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may petition the Superior Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual Wastewater discharge permit, the general permit, order, or other requirement imposed by this ordinance on activities of the user. The District may also pursue any other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the user authorized under these regulations or by California law.

SEC. 25.03. Damage to Facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to District facilities, the District may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's Wastewater service charge.

SEC. 25.04. Correction of Violations; Collection of Costs; Injunction. In order to enforce the provisions of this ordinance, the District may correct any violations hereof. The cost of such correction may be added to any Wastewater service charge payable by the person violating the ordinance or the applicant or tenant of the property upon which the violation occurred, and the District shall have such remedies for the collection of such costs as it has for the collection of Wastewater service charges under California law.

SEC. 25.05. Civil Penalties.

- A. A user who has violated, or continues to violate, any provision of this ordinance, an individual Wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the SCSD for a maximum civil penalty of One Thousand Dollars (\$1,000), per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the SCSD.

- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires;
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user authorized under these regulations or by California law.

SEC. 25.06. Criminal Prosecution.

- A. A user who violates any provision of this ordinance, an individual Wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000) per violation, per day, or imprisonment for not more than one (1) year, or both;
- B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and may be subject to a penalty of at least One Thousand Dollars (\$1,000) per violation, or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available to the District under California law, and the District shall be entitled to recover damages in the amounts) actually sustained;
- C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed or required to be maintained pursuant to this ordinance, individual Wastewater discharge permit, or general permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than One Thousand Dollars (\$1,000) per violation, per day, or imprisonment for not more than one (1) year, or both.

CHAPTER 26 – WASTEWATER CAPITAL - RESERVE FUND

SEC. 26.01. Wastewater Capital Reserve Fund. The District shall maintain a Wastewater Capital Reserve Fund (WCRF) dedicated solely to pay for future expansion, major repair and replacement of the treatment works at the SCSD Wastewater Treatment Facility.

SEC. 26.02. Withdrawal of WCRF Monies. The Board may use money from the WCRF to pay for the cost of planning, design and construction of capital improvements to the Wastewater treatment works.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The SCS D Board hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: California Environmental Quality Act (CEQA) Determination. Under the EIR which was completed upon the formation of the Scotia Community Service District, a determination was made that the District would not result in a significant environmental. This ordinance is also exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 4: Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 5: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: _____, 20____

ATTEST:

APPROVED:

City Clerk, Scotia Community Services District

President, Scotia Community Services District

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. _____, passed and adopted at a regular meeting of the Board of Directors of the Scotia Community Services District, Humboldt County, California on the _____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Clerk, Scotia Community Services District

Scotia Community Services District
Staff Report

Date: October 15, 2015
To: Scotia CSD Board of Directors
From: George Williamson, AICP
Planwest Partners Inc.
Subject: Agreement Amendment between the Scotia Community Services District and Planwest Partners, Inc. For Professional Services

RECOMMENDATION:

The Administrative staff recommends the Board receive the attached staff report on the Agreement Amendment between SCSD and Planwest Partners Inc.

ACTION:

Consider Approval of Agreement Amendment between The Scotia Community Services District and Planwest Partners, Inc. for Professional Services.

DISCUSSION:

218 Process - Planwest will complete tasks and actions outlined below to establish property-related user fees and assessments to maintain and improve essential CSD services and facilities:

- | | |
|---|----------------|
| Task 1 Board Review of Detailed Engineering Analysis | Task 4 Hearing |
| Task 2 Board Review of Rate Studies and Engineers Reports | Task 5 Protest |
| Task 3 Notice | |

The complete scope and associated timing projections will be distributed at the meeting

Additional ADA assessments – In addition to the ADA access assessments being conducted for the Winema Theatre, Museum and Day Care Facility, the scope will be expanded to include ADA access assessments for the Fire Hall, Park Bathrooms and Bleachers.

HVAC Assessments for Energy Efficiency Retrofits – Planwest proposes to expand scope of DJ Cleek Company and retain a professional engineer with energy efficiency retrofit expertise to conduct HVAC Assessments for Winema Theatre, Museum and Day Care Facility and propose energy efficiency retrofits for those structures.

Technical, Managerial and Financial Training - Planwest proposes to expand scope to develop TMF procedures and protocols for the CSD.

Additional Staffing - the current staffing agreement ends October 31. This is proposed to be extended to June 30 2016.

FISCAL IMPACT:

Costs proposed to be covered through Town of Scotia LLC, subject to their approval of scope of services and timing projections

Scotia Community Services District
Staff Report

Date: October 15, 2015

To: Scotia CSD Board of Directors

From: George Williamson, AICP
Planwest Partners Inc.

Subject: Final Report on the Baldwin, Blomstrom Wilkinson and Associates Forest Management Plan for Scotia CSD Lot 247

RECOMMENDATION:

The Administrative staff recommends the Board receive the attached staff report for the Final Report on the Baldwin, Blomstrom Wilkinson and Associates Forest Management Plan for Scotia CSD Lot 247.

ACTION: None

DISCUSSION:

The final version of the forest management plan for the Scotia Community Service's District Lot 247 is attached. Below are some specific situations addressed in the final draft:

- BBW cruised the 92 acre parcel and found about 12 acres of second growth redwood which contained about one million board feet of timber. Given the 1 mile long log truck haul to the mill and the size and volume of timber, BBW recommends preparation of a nonindustrial timber management plan (NTMP). Normally, a property this small would not warrant preparation of an NTMP but given the size and volume of timber and the short haul distance, a property this small could generate perhaps 400 MBF of timber in a first entry which we estimate could take place by 2017. A second entry could take place 20 years later and remove perhaps 250 MBF of timber.
- After analysis of the economics of converting the cottonwood stands to a redwood plantation, BBW believes the cost of conversion would outweigh the potential income.

FISCAL IMPACT:

The cost for the plan is included in Planwest's overall staffing services contract.

ATTACHMENTS:

Forest Management Plan for Scotia CSD Lot 247 draft V3.pdf

BALDWIN, BLOMSTROM, WILKINSON AND ASSOCIATES, INC.

