



**BUSINESS:**

**REFERENCE**

<u>Recommended Action</u>	<u>Anticipated Time</u>
---------------------------	-------------------------

8. **CONSENT CALENDAR**

Matters listed under this item are considered routine and will be enacted by one Motion, in the form listed below. There will be no separate discussion of these items unless requested by a Member of the Board of Directors or the public prior to the time the Board votes on the Motion to adopt.

- |    |  |                            |                       |
|----|--|----------------------------|-----------------------|
| A. | Authorize General Manager to Execute an Increase to Purchase Order Amount with Environmental and Occupational Risk Management for Safety Consulting Support Services | Operations Manager         | Approve by Motion     |
| B. | Adopt Revised Ticket Distribution Policy and Rescind Resolution No. 50-10  | General Manager            | Approve by Resolution |
| C. | Approve Amendment No. 1 to the Personal Services Agreement between the District and John J. Archer as Interim General Manager  | Human Resources Supervisor | Approve by Resolution |

9. **BOARD BUSINESS**

- |    |   |                                 |                             |        |
|----|---|---------------------------------|-----------------------------|--------|
| A. | Appoint an Individual to Fill the Board Vacancy Created by the Resignation of Director Dawn L. Benson | Board President                 | Approve by Resolution       | 60 min |
| B. | Review and Discuss Drought Management Program for Remainder of State of Drought Emergency             | General Manager                 | Discuss & Provide Direction | 10 min |
| C. | Approve Correspondence to Zone 7 Water Agency Regarding Water Rate Adjustments                        | Administrative Services Manager | Approve by Motion           | 10 min |

10. **BOARDMEMBER ITEMS**

- Submittal of Written Reports from Travel and Training Attended by Directors

11. **CLOSED SESSION**

- |    |   |  |  |        |
|----|---|--|--|--------|
| A. | Conference with Labor Negotiators – Pursuant to Government Code Section 54957.6<br>Agency Negotiators: Michelle Gallardo, Human Resources Supervisor<br>Carl P. A. Nelson, General Counsel<br>Unrepresented Employee: Interim General Manager |  |  | 10 min |
|----|---|--|--|--------|

12. **REPORT FROM CLOSED SESSION**

13. **ADJOURNMENT**

BOARD CALENDAR\*

<u>Committee &amp; Board Meetings</u>	<u>Date</u>	<u>Time</u>	<u>Location</u>
Administrative Affairs	October 20, 2015	4:30 p.m.	District Office
Regular Board Meeting	October 20, 2015	6:00 p.m.	District Office

\*Note: Agendas for regular meetings of District Committees are posted not less than 72 hours prior to each Committee meeting at the District Administrative Offices, 7051 Dublin Boulevard, Dublin, California

**All materials made available or distributed in open session at Board or Board Committee meetings are public information and are available for inspection at the front desk of the District Office at 7051 Dublin Blvd., Dublin, during business hours, or by calling the District Secretary at (925) 828-0515. A fee may be charged for copies. District facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed, please contact the District Secretary as soon as possible, but at least two days prior to the meeting.**

**DUBLIN SAN RAMON SERVICES DISTRICT  
MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS**

**September 15, 2015**

1. CALL TO ORDER

A regular meeting of the Board of Directors was called to order at 6:00 p.m. by President Edward R. Duarte.

2. PLEDGE TO THE FLAG

3. ROLL CALL

Boardmembers present at start of meeting:

President Edward R. Duarte, Director Richard M. Halket, and Director Georgan M. Vonheeder-Leopold.

Vice President D.L. (Pat) Howard was absent.

District staff present: Bert Michalczyk, General Manager; Rhodora Biagtan, Principal Engineer-Supervisory; John Archer, Administrative Services Manager/Treasurer; Dan Lopez, Senior Mechanical Engineer – Supervisory; Carl P.A. Nelson, General Counsel; and Nicole Genzale, Executive Services Supervisor/District Secretary.

4. SPECIAL ANNOUNCEMENTS/ACTIVITIES

District Supervisors Dan Lopez and Michelle Gallardo introduced newly-hired employees in their divisions:

- John Bagakis, Fleet Mechanic, hired March 2015 to fill an existing vacancy.
- Jackie Simmerson, Human Resources Technician, hired September 2015 to fill an existing vacancy.

5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC) – 6:02 p.m.

There was no public comment received.

6. REPORTS

A. Reports by General Manager and Staff

- Event Calendar – General Manager Michalczyk reported on the following:
  - o The annual Neighborhood Update for residents living near the Wastewater Treatment Plant will be held at the WWTP on October 22, 2015 at 5:30 p.m. Please inform the General Manager or District Secretary if interested in attending to ensure proper Brown Act noticing.

- o Nominations for 2016-17 Association of California Water Agencies Committees (ACWA) are due by September 30, 2015. Please inform the General Manager or District Secretary within the next few days if interested in being nominated.
- Correspondence to and from the Board on an Item not on the Agenda

<b>Date</b>	<b>Format</b>	<b>From</b>	<b>To</b>	<b>Subject</b>	<b>Response</b>
8/5/15	Letter	Congressman Eric Swalwell	Bert Michalczyk	Participation in Water Roundtable Discussion	N/A
8/11/15	Letter	Warren K. Vest	Bert Michalczyk	Support of residential recycled water stations and recognition of station attendants	N/A
9/2/15	Email	Sinfronio Balderama	DSRSD Board	Appeal – fill new spa with water	Board discussed under Agenda Item 9.C
9/4/15	Email	William Lym	DSRSD	Expanding Recycled Water Use	N/A

- B. Agenda Management (consider order of items) – General Manager Michalczyk reported that Closed Session Item 9.B will not be held tonight and will be agendaized for the October 20 meeting.
- C. Committee Reports  
None
7. APPROVAL OF MINUTES – Special Meeting of *September 1, 2015* and Regular Meeting of *September 1, 2015*
- Director Halket MOVED for the approval of the September 1, 2015 Special Meeting minutes and the September 1, 2015 Regular Meeting minutes. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with THREE AYES, ONE ABSENT (Howard).
8. CONSENT CALENDAR
- Director Halket MOVED for approval of the items on the Consent Calendar. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with THREE AYES, ONE ABSENT (Howard).
- A. Resolution Establishing a No Net Demand Rate for Alameda County under Terms of the Areawide Facility Agreement between Dublin San Ramon Services District, County of Alameda and Alameda County Surplus Property Authority – Approved – Resolution No. 80-15

- B. Accept the Following Regular and Recurring Reports: Warrant List, Upcoming Board Business, Low Income Assistance Program – Approved

9. BOARD BUSINESS

- A. Discuss Drought Management Program

General Manager Michalczyk reported that this is a standing agenda item intended for discussion by the Board, staff and the public on the District’s Drought Management Program. The Governor’s declaration of the State of Emergency is still in effect and extends to February 29, 2016. It is staff’s assessment that no changes are immediately needed at this time, but he noted that per previous Board direction, staff anticipates bringing forth to the October 6 Board meeting, a review of programmatic items including the water supply shortage rates and appeals to water use limitations.

No members of the public addressed the Board on this topic.

The Board did not direct staff to develop any changes to the program.

- B. Accept Water Supply and Demand and Drought Response Action Plan Status Reports and Find that the Need for the Community Drought Emergency Still Exists

General Manager Michalczyk reported that this is a standing agenda item.

The Board discussed aspects of the reports including the progress of the Recycled Water Expansion Phase 1: Distribution to West Dublin and Alameda County Facilities project. The Board also commended the community for maintaining a 40% water conservation level, which exceeds the mandatory target of 12%.

No members of the public addressed the Board on this topic.

Director Halket MOVED to accept the Water Supply and Demand Report and the Drought Response Action Plan Status Report and find that the need for the Community Drought Emergency Still Exists. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with THREE AYES, ONE ABSENT (Howard).

- C. Consider Appeal by Sinfonio & Abigail Balderama of Staff Denial of an Exemption to Water Use Limitations

Associate Civil Engineer Jackie Yee addressed the Board and explained that the customer’s request for exemption was denied in accordance with District Ordinance No. 336.

Mr. and Mrs. Balderama addressed the Board with assistance from sign language interpreter, Mr. Kevin Mogg from Bay Area Communications Access (BACA), and explained they were not aware of the restrictions for filling a spa when they purchased one. Due to their low water use, conservation efforts and medical considerations, they have requested an exemption to this restriction.

The Board expressed its support for granting the requested exemption, but also commended District staff for their diligent work administering and enforcing the District's water use restriction ordinance.

Director Halket MOVED to uphold the Appeal by Sinfronio & Abigail Balderama of Staff Denial of an Exemption to Water Use. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with THREE AYES, ONE ABSENT (Howard).

In recognition of the community far exceeding water conservation requirements, the Board requested that a review of the ordinance restrictions pertaining to filling of spas be included in staff's upcoming review of the Drought Management Program.

D. Discuss Report on Zone 7 Rate Development

Administrative Services Manager Archer provided to the Board a report of Zone 7's current process and progress of developing new water rates, and reviewed the pertinent topics being discussed. Zone 7 has received feedback from the retailers, including the District, and is soliciting additional feedback from the public as efforts advance.

The Board discussed the matter including the need for a drought surcharge, but one that is temporary in nature. They also discussed a desire for a rate structure that is implementable in light of the District's pass through of the cost of water purchased from Zone 7, and a close review of the capital improvement program. Multi-year rate setting and the establishment of clear reserve targets is desirable. The positive aspects of community engagement and consultant input during this process were emphasized. Staff will continue to work with Zone 7 and brief the Board as further development warrants.

No members of the public addressed the Board on this topic.

The Board thanked staff for the report and expressed interest in receiving additional information as the rate proposal becomes clearer.

E. Decide to Fill Board Vacancy Either by Making an Appointment or Calling an Election and Rescind Resolution No. 76-15

General Manager Michalczyk explained this item was presented at the September 1 regular Board meeting but has been agendized again tonight due to discovery of additional information, received from Alameda and Contra Costa counties, pertaining to the timing, methods and cost of holding an election to fill the vacancy. He advised that, in light of such information, the Board needs to revisit the options presented and decide which action to take. The most critical new information is that any election would have to be held in April 2016, rather than June 2016, as was previously thought to be correct. In any April election the District cost would be substantially higher because its election would very likely be the only matter on the ballot.

No members of the public addressed the Board on this topic.

Director Halket MOVED to adopt Resolution No. 81-15, Appointing an Individual to fill the Vacancy created by the Resignation of Director Dawn L. Benson and Rescind Resolution No. 76-15. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with THREE AYES, ONE ABSENT (Howard).

- F. If Needed, Approve a Process, Schedule and Application Form to be Used for the Appointment to Fill the Board Position Formerly Held by Dawn L. Benson

General Manager Michalczyk provided the Board with an overview of the proposed process, schedule and application for consideration.

The Board discussed components of the proposed materials and reviewed and confirmed various details.

No members of the public addressed the Board on this topic.

Director Halket MOVED to Approve the recommended Process, Schedule and Application Form to be used for the Appointment to Fill the Board Position Formerly Held by Dawn L. Benson. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with THREE AYES, ONE ABSENT (Howard).

10. BOARDMEMBER ITEMS

Director Vonheeder-Leopold submitted written reports to Executive Services Supervisor Genzale for her attendance at the California Association of Local Agency Formation Commissions (CALAFCO) conference in Sacramento last week, and the East Bay Leadership Council Special Water Task Force Meeting on September 15. Director Vonheeder-Leopold summarized the activities and discussions at the meetings.

President Duarte reported that he also attended the East Bay Leadership Council Special Water Task Force Meeting and summarized the activities and discussions at the meeting.



11. CLOSED SESSION

At 6:54 p.m. the Board went into Closed Session.

- A. Public Employee Performance Evaluation – Pursuant to Government Code Section 54957  
Title: General Manager
- B. NOT HELD - Public Employee Performance Evaluation – Pursuant to Government Code Section 54957  
Title: District General Counsel

12. REPORT FROM CLOSED SESSION

At 7:32 p.m. the Board came out of Closed Session. President Duarte announced that there was no reportable action.

13. ADJOURNMENT

President Duarte adjourned the meeting at 7:33 p.m.

Submitted by,

Nicole Genzale  
Executive Services Supervisor

**DUBLIN SAN RAMON SERVICES DISTRICT  
MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS**

**September 29, 2015**

1. CALL TO ORDER

A special meeting of the Board of Directors was called to order at 5:30 p.m. by President Edward R. Duarte.

2. PLEDGE TO THE FLAG

3. ROLL CALL

Boardmembers present at start of meeting:

President Edward R. Duarte, Vice President D.L. (Pat) Howard, Director Richard M. Halket, and Director Georgean M. Vonheeder-Leopold.

District staff present: Bert Michalczyk, General Manager; Dan McIntyre, Engineering Services Manager; John Archer, Administrative Services Manager/Treasurer; Dan Gallagher, Operations Manager; Carl P.A. Nelson, General Counsel; and Nicole Genzale, Executive Services Supervisor/District Secretary.

#<sup>1</sup>. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC) – 5:31 p.m.

There was no public comment received.

4. CLOSED SESSION

At 5:32 p.m. the Board went into Closed Session.

- A. Public Employee Appointment – Pursuant to Government Code Section 54957  
Title: Interim General Manager

5. REPORT FROM CLOSED SESSION

At 5:50 p.m. the Board came out of Closed Session. President Duarte announced that there was no reportable action.

6. BOARD BUSINESS

- A. Appoint Interim General Manager and Receive Public Comment Regarding the Terms and Conditions of that Appointment

The Board of Directors thanked the District's three senior managers, Dan Gallagher, Operations Manager, Dan McIntyre Engineering Services Manager,

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<sup>1</sup> The Board agenda, as posted, inadvertently did not number the Public Comment item.

and John Archer, Administrative Services Manager, for applying for the interim General Manager position. The Board complimented each of the three and recognized their impressive career accomplishments, as well as their significant contributions to the District. The Board expressed the difficulty it had in making the selection, and encouraged each individual to apply for the permanent General Manager position. The Board stated that their decision was ultimately being made in the interest of providing a steady hand during the next several months while the recruitment for General Michalczyk's successor is conducted.

Director Halket MOVED to appoint John Archer to the position of Interim General Manager, which appointment shall commence upon the effective date of the retirement of current General Manager Bert Michalczyk and shall continue until the earlier of (a) the effective date of the appointment of a regular General Manager or (b) the rescission of this appointment by the Board; Director Howard SECONDED the MOTION, which CARRIED with FOUR AYES.

President Duarte then asked if anyone wished to offer comments regarding the terms and conditions of an amendment to the selected individual's current Personal Services Agreement (PSA) that will be developed for the interim engagement.

No members of the public addressed the Board on this topic.

B. Review Status of Appointment of Individual to Fill the Board Vacancy

General Manager Michalczyk reported that four applications for the Board vacancy were received prior to the Board-established filing deadline of Monday, September 28 at 5:00 p.m. The four candidates are: Madelyne Misheloff, Alan Kilpatrick, Rosalind Rogoff, and Dawn Benson. He stated that all candidates appear to be well-qualified and that the District Secretary has confirmed that they each meet the legal mandatory qualifications to be considered for the appointed position. Mr. Michalczyk summarized the decision making process that will be used by the Board on October 6, 2015 to make an appointment decision. He noted that the selected individual would immediately be sworn in and seated on the Board. General Counsel Nelson stated that any candidate appointed would serve only the remainder of the first half of the term vacated by Director Benson.

The Board reviewed and discussed the agreed upon appointment process directing, by consensus, that various minor administrative changes be made to the process as described by Mr. Michalczyk. The Board expressed satisfaction with the suggested process.