Implementing Ecosystem Forestry in Northwestern California
P.O. Box 702, Arcata, CA 95518, 707-825-0730 (V), 707-825-9359 (F) gregb@bbwassociates.com

October 8, 2015

Mr. George Williamson
Planwest Partners
1125 16th St #200,
Arcata, CA 95521

Dear George:

Attached find our final version of the forest management plan for the Scotia Community Service's District Lot 247. As you know we cruised the 92 acre parcel and found about 12 acres of second growth redwood which contained about one million board feet of timber. Given the 1 mile long log truck haul to the mill and the size and volume of timber, we recommend preparation of a non-industrial timber management plan (NTMP). Normally, a property this small would not warrant preparation of an NTMP but given the size and volume of timber and the short haul distance, a property this small could generate perhaps 400 MBF of timber in a first entry which we estimate could take place by 2017. A second entry could take place 20 years later and remove perhaps 250 MBF of timber. After analysis of the economics of converting the cottonwood stands to a redwood plantation, we believe the cost of conversion would outweigh the potential income by a pretty fair margin.

Thank you for the opportunity to conduct this work for Planwest and for the CSD.

Sincerely yours:

A handwritten signature in blue ink that reads "Greg Blomstrom". The signature is fluid and cursive, with the first name "Greg" and last name "Blomstrom" clearly legible.

Greg Blomstrom, Principal
Baldwin, Blomstrom, Wilkinson and Associate

Forest Management Plan for Scotia CSD Lot 247

Prepared by Greg Blomstrom,
Baldwin, Blomstrom Wilkinson and Associates
Consulting Foresters
Arcata, CA.

October 2, 2015

Executive Summary

Scotia CSDs lot 247, is a 92 acre parcel of land lying between the Northwestern Pacific railroad ROW and the Eel River in the town of Scotia. The parcel contains about one million board feet of redwood second growth timber on 12 acres. The balance of the parcel is comprised of nonforest land and land stocked with maple and cottonwood. A recommendation is made to prepare a non industrial timber management plan for the parcel and begin timber management with an initial entry that would remove about 400 MBF of the smallest timber. Based on our analysis, it does not make economic sense to convert the cottonwood stands to redwood.

Overview

The Scotia Community Services District through Planwest Partners has requested that a forester prepare an estimate of timber volume and value and permitting options for the CSDs lot 247, a parcel of land lying between the Northwestern Pacific railroad ROW and the Eel River in the town of Scotia.

The approach taken by BBW Associates included obtaining a CAD file of the lot boundaries from Kelly O'Hearn and Associates. Prior to vegetation typing, a BBW forester did a reconnaissance level survey of the vegetation to assist with the digitizing of the vegetation polygons in advance of timber cruising. The timber was cruised by two BBW techs, keypunched into Excel and then imported into the FORSEE growth and yield model. FORSEE was used to calculate stocking per acre and yields by vegetation type and by species.

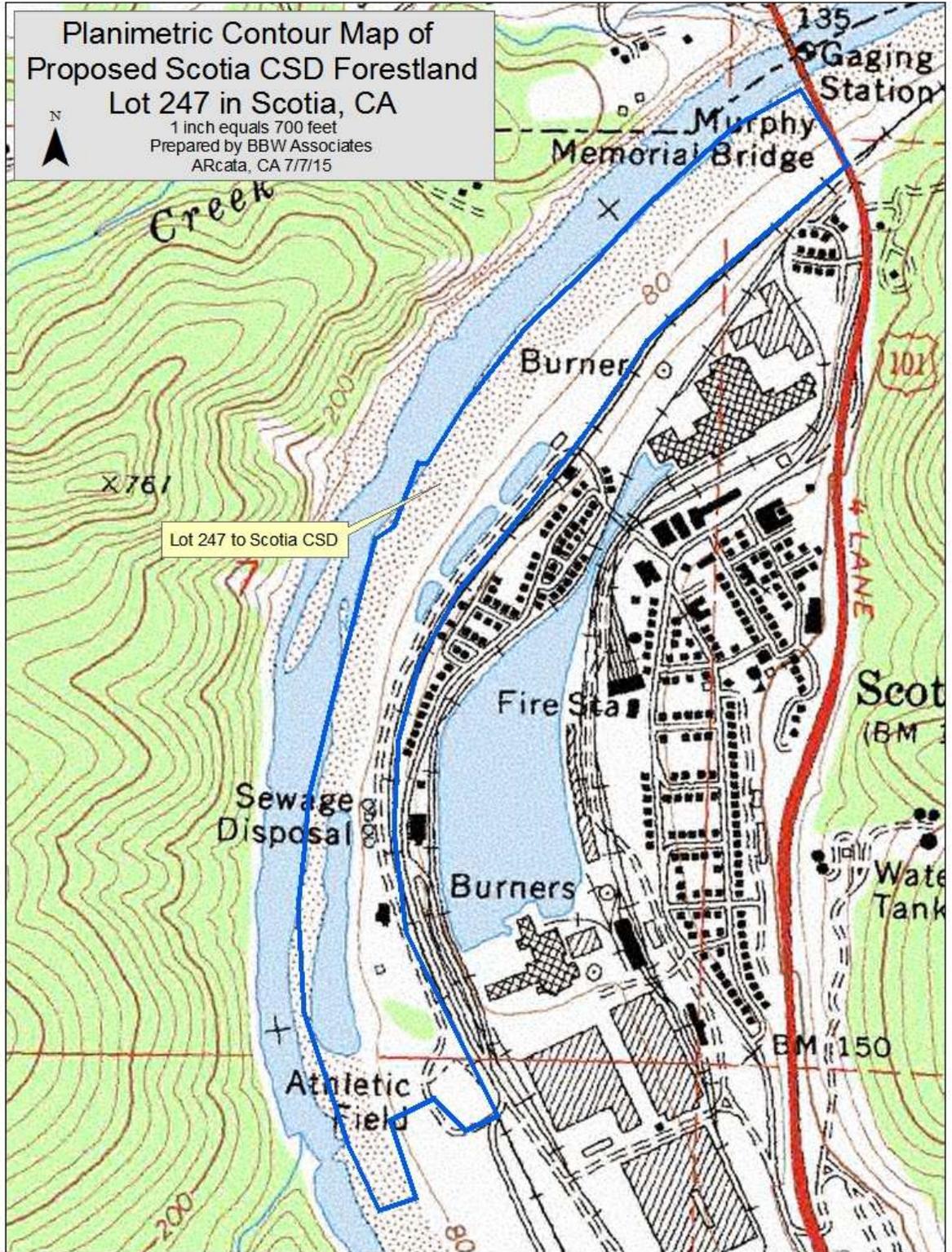
Planwest referred BBW to Frank Bacik who is overseeing the town of Scotia. Mr. Bacik provided a set of constraints to management that were previously a part of PALCOs habitat Conservation Plan (HCP) and which apparently must be applied to the property. These constraints are summarized later in the document and incorporated into consideration of the permit options and management recommendations.