No members of the public addressed the Board on this topic.

7. CLOSED SESSION

At 6:08 p.m. the Board went into Closed Session.

A. Conference with Labor Negotiators – Pursuant to Government Code Section 54957.6

Agency Negotiators: Michelle Gallardo, Human Resources Supervisor  
Carl P.A. Nelson, General Counsel

Unrepresented Employee: Interim General Manager

8. REPORT FROM CLOSED SESSION

At 6:15 p.m. the Board came out of Closed Session. President Duarte announced that there was no reportable action.

9. ADJOURNMENT

President Duarte adjourned the meeting at 6:16 p.m.

Submitted by,

Nicole Genzale  
Executive Services Supervisor



Reference Operations Manager	Type of Action Increase Purchase Order	Board Meeting of October 6, 2015
Subject Authorize General Manager to Execute an Increase to Purchase Order Amount with Environmental and Occupational Risk Management for Safety Consulting Support Services		
<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Minute Order	<input type="checkbox"/> Resolution
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Informational	<input type="checkbox"/> Other
REPORT:	<input type="checkbox"/> Verbal	<input type="checkbox"/> Presentation
<input checked="" type="checkbox"/> Staff	D. Gallagher	<input type="checkbox"/> Board Member

**Recommendation:**

The Operations Manager recommends the Board of Directors authorize, by Motion, the General Manager to execute an increase in a purchase order with Environmental and Occupational Risk Management (EORM) for Safety Consulting Support Services in a total amount not to exceed \$130,000.

**Summary:**

The District is required to comply with a multitude of occupational health and safety regulations. There are several programs that are administered in order to maintain compliance. The District has been without a permanent Safety Officer to maintain our programs since the beginning of 2015. To cover the interim time period, staff employed a part time Safety Officer through EORM. Staffing provided by EORM has helped District staff maintain safety guidelines throughout the year.

An initial purchase order was issued to EORM in January of 2015 in an amount of \$55,000 to last through June 2015, the time estimated to recruit a permanent Safety Officer. The purchase order was later increased by \$37,000 to extend services through August of 2015 as the recruitment process had been difficult. The first round of interviews have now been held and staff expects to fill the position by mid-November. Until then, staff recommends extending EORM's services and its purchase order increased to an amount not to exceed \$130,000. As the revised amount now exceeds the General Manager's purchasing authority of \$100,000, staff is requesting the Board to authorize the General Manager to approve the increase.

There will be no net impact to the approved O&M budget as a result of the District using EORM to provide critical safety related expertise while we work to fill the Safety Officer position. The cost for EORM's services is largely offset by the salary and benefits that would be paid to the budgeted Safety Officer. In addition, EORM's services are helping the District avoid regulatory issues and lost time accidents, which will result in a net savings to the District.

Attached is EORM's scope and budget for the proposed purchase order amendment.

Committee Review			Legal Review	Staff Review		
COMMITTEE ---	DATE ---	RECOMMENDATION ---	Not Required	ORIGINATOR S. Delight	DEPARTMENT Operations	REVIEWED BY
<b>ATTACHMENTS</b> <input type="checkbox"/> None						
<input type="checkbox"/> Resolution	<input type="checkbox"/> Minute Order	<input type="checkbox"/> Task Order	<input type="checkbox"/> Staff Report	<input type="checkbox"/> Ordinance		
<input checked="" type="checkbox"/> Cost Total not to exceed \$130,000	<input checked="" type="checkbox"/> Funding Source A. Operating Budget - Safety Division 50-56 B.		Attachments to S&R 1. EORM Scope and Budget 2. 3.			



1301 Marina Village Parkway  
Suite 340  
Alameda, CA 94501  
800.648.1506  
www.eorm.com

## Project Authorization Order (PAO)

Order Number: ADD  New Authorization  Change Order to Previous Auth. No. 15-0039  
 Date: 9/14/15 Expiration Date: 11/30/15  
 Company Name: Dublin San Ramon Services District Address: 7051 Dublin Boulevard, Dublin, CA 94568  
 Contact Name: Steven Delight Title: Senior Civil Engineer - Supervisory Phone: (925) 875-2254, Ext. 2289 email: delight@dsrsd.com  
 Project Title: Safety Support Services – 2<sup>nd</sup> extension by 8 or 12 weeks

### Purpose/Scope/Deliverables

EORM is pleased to present this proposal to provide additional safety consulting support services to Dublin San Ramon Services District (DSRSD). This is an extension to the original 12 weeks of safety support supplied under PAO 15-0039 and the DSRSD master agreement dated 1/27/15.

This support is to continue to provide consulting staff to update selected safety programs, investigate incidents when needed, conduct ergonomic assessments, calculate ergonomic equipment needs and budget, and perform other assigned duties to support the health and safety of DSRSD employees.

Support for the project could include the following two task options for an additional 8 or 12 weeks of safety support. Please indicate your needs by checking the appropriate box under the Project Budget heading below:

#### Task 1: 6 Week Option Ending October 30, 2015

- Principal Consultant, Kerri Greene, to act as a project manager and quality review up to 8 hours, as needed.
- Consultant, Mac McIlvenna, to provide onsite support two days per week for updating safety programs, investigating incidents when needed, and meeting with stakeholders to gather data and input on program language and policy.
- Available Consultants to provide onsite support as requested for conducting ergonomic evaluations, writing reports, and providing additional support services.

The cost breakdown for this safety support includes the following services and fees:

Principal Consultant up to 6 hours	\$1,470
Consultant two days per week for 6 weeks	\$17,952
Estimated mileage	\$650
Not to Exceed Total	<b>\$20,072</b>

**Task 2: 10 Week Option Ending November 27, 2015**

- Principal Consultant, Kerri Greene, to act as a project manager, and quality review up to 8 hours, as needed.
- Consultant, Mac McIlvenna, to provide onsite support two days per week for updating safety programs, investigating incidents when needed, and meeting with stakeholders to gather data and input on program language and policy.
- Available Consultants to provide onsite support as requested for conducting ergonomic evaluations, writing reports, and providing additional support services.

The cost breakdown for this safety support includes the following services and fees:

Principal Consultant up to 8 hours	\$1,960
Consultant two days per week for 10 weeks	\$29,920
Estimated mileage	<u>\$1,083</u>
Not to Exceed Total	\$32,963

Changes to scope on a task may result in a change order request.

**Assumptions**

- One draft version of each deliverable  Normal sample turnaround (no rush fees)  
 Other:

**Project Budget**

- Task #1 Time & Materials Estimate Not-to-Exceed \$20,072  plus actual expenses  
 Task #2 Time & Materials Estimate Not-to-Exceed \$32,963  plus actual expenses  
 Fixed Price Not-to-Exceed \_\_\_\_\_  plus actual travel expenses  
 A rescheduling/cancellation fee of  \_\_\_\_\_ % /  actual expenses incurred will be applied unless notice of at least 3 business days is provided.

**Budget Conditions**

- After-hours (before 7AM and after 7PM) and Sat/Sun/Holiday work is billed at 150% of hourly rate; Expert witness/ deposition/ public hearing representation is billed at 200% of hourly rate; Travel time is billed at 100% of hourly rate.
- Travel Expenses (e.g., lodging, airfare, auto rental, meals) are billed at cost plus 5%.
- Authorized Subcontracts, Equipment Rental, Project Supplies/Outside Vendor Services are billed as proposed.
- Automobile Mileage is billed at the federal rate plus 20%.

Estimated completion date: 11/27/15

Prepared by: Kerri Greene  
**Principal Consultant**  
 Signature: Kerri Greene

Reviewed by: Jyoti Kumar, CIH  
**Principal Consultant**  
 Signature: Jyoti Kumar

Work will be performed pursuant to the DSRSD master agreement signed 1/27/15 (attached). EORM cannot commence work until the following authorization is completed by a client representative duly authorized to approve a Purchase Order or Change Order in the amount specified above. A signed PO/CO must then be sent to EORM by mail or facsimile.

**Note: If the PAO will be used in lieu of a PO, please initial here:** \_\_\_\_\_

PO/CO #: \_\_\_\_\_ Amount: \_\_\_\_\_ Payment Terms: Net 15 Days

Name/Title: \_\_\_\_\_ Phone: \_\_\_\_\_ email: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

### Client Billing Address

Name: \_\_\_\_\_

Attention: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_



## Terms and Conditions

\*\*\*see attached in DSRSD master agreement dated 1/27/15



Reference General Manager	Type of Action Adopt Revised Policy	Board Meeting of October 6, 2015
Subject Adopt Revised Ticket Distribution Policy and Rescind Resolution No. 50-10		
<input type="checkbox"/> Motion	<input type="checkbox"/> Minute Order	<input checked="" type="checkbox"/> Resolution
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Informational	<input type="checkbox"/> Other
REPORT:	<input type="checkbox"/> Verbal	<input type="checkbox"/> Presentation
	<input checked="" type="checkbox"/> Staff	N. Genzale
		<input type="checkbox"/> Board Member

**Recommendation:**

The General Manager recommends the Board of Directors adopt, by Resolution, the revised Ticket Distribution policy, and rescind Resolution No. 50-10.

**Summary:**

The District has a Ticket Distribution policy regarding the distribution of event tickets and/or passes to public officials for admission to events, activities, or programs. This policy was adopted in 2010. In accordance with the District’s practice of reviewing each of its policies at least every four years, this policy is presented to the Board for its review.

In order for the Ticket Distribution policy to conform to current Fair Political Practices Commission (FPPC) requirements staff is recommending the following revision:

- Removal of Section 4.e. language (page 3) which states that the policy does not apply to tickets provided for District Officials performing a ceremonial role or function on behalf of the District. This exemption no longer applies per FPPC Form 802, which specifies reporting of such activities.

Committee Review			Legal Review	Staff Review		
COMMITTEE ---	DATE ---	RECOMMENDATION ---	Yes	ORIGINATOR N. Genzale	DEPARTMENT Executive	REVIEWED BY
<b>ATTACHMENTS</b> <input type="checkbox"/> None						
<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Minute Order	<input type="checkbox"/> Task Order	<input type="checkbox"/> Staff Report	<input type="checkbox"/> Ordinance		
<input checked="" type="checkbox"/> Cost \$0	<input type="checkbox"/> Funding Source A. B.	Attachments to S&R 1. Track changes version of policy 2. 3.				

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT  
REVISING THE TICKET DISTRIBUTION POLICY AND RESCINDING RESOLUTION NO. 50-10

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WHEREAS, the California Fair Political Practices Commission (FPPC) adopted a regulation regarding the distribution of event tickets or passes to public officials as referenced in Regulation 18944.1; and

WHEREAS, on November 16, 2010 the Board adopted Resolution No. 50-10, providing for a Ticket Distribution policy to ensure that tickets and/or passes received from public and private entities and individuals are distributed in accordance with FPPC regulation; and

WHEREAS, the Ticket Distribution policy is scheduled for review in accordance with the District's Strategic Plan Initiative 3.01.04 to review all Board policies every four years to ensure consistency with applicable regulations and update accordingly to reflect changes in law and/or ease of use and efficiency and best management practices; and

WHEREAS, the current Ticket Distribution policy contains a provision that is not in conformance with FPPC requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California that the revised Ticket Distribution policy, attached as Exhibit "A" is hereby adopted, and Resolution No. 50-10 is hereby rescinded and attached as Exhibit "B."

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 6th day of October 2015 and passed by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Edward R. Duarte, President

ATTEST: \_\_\_\_\_  
Nicole Genzale, District Secretary



# POLICY

## Dublin San Ramon Services District

<b>Policy No.:</b>		<b>Type of Policy:</b>	General
<b>Policy Title:</b>	Ticket Distribution		
<b>Policy Description:</b>	Distribution and Use of Tickets and Passes Received by the District		
<b>Approval Date:</b>		<b>Last Review Date:</b>	2015
<b>Approval Resolution No.:</b>		<b>Next Review Date:</b>	2019
<b>Rescinded Resolution No.:</b>	50-10	<b>Rescinded Resolution Date:</b>	Nov 16, 2010

It is the Policy of the Board of Directors of Dublin San Ramon Services District:

1. Purpose of the Policy. The purpose of this policy is to ensure that all tickets and/or passes accepted by Dublin San Ramon Services District (“DSRSD”) from public and private entities and individuals are distributed in furtherance of governmental and/or public purposes as required pursuant to Fair Political Practices Commission (“FPPC”) Regulation section 18944.1.<sup>1</sup>
2. Definitions:
  - a. “District” shall mean the Dublin San Ramon Services District.
  - b. “District Official” shall mean Each “Public Official” of the District as the latter term is defined by Government Code section 82048 and FPPC Regulation section 18701, as these sections may be amended from time to time. The term “District Official” shall include, without limitation, any “Public Official” required to file an annual Statement of Economic Interests (**FPPC Form 700**).
  - c. “FPPC” shall mean the California Fair Political Practices Commission.

<sup>1</sup>. FPPC Regulation 18944.1 sets out the circumstances under which a public agency’s distribution of tickets or passes for which no consideration of equal or greater value is provided by the public official or employee does not result in a gift to the public official or employee. Consideration of equal or greater value shall be presumed if the Tickets are distributed pursuant to this policy. Tickets or passes to an Event distributed and accounted for in compliance with this policy and FPPC Regulation 18944.1 will not be considered as gifts to the City officials and employees who make use of such tickets and passes.

- d. “FPPC Regulations” shall mean the regulations of the FPPC set forth in Title 2, Division 6, of the California Code of Regulations.
- e. “Immediate Family” shall have the same meaning as set forth in Government Code Section 82029 and as the same may be amended from time to time.
- f. “Policy” shall mean this Ticket Distribution policy.
- g. “Ticket” shall mean a “ticket or pass” as that term is defined in FPPC Regulation 18944.1, as may be amended from time to time.

3. Tickets Covered by this Policy. Tickets covered by this policy include those:

- a. Gratuitously provided to the District by an outside source.
- b. Acquired by the District by purchase.

4. Limitations and Exclusions:

- a. This policy shall apply only if the Ticket is (i) not earmarked by the original source of the Ticket for use by the specific District Official who uses the Ticket and (ii) the General Manager or authorized designee determines in his/her sole discretion which official may use the Ticket.
- b. This policy shall not apply to any other item of value provided to the District or District Official regardless of whether received gratuitously or for which consideration is provided as part of admission, such as food and beverages. Any such other item of value may be reportable on the District Official’s Statement of Economic Disclosure (**FPPC Form 700**) and be subject to state law and FPPC regulations related to gifts to public officials.
- c. This Policy does not apply to a single ticket or other admission to a specific fundraising event provided by a nonprofit organization holding its own fundraiser and used solely by the District Official.
- d. This policy does not apply to any Ticket received by a District Official:
  - i. That the District Official treats as income consistent with applicable state and federal income tax laws and regulations and the District reports the distribution of the Ticket as income to the District Official; or
  - ii. For which the District Official pays the fair market value, or for which the District Official reimburses the original source of the Ticket in accordance with FPPC Regulations, or for which the District Official pays or reimburses the District for the fair market value; or
  - iii. That is a “gift” to the District Official in accordance with FPPC Regulations whether or not the District Official reports the gift on the District Official’s **FPPC Form 700**.