Volume and growth were calculated based on cruise plots installed in the redwood and cottonwood stands. Value was determined using local knowledge of the log markets and logging costs.

Property Description

Planwest Partners was slated to provide a GIS shapefile of the property; however this task was turned over to Kelly O'Hearn and Associates who provided a CAD rendition of the property. However the CAD drawings provided had no spatial reference and so ultimately Humboldt Counties APN shapefile of Lot 247 that lies west of the railroad was created (since lot 247 is much larger than the portion of lot 247 west of the railroad ROW). For purposes of this management plan, the map depicted below is considered as the property under consideration for this management plan. For planning purposes the acreage of Lot 247 is estimated at 92.2 acres.

Figure 1 - Lot 247 Forest Management Plan



Vegetation Typing

After an initial reconnaissance of the property, the vegetation on Lot 247 was typed and then digitized into ARCGIS. The resulting vegetation map is shown in Figure 2. Acreage by vegetation type is shown in Table 1.

Table 1

VegType	Polygons	Acres
Cottonwood	1	19.0
Maple	1	2.9
Non-Forest	4	48.0
Redwood	4	11.2
Willow/Shrub	1	11.0

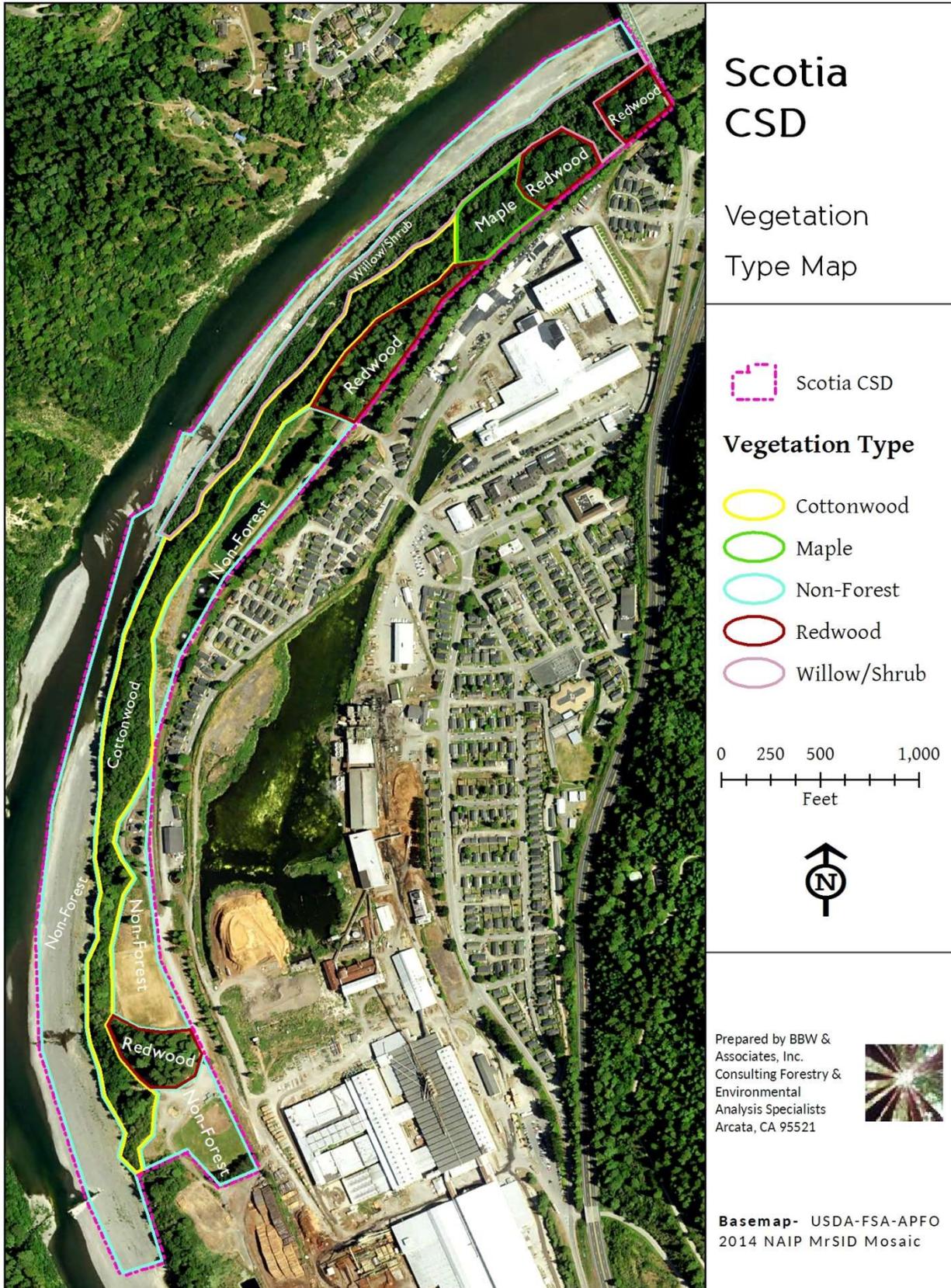
Although the cottonwood type has a few scattered redwoods, for forest management purposes, only the four redwood polygons are considered any further in this management plan. The southern most of the four redwood polygons, comprised of 2.6 acres has been developed by the Fireman's Association into a park like condition including a sign, split rail fencing, internal picnic tables and other improvements.