5. Ticket Distribution for Public Purposes. The distribution of any Ticket by the District to, or at the behest of, a District Official shall accomplish a public purpose as defined below, or where not listed herein, such other purpose as may be considered and approved by the District Board of Directors. The District may accomplish one or more of the following public purposes through the distribution of Tickets to, or at the behest of, a District Official:

- a. Support or promotion of the mission of Dublin San Ramon Services District.
- b. Sponsorships of events, activities, or programs of Dublin San Ramon Services District.
- c. Support or promotion events, activities or programs of local water quality or wastewater programs and nonprofit organizations.
- d. Sponsorships or promotion of special events in accordance with another District policy.
- e. Promotion of District recognition, visibility, and/or profile on a local, state, or national scale.
- f. Spouses of or immediate dependents of a District Official in order to accompany or represent him or her to any of the items listed above.

6. Designation of Agency Head. For the purpose of implementing this policy, and completing and posting the “Tickets Provided by Agency Report” (**FPPC Form 802**), the District General Manager or authorized designee shall be the “Agency Head.” As such:

- a. The District General Manager or authorized designee shall have full authority to determine which District Official(s) may use Tickets, and to disclose the distribution of Tickets as provided in Section 10 below.
- b. The District General Manager or authorized designee shall determine the value of the Ticket. Whether or not the Ticket states a face value, or states something to the effect of “complimentary” or “promotional,” the value of the tickets or passes will be based on the reasonable cost for attendance at such an Event as determined by the District General Manager or authorized designee, which may be the face value of the Ticket.
- c. In such cases where the General Manager desires to use a Ticket, the District Board of Directors hereby authorizes the General Manager’s authorized designee to exercise the District’s sole discretion in determining whether the General Manager’s use or behest of the Ticket is in accordance with the terms of this policy.

7. Transfer, Sale, and Reimbursement Prohibitions. The transfer by any District Official of any Ticket, distributed to such District Official pursuant to this policy, to any other person, except to members of the District Official’s Immediate Family for their personal use, is prohibited. No person receiving a Ticket pursuant to this policy shall be permitted to sell, receive reimbursement for the value of, or further transfer any Ticket.

8. Return of Tickets. Any District Official or any member of the District Official’s Immediate Family, or any person or entity receiving a Ticket at the behest of any District Official, may return any unused Ticket to the General Manager or authorized designee for redistribution pursuant to this policy,

provided such Ticket(s) is/are returned prior to the event taking place. A District Official is not required to report on **FPPC California Form 802** any Ticket returned pursuant to this Section prior to the event taking place. Any Ticket returned unused but after the event has taken place shall be deemed to have been used by the recipient and reported as such on Form 802.

9. Web site Posting. This policy shall be posted on the District web site in a prominent fashion.

10. Web site Disclosure. The distribution of a Ticket pursuant to this policy shall be posted on the District web site in a prominent fashion within thirty (30) days after the Ticket distribution. Such posting shall use **FPPC California Form 802** or such alternate form as from time to time the FPPC may designate, and in accordance with the reporting requirements specified under FPPC Regulation Section 18944.1(d).

RESOLUTION NO. 50-10

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT ADOPTING A TICKET DISTRIBUTION POLICY

WHEREAS, the California Fair Political Practices Commission (FPPC) has adopted a regulation regarding the distribution of event tickets or passes to public officials as referenced in Regulation 18944.1; and

WHEREAS, the purpose of this policy is to ensure that tickets and/or passes received from public and private entities and individuals are distributed in the furtherance of governmental and public purposes.

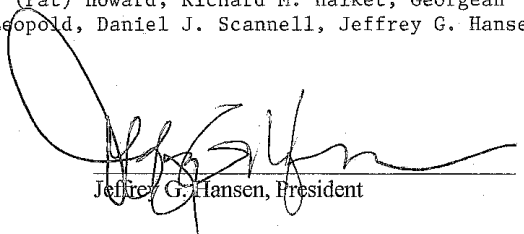
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, that the Ticket Distribution policy, attached as Exhibit "A" is hereby adopted.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 16th day of November 2010 and passed by the following vote:

AYES: 5 - Directors D.L. (Pat) Howard, Richard M. Halket, Georgean M. Monheeder-Leopold, Daniel J. Scannell, Jeffrey G. Hansen

NOES: 0

ABSENT: 0



Jeffrey G. Hansen, President

ATTEST: Nancy G. Hatfield  
Nancy G. Hatfield, District Secretary





# POLICY

## Dublin San Ramon Services District

<b>Policy No.:</b>	<del>P200-10-3</del>	<b>Type of Policy:</b>	General
<b>Policy Title:</b>	Ticket Distribution		
<b>Policy Description:</b>	Distribution and Use of Tickets and Passes Received by the District		

<b>Approval Date:</b>	<del>Nov 16, 2010</del>	<b>Last Review Date:</b>	<del>2010</del> 2015
<b>Approval Resolution No.:</b>	<del>50-10</del>	<b>Next Review Date:</b>	<del>2014</del> 2019
<b>Rescinded Resolution No.:</b>	<del>N/A</del> 50-10	<b>Rescinded Resolution Date:</b>	<del>N/A</del> Nov 16, 2010

It is the Policy of the Board of Directors of Dublin San Ramon Services District:

1. Purpose of the Policy. The purpose of this policy is to ensure that all tickets and/or passes accepted by Dublin San Ramon Services District (“DSRSD”) from public and private entities and individuals are distributed in furtherance of governmental and/or public purposes as required pursuant to Fair Political Practices Commission (“FPPC”) Regulation section 18944.1.<sup>1</sup>
2. Definitions:
  - a. “District” shall mean the Dublin San Ramon Services District.
  - b. “District Official” shall mean Each “Public Official” of the District as the latter term is defined by Government Code section 82048 and FPPC Regulation section 18701, as these sections may be amended from time to time. The term “District Official” -shall include, without limitation, any “Public Official” required to file an annual Statement of Economic Interests (**FPPC Form 700**).
  - c. “FPPC” shall mean the California Fair Political Practices Commission.

<sup>1</sup>. FPPC Regulation 18944.1 sets out the circumstances under which a public agency’s distribution of tickets or passes for which no consideration of equal or greater value is provided by the public official or employee does not result in a gift to the public official or employee. Consideration of equal or greater value shall be presumed if the Tickets are distributed pursuant to this policy. Tickets or passes to an Event distributed and accounted for in compliance with this policy and FPPC Regulation 18944.1 will not be considered as gifts to the City officials and employees who make use of such tickets and passes.

- d. “FPPC Regulations” shall mean the regulations of the FPPC set forth in Title 2, Division 6, of the California Code of Regulations.
- e. “Immediate Family” shall have the same meaning as set forth in Government Code Section 82029 and as the same may be amended from time to time.
- f. “Policy” shall mean this Ticket Distribution policy.
- g. “Ticket” shall mean a “ticket or pass” as that term is defined in FPPC Regulation 18944.1, as may be amended from time to time.

3. Tickets Covered by this Policy. Tickets covered by this policy include those:

- a. Gratuitously provided to the District by an outside source.
- b. Acquired by the District by purchase.

4. Limitations and Exclusions:

- a. This policy shall apply only if the Ticket is (i) not earmarked by the original source of the Ticket for use by the specific District Official who uses the Ticket and (ii) the General Manager or authorized designee determines in his/her sole discretion which official may use the Ticket.
- b. This policy shall not apply to any other item of value provided to the District or District Official regardless of whether received gratuitously or for which consideration is provided as part of admission, such as food and beverages. Any such other item of value may be reportable on the District Official’s Statement of Economic Disclosure (**FPPC Form 700**) and be subject to state law and FPPC regulations related to gifts to public officials.
- c. This Policy does not apply to a single ticket or other admission to a specific fundraising event provided by a nonprofit organization holding its own fundraiser and used solely by the District Official.
- d. This policy does not apply to any Ticket received by a District Official:
  - i. That the District Official treats as income consistent with applicable state and federal income tax laws and regulations and the District reports the distribution of the Ticket as income to the District Official; or
  - ii. For which the District Official pays the fair market value, or for which the District Official reimburses the original source of the Ticket in accordance with FPPC Regulations, or for which the District Official pays or reimburses the District for the fair market value; or
  - iii. That is a “gift” to the District Official in accordance with FPPC Regulations whether or not the District Official reports the gift on the District Official’s **FPPC Form 700**.