Plot Installation

Based on the reconnaissance visit and the timber typing, it was decided to exclude installation of inventory plots in the maple, non-forest and willow/shrub types. Both the maple and willow shrub types did not appear to contain any conifers, instead they were stocked with small (1-3" diameter) maple, willow and other riparian non-commercial species. For the cottonwood type and the redwood type, variable radius plots using a 40 factor prism were installed at random locations. All trees selected by the prism were cruised down to 1" diameter. All selected trees were measured for diameter to the nearest inch and total height in feet. Defect including trees with broken or missing tops was recorded. A total of 3 plots were put into the cottonwood type where it appeared there were only a few conifers and 7 plots were put into the 11 acres of redwood polygons. One plot each was installed in the two northern most and 1 southern most redwood polygons and 4 plots were put into the middle and largest polygon of Lot 247 which comprises almost 4 acres.

The 3 cottonwood plots averaged around 5 trees each while the 7 redwood plots averaged around 12 trees each. Data were keypunched into Excel, then uploaded into FORSEE, and compiled using standard volume equations. For this cruise, the standard FORSEE default equations for conifer volume were used which are documented in Bulletin 1907, Volume and Taper Relationships for Redwood, Douglas-fir, and Other Conifers in California's North Coast, Division of Agricultural Sciences, University of California, by Lee Wensel and Bruce Krumland, 1983.

Figure 2 Vegetation Types of Lot 247



FORSEE work

Volume calculation was done using the FORSEE growth and yield program (CAGYM, 2011), version 3.0, build 28 of 2/16/2015 which was developed by Lee Wensel and Bruce Krumland when they were at the University of California at Berkeley. As noted above, conifer volumes come from their Bulletin 1907 work. No suitable site trees were found, but judging from stand condition, stocking and other factors it was estimated that the average site index of the redwood stand was 120' at 50 year base age.

Stocking and Yield

Volume per acre and total stocking across each of the vegetative types is shown in Table 2 below. BA is basal area/acre in sq. ft., QMD is the quad mean diameter of the species in inches of diameter at breast height, NVOL is the net board foot Scribner volume/acre to a 6" top by species, SE is standard error of the board foot volume/acre at one standard deviation and TSE is the standard error of the total volume for a particular species. Table 2 shows that the redwood type contains 96,612 bf/acre \pm 20,069 bf/acre for a total volume of 1,082 MBF of redwood on 11 acres. None of the other species are considered commercial, so are not included in any further calculation of timber value. Note that the average cottonwood tree size is only 6" DBH in the cottonwood type, while it is 28" DBH in the redwood type, however there are only 10 such trees/acre in the redwood type while there are 680 cottonwood/acre in the cottonwood type.

Table 2

Stand Type	Acres	Species	TPA	BA	QMD	NVOL	SE_NVOL	SE_TPA	SE_BA	T_NVOL	TSE_NVOL
Cottonwood	18.9	Cottonwood	679.0	146.67	6.3	22,206	\pm 11,855	653.3	81.10	419,684	\pm 224,067
		Maple	8.6	13.33	16.9	794	\pm 794	8.6	13.33	14,997	\pm 14,997
		Hardwoods	693.1	173.33	6.8	23,317	\pm 11,708	659.1	81.10	440,685	\pm 221,277
		Totals	693.1	173.33	6.8	23,317	\pm 11,708	659.1	81.10	440,685	\pm 221,277
Redwood	11.2	Cottonwood	10.0	28.57	22.9	6,901	\pm 2,619	6.7	11.43	77,297	\pm 29,334
		Maple	292.1	45.71	5.4	4,163	\pm 2,095	265.6	18.37	46,626	\pm 23,466
		YG Redwood	49.8	400.00	38.4	96,612	\pm 20,069	13.2	79.52	1,082,056	\pm 224,778
		Conifers	49.8	400.00	38.4	96,612	\pm 20,069	13.2	79.52	1,082,056	\pm 224,778
		Hardwoods	309.6	91.43	7.4	13,396	\pm 3,988	262.8	22.62	150,034	\pm 44,660
		Totals	359.4	491.43	15.8	110,008	\pm 19,784	265.7	76.95	1,232,091	\pm 221,581
Non forest	48.0										
Maple	2.9										
Willow/Shrub	11.0										
Total	92.0										

Based on the standard error of the total volume there are between 858 MBF and 1,306 MBF of redwood on Lot 247.

Volume by diameter class is shown in Table 3. Note the volume of redwood by diameter class.

Table 3 Volume by Diameter Class by Species in Redwood Type Only

SpGP	DClass	TPA	BA	NVol	T_NVol
Cottonwood	2 - 8				
Cottonwood	8 - 16	6.2	5.71	478	5,354
Cottonwood	16 - 24	2.0	5.71	994	11,133
Cottonwood	24 - 32				
Cottonwood	32 - 40	1.5	11.43	3,665	41,052
Cottonwood	40 - 48				
Cottonwood	48 - 56				
Cottonwood	56 - 64	0.3	5.71	1,764	19,757
Cottonwood	64+				
Sub Cottwd		10.0	28.56	6,901	77,297
Maple	2 - 8	261.9	5.71	0	0
Maple	8 - 16	17.5	17.14	1,745	19,541
Maple	16 - 24	12.6	22.86	2,418	27,084
Maple	24 - 32				
Maple	32 - 40				
Maple	40 - 48				
Maple	48 - 56				
Maple	56 - 64				
Maple	64+				
Sub Maple		292.1	45.71	4,163	46,626
YGRD	2 - 8				
YGRD	8 - 16	5.4	5.71	834	9,340
YGRD	16 - 24	5.7	11.43	1,880	21,059
YGRD	24 - 32	9.9	40.00	5,669	63,493
YGRD	32 - 40	10.5	68.57	14,471	162,077
YGRD	40 - 48	8.9	91.43	25,140	281,568
YGRD	48 - 56	4.4	62.86	16,881	189,062
YGRD	56 - 64	3.2	62.86	17,403	194,912
YGRD	64+	1.9	57.14	14,334	160,545
Sub RW		49.8	400.00	96,612	1,082,057

Growth

Projected growth on the redwoods in the redwood stand is about 1700 bf/acre/year. With no harvest, conifer volume would be about 150,000/acre at the end of 20 years. Hardwoods are growing about 135 bf/acre/year. There is about 3100 cf/acre of hardwoods in the redwood stand which is about 77 tons/acre. In the cottonwood stand there are about 5300 cubic feet/acre of hardwoods, which is about 130 tons/acre.

Constraint Analysis

According to Mr. Bacik, the PALCO HCP restrictions would have to be followed if any sort of timber harvest were planned. PALCO completed the watershed assessment for the Lower Eel and Eel River Delta Planning Unit (LEED). The PALCO LEED watershed assessment established slope limitations that require cable yarding in the Scotia sub basin on slopes greater than 40% instead of tractor yarding. However, other than inner gorge requirements near class II and class III streams, all of the redwood type could be logged using tractors because all of the slopes are less than 40%.

Figure 3 shows the location of the class I (Eel River), class II and III watercourses on the property. In addition, the Eel River at Scotia is classified as a wild and scenic river (WSR), and in this stretch is considered as scenic. As a result, there is a 200' wide special treatment zone that extends from the watercourse and lake transition line east towards the railroad tracks. The watercourse and lake transition line begins at the inflection point between the gravel bar and the upland vegetation on the east side of the river.

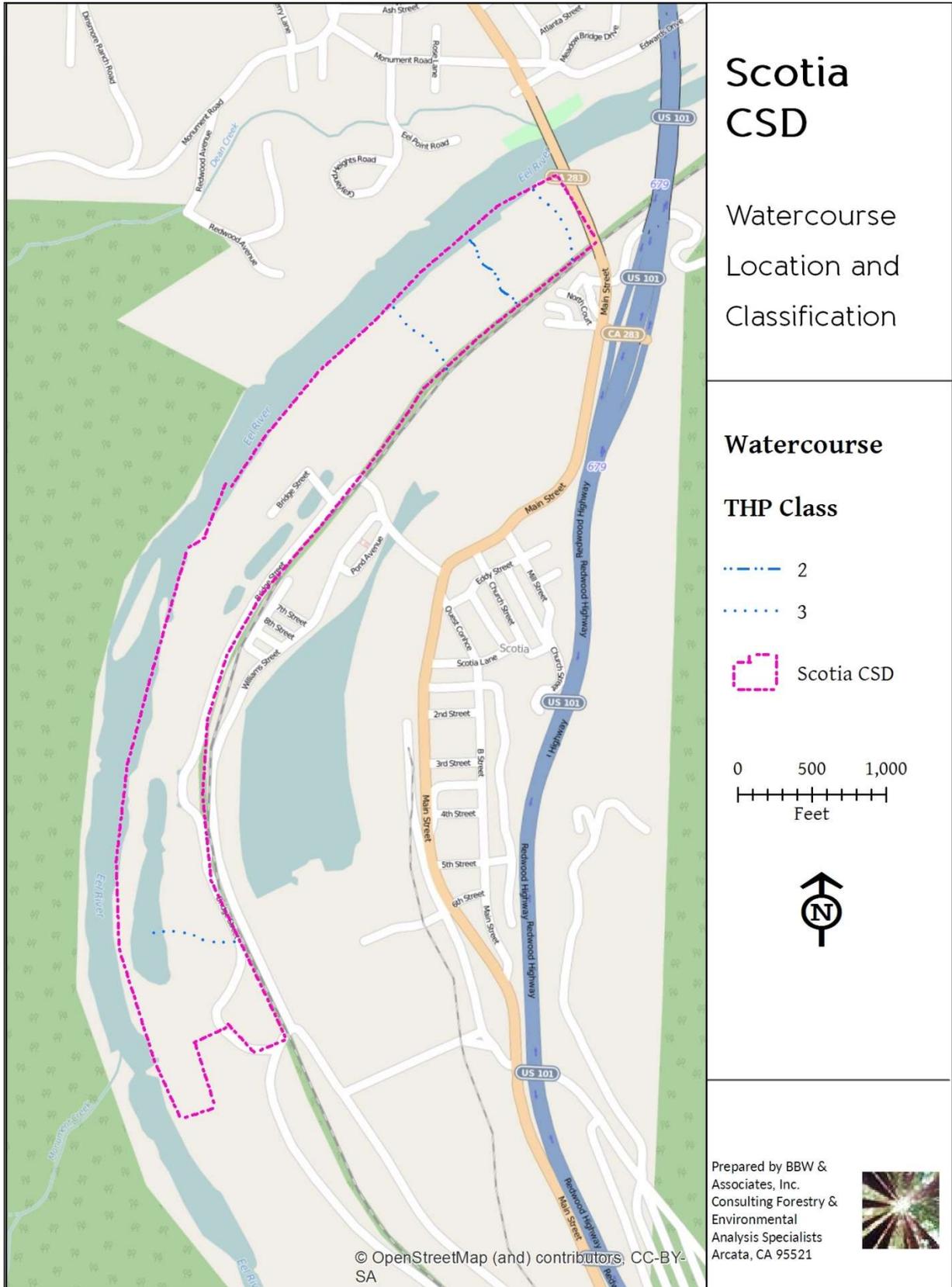
Table 4 shows the proportion of the four redwood polygons that might be affected by either the Wild and Scenic designation or by the Watercourse and Lake Protection Zone (WLPZ) designation assigned to the Eel River which is considered as a Class I watercourse with a channel migration zone. In this instance, the LEED assessment establishes an inner core no cut zone on slopes < 50% that is 100' wide beginning at the inflection point between the upland vegetation and the gravel bar. In addition, there is an inner zone that is an additional 50' where canopy cover would have to be maintained at 50% or more and the 13 largest trees/acre would have to be left. These restrictions compare to the standard WLPZ restrictions where there is an inner 30' no cut core area and an additional 70-120' inner zone where timber harvest is restricted to maintaining 80% canopy cover or more.