~~e. This policy does not apply to a Ticket provided to a District Official for his or her admission to an event at which the District Official performs a ceremonial role or function on behalf of the District. Under FPPC Regulations in effect as of the date of the adoption of this policy, such Tickets are exempt from disclosure or reporting requirements.~~ [CPAN1]

5. Ticket Distribution for Public Purposes. The distribution of any Ticket by the District to, or at the behest of, a District Official shall accomplish a public purpose as defined below, or where not listed herein, such other purpose as may be considered and approved by the District Board of Directors. The District may accomplish one or more of the following public purposes through the distribution of Tickets to, or at the behest of, a District Official:

- a. Support or promotion of the mission of Dublin San Ramon Services District.
- b. Sponsorships of events, activities, or programs of Dublin San Ramon Services District.
- c. Support or promotion events, activities or programs of local water quality or wastewater programs and nonprofit organizations.
- d. Sponsorships or promotion of special events in accordance with another District policy.
- e. Promotion of District recognition, visibility, and/or profile on a local, state, or national scale.
- f. Spouses of or immediate dependents of a District Official in order to accompany or represent him or her to any of the items listed above.

6. Designation of Agency Head. For the purpose of implementing this policy, and completing and posting the “Tickets Provided by Agency Report” (**FPPC Form 802**), the District General Manager or authorized designee shall be the “Agency Head.” As such:

- a. The District General Manager or authorized designee shall have full authority to determine which District Official(s) may use Tickets, and to disclose the distribution of Tickets as provided in Section 10 below.
- b. The District General Manager or authorized designee shall determine the value of the Ticket. Whether or not the Ticket states a face value, or states something to the effect of “complimentary” or “promotional,” the value of the tickets or passes will be based on the reasonable cost for attendance at such an Event as determined by the District General Manager or authorized designee, which may be the face value of the Ticket.
- c. In such cases where the General Manager desires to use a Ticket, the District Board of Directors hereby authorizes the General Manager’s authorized designee to exercise the District’s sole discretion in determining whether the General Manager’s use or behest of the Ticket is in accordance with the terms of this policy.

7. Transfer, Sale, and Reimbursement Prohibitions. The transfer by any District Official of any Ticket, distributed to such District Official pursuant to this policy, to any other person, except to members of the District Official’s Immediate Family for their personal use, is prohibited. No person

receiving a Ticket pursuant to this policy shall be permitted to sell, receive reimbursement for the value of, or further transfer any Ticket.

8. Return of Tickets. Any District Official or any member of the District Official's Immediate Family, or any person or entity receiving a Ticket at the behest of any District Official, may return any unused Ticket to the General Manager or authorized designee for redistribution pursuant to this policy, provided such Ticket(s) is/are returned prior to the event taking place. A District Official is not required to report on **FPPC California Form 802** any Ticket returned pursuant to this Section prior to the event taking place. Any Ticket returned unused but after the event has taken place shall be deemed to have been used by the recipient and reported as such on Form 802.

9. Web site Posting. This policy shall be posted on the District web site in a prominent fashion.

10. Web site Disclosure. The distribution of a Ticket pursuant to this policy shall be posted on the District web site in a prominent fashion within thirty (30) days after the Ticket distribution. Such posting shall use **FPPC California Form 802** or such alternate form as from time to time the FPPC may designate, and in accordance with the reporting requirements specified under FPPC Regulation Section 18944.1(d).



Reference Human Resources Supervisor	Type of Action Approve Amended PSA	Board Meeting of October 6, 2015
Subject Approve Amendment No. 1 to the Personal Services Agreement between the District and John J. Archer as Interim General Manager		
<input type="checkbox"/> Motion	<input type="checkbox"/> Minute Order	<input checked="" type="checkbox"/> Resolution
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Informational	<input type="checkbox"/> Other
REPORT:	<input type="checkbox"/> Verbal	<input type="checkbox"/> Presentation
	<input checked="" type="checkbox"/> Staff	M. Gallardo
		<input type="checkbox"/> Board Member

**Recommendation:**

The Human Resources Supervisor recommends the Board of Directors approve, by Resolution, Amendment No. 1 to the Personal Services Agreement (PSA) with John J. Archer as Interim General Manager.

**Summary:**

The District’s senior management team members, including the General Manager are unrepresented at-will employees retained by the District via Personal Services Agreements. With the pending retirement of current General Manager Bert Michalczyk, the Board appointed Mr. Archer as Interim General Manager on September 29, 2015. The purpose of this matter is to consider an amendment to Mr. Archer’s Personal Services Agreement related to his service as Interim General Manager. The Board, after soliciting but not receiving any public comment regarding terms and conditions of employment for the Interim General Manager, provided direction to its negotiators General Counsel Carl Nelson and Human Resources Supervisor Michelle Gallardo for this Amendment 1.

Negotiations with Mr. Archer were successfully concluded in accordance with the direction given by the Board. The following is a summary of the key provisions of the Amendment:

- Amendment and appointment effective upon current General Manager’s retirement;
- Term is through start date of regular General Manager;
- This is an interim appointment only (not a guarantee of a regular appointment);
- Service in interim role is at-will and incumbent will be returned to existing position upon termination of interim assignment;
- Compensation is to be \$20,304 / month (the midpoint between Mr. Archer’s current \$16,099 / month salary and the General Manager’s current \$24,509 salary);
- No change to deferred compensation match as specified in the appointee’s current PSA; and
- No change to benefits (however, that there will be increased benefit costs because the cost of some benefits are dependent upon salary).

During the time of this interim appointment the District will operate with one less full-time equivalent employee (albeit there may be the need for temporary help in the Administrative Service Department). Attachment 1 presents the incremental cost of the proposed Amendment to the PSA; it is estimated that this action, when combined with the savings from operating with one less position, will be a total estimated savings of \$163,704 for the assumed six (6) month duration of the appointment.

Committee Review			Legal Review	Staff Review		
COMMITTEE ---	DATE ---	RECOMMENDATION ---	Yes	ORIGINATOR M. Gallardo	DEPARTMENT Admin Services	REVIEWED BY
<b>ATTACHMENTS</b> <input type="checkbox"/> None						
<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Minute Order	<input type="checkbox"/> Task Order	<input type="checkbox"/> Staff Report	<input type="checkbox"/> Ordinance		
<input checked="" type="checkbox"/> Cost Savings of \$163,704	<input checked="" type="checkbox"/> Funding Source A. 900 B.		Attachments to S&R 1. Cost Analysis of Amendment No.1 2. 3.			

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT APPROVING AND AUTHORIZING EXECUTION OF AMENDMENT NO. 1 TO THE PERSONAL SERVICES BETWEEN JOHN J. ARCHER AND THE DUBLIN SAN RAMON SERVICES DISTRICT

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WHEREAS, District is a community services district established under the Community Services District Law (Govt. Code. § 61000 et seq.) governed by District’s Board of Directors (the “Board”); and

WHEREAS, pursuant to Government Code Section 61050 (a) the Board is required and empowered to appoint a General Manager for District; and

WHEREAS, the current General Manager has stated his intention to retire from District service before the end of Calendar year 2015; and

WHEREAS, on September 29, 2015, the Board appointed Mr. John J. Archer (“Manager”) to the job classification of Interim General Manager; and

WHEREAS, Manager has accepted said appointment; and

WHEREAS, the District and Manager have in place a Personal Services Agreement dated January 20, 2015 related to Manager’s current service in the position of Administrative Services Manager; and

WHEREAS, District and Manager desire to enter into “Amendment No. 1 to the Agreement for Personal Services between John J. Archer and the Dublin San Ramon Services District,” (“Amendment No. 1”) a copy of which is attached hereto, marked Exhibit “A,” and by this reference incorporated herein; and

WHEREAS, the District Code exempts persons engaged under contract to supply expert, professional, technical or other services from the District’s classified service as that service is defined in District Code Section 6.10.010 A; and

WHEREAS, through the approval and execution of Amendment No. 1 and District will thereby agree that Manager continues to be a person engaged under contract to supply expert, professional or other services and as such is and shall henceforth be exempt from the District’s classified service upon and after the Effective Date of Amendment No. 1 and remain so during the term of Amendment No. 1.

Res. No. \_\_\_\_\_

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency in the counties of Alameda and Contra Costa, California, as follows:

That Amendment No. 1 is hereby approved, and the Board President and District Secretary are hereby authorized and directed to execute, and to attest thereto, respectively, said Amendment No. 1 for and on behalf of the District. The Board President, with the concurrence of General Counsel, is authorized to make non-substantive, non-economic revisions to Amendment No. 1 before its execution for clarification purposes.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, counties of Alameda and Contra Costa, at its regular meeting held on the 6th day of October 2015, and passed by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Edward R. Duarte, President

Attest:

\_\_\_\_\_  
Nicole Genzale, District Secretary

**AMENDMENT NO. 1 TO THE AGREEMENT FOR PERSONAL SERVICES  
BETWEEN JOHN J. ARCHER AND DUBLIN SAN RAMON SERVICES DISTRICT**

**THIS AMENDMENT** to the Agreement for Personal Services between John J. Archer (“Manager”) and Dublin San Ramon Services District, a public agency of the State of California in the Counties of Alameda and Contra Costa (“District”) is made and entered into this \_\_\_\_ day of October, 2015 (“Effective Date”).

**WITNESSETH:**

A. **WHEREAS**, the parties heretofore entered into an Agreement for Personal Services dated January 20, 2015 (“the Agreement”) under which Manager has provided services for District; and

B. **WHEREAS**, the District’s current General Manager has stated his intention to retire from District service before the end of Calendar year 2015;

C. **WHEREAS**, the Board of Directors of the District (the “Board”) has determined that it is in the best interest of the District to appoint an Interim General Manager while the District conducts an open search for a permanent General Manager; and

D. **WHEREAS**, the Board desires to appoint and employ Manager as the Interim General Manager and Manager desires to accept said temporary appointment of employment subject to the terms and conditions of the Agreement and this Amendment No. 1.

E. **WHEREAS**, Manager understands and agrees that his interim appointment to the General Manager job classification pursuant to this Amendment No. 1 shall not imply, guarantee or create any right, expectation or entitlement of a permanent appointment to the General



Manager job classification on any date after the Effective Date of this Amendment irrespective of the length of time Manager serves as the Interim General Manager of the District; and

**F. WHEREAS,** Manager understands and agrees that the interim appointment to the General Manager job classification will immediately terminate upon notice from the Board for any other reason determined by the Board, including but not limited to, its appointment of a permanent General Manager, and Manager will thereafter cease performance of the duties and obligations of the General Manager job classification on an interim basis;

**NOW, THEREFORE,** the parties hereto agree as follows:

**Article 1:** AMENDMENT NO. 1 TO THE AGREEMENT FOR PERSONAL SERVICES BETWEEN JOHN J. ARCHER AND THE DUBLIN SAN RAMON SERVICES DISTRICT, the Agreement is hereby revised as follows:

Article 1 – SERVICES is amended, in part, as follows:

**1. SERVICES**

**1.1. Continued Appointment to Administrative Services Manager Job Classification.**

Manager shall continue to perform all duties, assume all obligations and constantly meet all qualifications of the Administrative Services Manager job classification as that job classification exists as of the Effective Date, and as it may from time to time be amended by the District. Manager shall be subject to all pertinent provisions of the ordinances, resolutions, rules, regulations and all other lawful orders and directives of the District or the Board. Said duties and obligations shall be performed in an efficient and professional manner and in conformance with the standards generally prevailing for the performance of the duties and obligations pertaining to the position of similar managerial positions of public or private entities, including, but not limited to, community services districts. However, in light of the absence of a permanent General Manager, and with Manager temporarily serving as the Interim General Manager, the Manager shall report directly to the Board in lieu of reporting to the General Manager.

**1.2 Interim Appointment to General Manager.** Effective the day after the current General Manager retires from District service (the “Operative Date”) which Operative date is anticipated to be November 3, 2015, Manager shall perform all duties, assume all obligations and constantly

meet all qualifications of the General Manager job classification, with the exception of registration as a Registered Civil Engineer in the State of California which requirement is hereby waived, as that classification exists as of the Operative Date and as it may, from time to time thereafter, be amended by the District. Manager's appointment to the General Manager job classification is an Interim appointment only which shall immediately terminate upon notice from the Board for any other reason determined by the Board, including but not limited to, its appointment of a permanent General Manager. Manager's interim appointment as the General Manager job classification shall create no right, expectation or entitlement to a permanent appointment to the General Manager job classification. While serving as the Interim General Manager, Manager shall report to the Board for all services required by the General Manager. Upon termination of the Manager's interim appointment to the General Manager job classification, Manager shall cease performance of the duties and obligations of the General Manager job classification.

Article 5.1 – Service at Pleasure of the General Manager is replaced in its entirety with:

**5.1 Service at Pleasure of the Board.** It is understood and agreed that as of the Operative Date, whether as the Administrative Services Manager or the Interim General Manager, Manager shall, does, and continues to hold a position of employment as such at the will and pleasure of the Board and shall not have nor acquire a property interest or right to continuing employment, except as described below. Manager further agrees that his employment as a person engaged under contract to supply expert, professional, technical or other services exempts him from the District's classified service as that service is defined in District Code Section 6.10.010.

Article 5.2 – Termination by District for Cause is hereby amended as follows:

The term "General Manager" shall be replaced with "the Board", so that the section reads as follows:

**5.2 Termination by District for Cause (for performance as either Administrative Services Manager or Interim General Manager).** Nothing herein provided shall be deemed to affect or limit the right of District to terminate Manager's employment for cause, or otherwise to exercise District's rights, whether in law or in equity, by reason of breach hereof by Manager or for any other cause. "Cause" as used herein shall include, but not necessarily be limited to: below standard performance; refusal or failure to act in accordance with a specific written directive or order of the Board provided that such directive or order is legal; malfeasance or misfeasance in office; conviction of any felony or any crime involving moral turpitude; unauthorized absence; incompetence or inefficiency; insubordination; performance of duties or obligations as Manager while intoxicated or under the influence of drugs, narcotics, other substances, the use, dispensing, or sale of which is prohibited or controlled by the State of California; neglect of duty; breach of the Agreement (or Amendment No. 1) or any similar or like act or omission. Notwithstanding the use of the term "cause" herein, nothing herein contained shall be deemed to create or establish a property right or a right to continuing employment in the position of employment of Manager or affect the District's right to terminate the employment of Manager with or without cause.

In the event of termination for cause, the District shall not be obligated to compensate Manager in any amount except for services already rendered, including paid leave accrued in Manager's Employee Leave Bank, prior to the date of termination; provided that payment of such compensation shall not bar the District's recovery of such damages as may accrue to the District under the circumstances, nor shall termination for cause preclude the District from exercising any other right or remedy it may have, whether in law or equity, which may accrue to the District under the circumstances giving rise to such termination, or otherwise.

Article 5.5 – Mutual Termination is hereby amended as follows:

The term "District's General Manager" shall be replaced with "the Board", so that the section reads as follows:

**5.5 Mutual Termination.** This Agreement (and/or Amendment No. 1) may be terminated at any time by mutual written consent of the District's Board and Manager. In the event of mutual termination in accordance with this provision, Manager shall not be entitled to severance or other benefits beyond the date of termination but the District shall pay Manager for salary earned and accrued leave and accrued benefits through the effective date of termination.