Table 4

VegType	Acres	Location	STZ - WSR Selection	WLPZ > 80% canopy retention
Redwood	1.84	At bridge	1/2 is within 200'	Very bot is in inner zone
Redwood	2.41	2nd poly S of Bridge	~ 1/3 is within 200',	Very bot is in inner zone
Redwood	4.44	Near Ponds	beyond 200'	Out of WLPZ
Redwood	2.59	Fireman's Grove	1/2 is within 200'	Very bot is in inner zone

Standard northern spotted owl (NSO) and marbled murrelet surveying would need to be completed prior to timber harvest which would require a minimum of 7 visits in each of 2 years of surveying, unless an owl was detected in an earlier visit. It is unlikely that NSOs or murrelet are utilizing these stands given the proximity to the mill and the highway. Whether surveying could be eliminated or reduced due to the amount of heavy equipment, whistles, and other noise associated with the mill and highway is not known at this time.

Figure 3



For the class II watercourse that drains the 2nd redwood polygon south of the bridge, there would be a 50' no harvest core zone on both sides of the watercourse and an additional inner zone that was approximately 75' each side (depending on slope) beyond the 50' zone where canopy cover would have to exceed 60% after operations and the RPF would have to leave the 13 largest trees/acre. .

Around the three class III watercourses there would be a 75' each side equipment limitation zone where all of the timber could be removed, but tractors could not operate except on designated skid trails or at designated crossings.

The LEED Hillslope Management Checklist would need to be filled out by the RPF conducting operations on any of the four redwood polygons. At a minimum, there is a headwall cutting slope failure at the point where the class II watercourse (2nd watercourse south of bridge) meets the railroad ROW. This appears also to be the outlet for a storm drain shown on the utility shapefile provided by PlanWest. This feature would need to be buffered out and a geologic review conducted according to the LEED prescription by a licensed geologist.

The HCP required extensive streamside landslide monitoring – whether this would be in effect due to the headwall slope failure is not known. The HCP requires extensive class II watercourse temperature monitoring which we assumed Humboldt Redwood Company is completing and the Scotia CSD would not be responsible for. A disturbance index calculation likely would be required if a THP is filed on lot 247.

Scotia CSD would not have to adhere to the Marbled Murrelet Conservation Plan, as none of the harvest area is near any of the designated MMCA's as noted above. As noted above, it is unclear due to noise and disturbance factors whether marbled murrelet surveying would be required.

The Scotia CSD would have to comply with the NSO conservation plan, but most of these restrictions are tied to operations that take place during the breeding season. As a result, other than the surveying required (if necessary), most timber harvest on Lot 247 could be conducted such that there would not likely be limitations placed on harvest. This of course would not be true if a nesting pair of owls is located on the subject property, however the likelihood of this is considered low due to noise and disturbance at the mill.

PALCO (and HRC) have already complied with the watershed analysis requirements in the HCP so Scotia CSD would not have to complete such work, though it appears that it would have to comply with any requirements established therein and as noted above.

Logs would be hauled on log trucks along the existing road that parallels the railroad right of way. For logs produced north of the slope failure, logs would be loaded onto log trucks sitting on the south side of the railroad tracks, by a heel boom loader sitting on the north side of the railroad tracks. The only road work required would be brushing and possibly a light grading. As a result, the CSD would not incur any liabilities associated with HCP requirements tied to roads.

The CSD would have to comply with the hillslope management requirements of 6.3.3.7 of the HCP, however most of these are practices are associated with management in and near watercourses and would already be accounted for when designing the WLPZ zones and limitations.

The CSD will benefit from HRCs complying with the HCP requirements associated with the Bald Eagle, Peregrine Falcon and Snowy Plover plans. The Snowy Plover plan might restrict operations if snowy plovers have been found north and east of the 101 bridge on the Eel River gravel bars. If found north of the bridge then additional surveys are required within 1 mile of such sightings.

It is likely that HRCs operations already cause compliance with the Pacific Fisher, red tree vole and amphibian and reptile management plans such that the CSD would not have to comply with these HCP requirements, outside of the standard FPR requirements for these species.

A search of the California Natural Diversity Database (NDDDB ver. 09-2015) for threatened and endangered federal or state listed species turned up four species of concern, *Gilia capitata* (Pacific gilia), osprey, bank swallow which is listed as threatened by California (not listed by the federal government), and the great blue heron which is not listed. If the bank swallow were found east of the 101 bridge it might kick in a requirement to survey for it within the project area.

It appears that the CSD would have to meet the structural habitat requirements for snags and down wood in the HCP, although as long as even-aged management were not implemented, any leave trees associated with selection management would likely meet these requirements. It appears that the CSD would have to meet the sensitive plant requirements in the HCP, but these are not much different than the current rules which require surveying for sensitive plants.

Prior to preparation of any permit application by the CSD to CALFIRE, the RPF should thoroughly review the Habitat Conservation Plan for the Properties of The Pacific Lumber Company, Scotia Pacific Holding Company, and Salmon Creek Corporation Under the ownership and management of Humboldt Redwood Company, LLC, As of July 2008, Established February 1999, Revised 31 March 2014 and the Pacific Lumber Company (PALCO) Prescriptions Based on Watershed Analysis for Lower Eel and Eel Delta, California, 17 June 2004.

The Forest Practice Rules at 919.16 (Late Succession Forest Stands) define stands of trees that meet the State Wildlife Habitat Relationships (WHR) categories of large predominant trees with medium to high canopy cover (categories of 5M, 5D and 6. Each of the redwood polygons easily meets the size and canopy requirements to be considered as late succession forest stands, however there is also a requirement that such stands be 20 acres in size. Since the project area only has 12 acres of such stands it would not meet the FPR 895.1 definition of late succession forest stands and thus any harvest would not be required to meet the FPR

requirements at 919.16 which requires extensive documentation of the wildlife and habitat elements of such stands and the environmental effects of timber harvest in such stands.