Article 6 – STATUS is hereby amended as follows:

**6. STATUS** Manager shall have the status of an employee of District, subject to all terms and conditions of employment pertaining to the job classifications and positions (identified in the Agreement and this Amendment No. 1) under the ordinances, resolutions, rules, regulations, or other lawful directives or orders of District or the Board; provided, however, that in the event of any conflict between such ordinances, resolutions, rules, regulations, directives or orders, and the provisions of his Agreement and this Amendment, the provisions of his Agreement and this Amendment shall prevail. To the extent not modified or otherwise provided in this Agreement, the District and Manager hereto agree that the provisions of said ordinances, resolutions, rules, regulations, or other lawful directives or orders pertaining to the relationship of employment between the District and its employees, shall also pertain to Manager.

Article 7 – APPEALS is hereby amended as follows:

**7. LIMITED APPEAL.** During his Interim appointment to General Manager, Manager will not be entitled to an appeal for any decision by the Board to terminate his employment as the Interim General Manager. However, for his continued appointment to Administrative Services Manager under this Amendment No. 1, Manager may appeal any action of the Board under Section 5.2 Termination for Cause, by requesting a meeting before the District Board of Directors which may refer, but is not obligated to refer, the matter for investigation to a Board Committee. Said appeal shall be in writing and shall be timely filed within ten (10) calendar days of the Board's action that is being appealed. An untimely filing shall be deemed denied with no further right of appeal. Decisions by the Board shall be binding and final.

Article 8 – NOTICES is hereby amended as follows:

**8. NOTICES.** All written notices required to be given hereunder shall be delivered personally or by depositing the same with the United States Postal Service, first class (or equivalent) postage prepaid, addressed, in the case of the Board, to:

Board of Directors, President  
Dublin San Ramon Services District  
7051 Dublin Blvd.  
Dublin, CA 94568

and, in the case of Manager to the most recent address on record in the District's records.

Exhibit A – Article 1 is replaced in its entirety with:

**1.1 Initial Base Salary** Commencing on the Operative Date, the District shall compensate Manager a monthly base salary of \$20,304 per month, payable in installments in accordance with the District's standard payroll procedures.

**1.2 Performance Based Salary Adjustment** In light of the increased initial base salary as part of this Amendment No. 1., Manager, while serving as the Interim General Manager, shall not be entitled to receive, nor receive, a performance based salary adjustment for his duties as either the Interim General Manager or the Administrative Services Manager. However, upon the termination of Manager's Interim appointment as General Manager and return to the Administrative Services Manager classification as his only appointment, Manager's salary will revert back to the base salary of the Administrative Services Manager. Subject to satisfactory performance as determined by the District and/or the Board, Manager's base salary as the Administrative Services Manager shall be increased on the first day of the first pay period of either Calendar Year 2016, or upon return to the Administrative Services Manager classification, whichever date is later, by five percent (5%), resulting in a base salary of \$16,904 per month, and as adjusted by the CPI Index (Consumer Price Index – All Urban Wage Earners, Not Seasonally Adjusted, San Francisco-Oakland-San Jose, CA, All Items 1982-84=100, series ID CWURA422SAO) for the twelve (12) month period ending October with a zero percent floor, in accordance with Exhibit A – Article 1.3.

**Article 2:** Manager understands and agrees that his interim appointment to the General Manager job classification pursuant to this Amendment No. 1 shall not imply, guarantee or create any right, expectation or entitlement of a permanent appointment to the General Manager job classification irrespective of the length of time Manager serves as the Interim General Manager of

the District. Manager also agrees that he continues to serve as an at-will employee and serves at the pleasure of the Board. Manager further understands and agrees that the Board, within its sole discretion, may terminate his appointment as Interim General Manager at any time, with or without his consent and with or without cause, and he would not be entitled to any severance pay under Article 5.3.2 of the Agreement upon termination of his temporary appointment as the Interim General Manager.

**Article 3:** Upon execution by both the Manager and the Board, this Amendment shall become effective immediately (“Effective Date”) with Manager starting employment as the Interim General Manager on the Operative Date.

**Article 4:** The Board shall provide notice to Manager of its intent to terminate Manager’s temporary appointment as Interim General Manager, which notice shall specify the effective date on which Manager shall no longer act in said capacity, and which provisions of Amendment No. 1 will no longer apply or will be amended as part of a subsequent amendment to the Agreement. Upon the effective date of termination of Manager’s temporary appointment as the Interim General Manager, Manager will cease providing services as the Interim General Manager and will return to providing services as the Administrative Services Manager, subject to any decision to terminate Manager’s employment with the District under the terms of the Agreement and this Amendment. Following notice of termination of Manager’s temporary appointment as the Interim General Manager, the District and Manager agree to discuss terms of a subsequent amendment to the Agreement.

**Article 5:** Unless otherwise specified herein, in all other respects the Agreement shall remain in full force and effect.

**WITNESS WHEREOF**, the District and Manager hereto have executed this Amendment No. 1  
as of the day and year set forth hereinabove.

DUBLIN SAN RAMON SERVICES DISTRICT,  
A public agency of the State of California

By: \_\_\_\_\_  
Edward R. Duarte, President, Board of Directors

Attest: \_\_\_\_\_  
Nicole Genzale, District Secretary

By: \_\_\_\_\_  
John J. Archer, Interim General Manager

## COST SUMMARY

## AMENDMENT NO. 1 TO MR. ARCHER'S PERSONAL SERVICES AGREEMENT

No.	Item	Detail	Incremental Cost or (Saving) <sup>1</sup>	Comments
1	Salary	Current at \$16,099 per month; proposed at \$20,304 per month for an assumed six month engagement	\$19,982	26.1 % GREATER than budgeted salary of Administrative Services Manager  17.2% LESS than budgeted salary of General Manager
<b>Benefits <sup>2</sup></b>				
2	Retirement	<ul style="list-style-type: none"> <li>• 2.7% at 55 Plan</li> <li>• Employee paid - 10.0% of salary</li> <li>• Employer paid – 15.671% of salary</li> </ul>	\$5,851	These benefits have an incremental cost related to higher salary. Incremental cost shown is also related to greater employer paid payroll costs for FICA and Medicare for the four month period.
3	Retiree Health Insurance	0% vested before 10 years 50% vesting starting at 10 years 100% vested after 20 years		
4	Short Term Disability	60% of salary to maximum of \$1,667 per week; 29 day wait		
5	Long Term Disability	70% of salary to maximum of \$10,000 per month; 365 day wait		
6	Basic Life Insurance	Two times salary to a maximum of \$400,000		
7	Deferred Compensation	Maximum match of \$2,500 per calendar year		
8	Health Insurance	District Contribution: <ul style="list-style-type: none"> <li>• CY 2015 = \$1,207 / Mo. (EE+1)</li> <li>• CY 2016 = \$1,254/mo. (EE+1)</li> </ul>	\$0	These benefits have no incremental cost related to higher salary for the interim appointment
9	Share the Savings	If employee waives health insurance: <ul style="list-style-type: none"> <li>• CY 2015 = \$ 349/mo. (EE+1)</li> <li>• CY 2016 = \$ 288/mo. (EE+1)</li> </ul>		
10	Dental Premiums	Paid		
11	Vision Care	Paid		
12	Leave Bank	11.69 hours per pay period		
<b>Sub-Total</b>			<b>\$25,832</b>	<b>Additional Cost</b>
Savings from vacancy of the GM Position for an assumed 6 month period			(\$189,536)	\$131,967 Salary & \$57,569 payroll cost and benefits.
<b>TOTAL</b>			<b>(\$163,704)</b>	<b>Net Savings</b>

<sup>1</sup> Between appointee's current position as Administrative Services Manager and current General Manager. For simplicity sake the analysis assumes appointee holds position for six months.

<sup>2</sup> Benefit program is same as current position of employee.



Reference Board President	Type of Action Appoint Board Member	Board Meeting of October 6, 2015
Subject Appoint an Individual to Fill the Board Vacancy Created by the Resignation of Director Dawn L. Benson		
<input type