Rehabilitation of cottonwood stands

An analysis of the potential to create a redwood tree farm by conducting a rehabilitation harvest of the 19 acres of cottonwood stands. The process could be accomplished permit wise through an NTMP (see recommendation below). The process would include falling and skidding the cottonwood to a chipper. A chipper and excavator at \$550/hr can chip about 100 tons/hr. Stocking is about 115 tons/acre so the chipper could chip the entire cottonwood area in about 25 hours. Two chip vans would be needed to deliver hog fuel at approximately \$23/ton to the powerplant at HRC which reputedly will be put into production in January, 2016. The area would then be planted to redwood. Total cost to get the redwood into the ground including fall, buck, chip, load, tree cost and planting is estimated at about \$122,000. Income from hog fuel sales would be about \$50,000 resulting in a net cost of about \$72,000 or about \$3,800/acre.

Research by Kevin O'Hara on the Scotia Plantation (O'Hara, 2012) shows that there is a potential to generate about 12 MBF/acre of redwood at 25 years after tree planting. Because this wood would be small, delivered log price is expected to be about \$600/MBF today which is about \$729/MBF in 25 years based on a real price increase rate of 1% per year. Assuming a 5% discount rate, the value/acre of the redwood today from a sale 25 years in the future would be about \$2,775/acre. Thus, it would appear that conversion of the cottonwood area would not make economic sense. In addition, there are other factors to consider in deciding whether to convert the cottonwood area as described below.

Due to proximity to the river, the fact that the Eel River is a designated wild and scenic river and in consideration of flood potential, no management of the cottonwood, willow/shrub or maple types is proposed. Besides the above factors, none of these vegetative types contains any conifer volume. As such, any future income would need to come as a result of a rehabilitation harvest which would replace the current non-commercial species with redwood. However, this redwood would not have commercial value for at least 30-35 years and during that time would potentially be at risk from catastrophic flooding. The cottonwood and willow/shrub types are below the 80' contour line while both the redwood polygons and HRCs tree farm are located on ground that is between 80 to 120' elevation and generally out of the flood zone. For all of these reasons, no management is proposed for the cottonwood, willow/shrub or maple types.

Forest Management Considerations

The 12 acres of redwood type which has around 96 MBF/acre does have commercial potential, notwithstanding the fact that it is only 12 acres in size. However, due to its small size, the potential to conduct long term commercial timber management is quite limited. Generally, the CSD could undertake custodial management consistent with maintaining the recreational potential of all of the parcels by removing dead and dying trees periodically at relatively low

cost. The CSD could also begin a program of planned timber harvest to increase revenue, but that could come at the expense of diluting the recreational value of the 12 acres. If the CSD decided to conduct a one-time timber harvest there are several different options in the Forest Practice Rules that would allow removal of up to around 70% of the timber volume on the parcels. These options could generate substantial revenue, but as harvest intensity increased so would likely conflict.

Permit Options

Generally the CSD could look at a) no management, b) periodic custodial management (remove dead and dying trees), c) file an Non-Industrial Management Plan (NTMP) and manage for the long term by initially removing approximately 60% of the timber, d) file a one- time THP and remove the bulk of the unconstrained timber (around 70% of the timber), or e) file a Modified THP and remove perhaps 35%-50% of the timber.

There are four permit applications that might be undertaken to manage the property to generate timber harvest revenue:

1. File a 10% dead and dying exemption periodically to remove dead and dying redwoods. These can be filed year after year and are low cost. The timber resulting from such operations can legally be sold to recoup harvest and slash clean-up costs.
2. File a long-term Non Industrial Timber Management Plan on the property and harvest periodically which would a) exclude harvest in the Fireman' s Grove, b) could harvest 1.2 acres in WLPZs to 300 sq. ft. in an initial entry and c) cut the remaining 7.4 acres to a residual stocking of 250 sq. ft. for the first entry. This would cut about 31 trees/acre leaving 19 trees per acre. Trees would be marked for harvest by cutting the smallest trees first and gradually moving up in the diameter classes until the target basal area had been reached. A second entry could be made 20 years in the future to remove about 25 MBF/acre of growth on the 7.4 acres by cutting it back from 290 sq. ft. to 250 sq. ft. in the second entry.
3. File a onetime THP that a) excludes harvesting in the Fireman's Grove, b) cuts 2.1 acres to 75 sq. ft., c) cuts 1.2 acres to 300 sq. ft. and d) cuts 5.3 acres to a clearcut.
4. File a modified THP (MTHP) that a) excludes harvest in the Fireman's Grove, b) cuts 1.2 acres to 300 sq. ft. and c) in the balance of the 7.4 acre harvestable area cuts to 50% canopy retention (around 200 sq. ft.)

Because the Fireman's grove already has improvements and appears managed as a "park", no harvest is proposed for this polygon. With limitations and in consideration of WSR and WLPZ requirements, 2.1 acres in the two northern polygons could be harvested to 75 sq. ft. to maintain WSR characteristics and 1.2 acres in the 2nd polygon south of the bridge could be harvested to a residual overstory canopy of at least 80% which in this case is probably a thin from below to a residual basal area of around 300 sq. ft. The balance of the property at 5.3 acres could potentially be "clearcut" but for reasons cited below we recommend a different

permitting approach. A summary of the harvest prescription by permit type for each area of the 11.2 acres of redwood type is shown below along with the proposed basal area harvest.

Table 5 – General Basal Area Cut and Leave Treatments by Permit Type And Location on Property

Area	NTMP	THP	MTHP
WSR area	cut 325, leave 75	cut 325, leave 75	cut 325, leave 75
Inner zone WLPZ	cut 100, leave 300	cut 100, leave 300	cut 100, leave 300
no restriction	cut 150, leave 250	cut 400, leave 0	cut 200, leave 200
Firemans Grove	no cut, leave 400	no cut, leave 400	no cut, leave 400

An NTMP cannot prescribe even-aged harvest (hence the requirement to leave 75 sq. ft. in the no restriction zone) but is a long term permit good for essentially 50 years plus that locks in the current state forest practice regulations. This permit type costs approximately the same as a THP. Instead of an NTMP, the CSD could file a THP. While this option allows for clearcutting in the no restriction zone, it carries the greatest potential to stir up conflict. In addition, it would “lock in” a 40 year commitment to manage the clearcut timber stand to maturity. The MTHP is a less costly permit alternative to an NTMP or THP because in exchange for limiting removal to 50% canopy cover on parcels 41-160 acres in size the RPF is not required to submit a cumulative effects analysis as part of the timber harvest plan (though the CSD would likely still have to calculate the disturbance index per the HCP requirements). The MTHP could leave a relatively well stocked stand in the no restriction area that visually would look as though not much took place instead of the bare earth look that a THP would leave.

Possible Timber Value from Management

Because of the volume/acre and the size of the redwood timber, our estimate of current delivered log prices runs to the high side in today’s market compared to many projects. Based on bids received on reasonably large redwood from June 1, we estimate that the camp run (all diameters) value of the redwood on the 11.2 acres is between \$750 and \$800/MBF. Both the NTMP and the MTHP would likely generate a slightly lower (\$750 range) value because both of these permit types would tend to apply a marking prescription that was thin from below (that is mark the smallest trees and leave the biggest trees). While the THP would apply a mark that harvests everything, including small trees, there would be ample large trees harvested driving the average log size up (in comparison to the other two permit types) and leading to a somewhat higher camp run price (\$800 range).

Permit costs are lower for an MTHP. Surveying, if required, for NSO and marbled murrelets should be relatively low cost given the good road access and location next to HRCs wildlife department. The same is true for the plant surveys. Because of the volume/acre and size of timber being removed, the on board truck logging costs are likely to be relatively low at \$150/MBF. This price is higher than if the project were more rural, as it reflects the fact that in the “no restriction” zone, there are buried main sewer lines, and in at least one of the two polygons near the bridge there are storm drains that empty into the polygon.

The logger would load log trucks with decked redwood which would make the 6,500' haul to the log yard. Based on the above, Table 6 summarizes the volume being removed by restriction type and permit type and the associated costs and benefits from logging Lot 247:

Recommendation

We recommend either using the custodial approach which continues relatively hands off management except for the occasional filing of a 10% dead and dying exemption to reduce dead or dying hazard trees OR filing an NTMP to harvest a moderate amount from the property while still maintaining the recreational value that these polygons provide to the community of Scotia. The NTMP allows for repeated entries at relatively low cost (As noted above, no harvest is proposed for the Fireman’s Grove

The CSD should also track down the reason for the unstable area at the headwall swale on the class II watercourse at the RR tracks, and determine if there is a reasonable fix to stop further erosion.

We currently do not see an opportunity to implement a California Forest Improvement (CFIP) project on the property given the size and maturity of the timber on the redwood parcels. The State will fund CFIP projects on private lands through CALFIRE to help landowners abate fuel hazard situations, thin precommercial stands, reforest, etc. However as noted we do not see an opportunity to do any of these types of projects on the property.

Table 6 Revenue Projections for First Two Harvests

Harvest Area	Acres	Volume of Redwood MBF		
		NTMP	THP	MTHP
WSR area	2.1	164	164	164
Inner zone WLPZ	1.2	29	29	29
no restriction	5.3	192	511	255
Firemans Grove	2.6	-	-	-
Total	11.2	385	704	449
Delivered Log		\$ 750	\$ 800	\$ 750
Delivered Log	\$ 750	\$ 288,748	\$ 563,458	\$ 336,647
OBT	\$ 150	\$ 57,750	\$ 105,648	\$ 67,329
Haul	\$ 20	\$ 7,700	\$ 14,086	\$ 8,977
Stumpage	\$ 580	\$ 223,300	\$ 443,700	\$ 260,300
Permit Cost		\$ 50,000	\$ 50,000	\$ 25,000
NSO, MM Survey Yr 1 & 2		\$ 6,000	\$ 6,000	\$ 6,000
Geological survey		\$ 5,000	\$ 5,000	\$ 5,000
Plant survey		\$ 1,500	\$ 1,500	\$ 1,500
Slash cleanup		\$ 7,500	\$ 10,000	\$ 10,000
Net Income 1st Harvest		\$ 153,300	\$ 371,200	\$ 212,800
Survey costs in 2036, 2037		\$ 7,500	N/a	N/a
Property mgmt costs 2015-2037		\$ 22,000		
Stumpage income from 2037 cut		\$ 107,300		
Net income 2nd harvest		\$ 77,800		
Income from 2017+2037 cut		\$ 231,100	\$ 371,200	\$ 212,800

Schedule of Activities to Implement NTMP

Element	Time Period
Hire forester to write NTMP	Late 2015
First year NSO surveys	Spring 2016
Other T&E surveys as necessary	Spring, summer 2016
Fieldwork and writing on NTMP	Summer 2016 through summer 2017
2 nd NSO survey	Spring 2017
Plant survey and finish NTMP	Spring, summer fall 2017
First harvest	Fall 2017

Scotia Community Services District
Staff Report

Date: October 15, 2015
To: Scotia CSD Board of Directors
From: George Williamson, AICP
Planwest Partners Inc.
Subject: Report on DCI Builders and Cleek Co. work for: Existing Building Surveys, Condition Drawings and ADA Accessibility Upgrades & Schematic Design Drawings for the Winema Theater, Scotia Museum and Day Care Buildings in the Town of Scotia

RECOMMENDATION:

The Administrative staff recommends the Board receive the attached staff report for the

ACTION: None

DISCUSSION:

Field surveys are done for all 3 buildings.

Existing conditions drawings (in progress)

Winema 100%
Museum 75%
Day Care 0%

Improvement Drawings

Winema 90%
Museum 0%
Day Care 0%

Improvement drawings are projected to be finished this week and a 95% package for all 3 buildings is projected by the end of business Friday (10/9/15).

The last 5% would be any changes or adjustments to scope, since there are many ways to address most of the ADA issues.

The Fire Hall, Ball Park & restrooms, and HVAC systems have been added to the Cleek Co. contract, to be completed after the first contract is complete.

FISCAL IMPACT:

The cost for the plan is included in Planwest’s overall staffing services contract.

ATTACHMENTS: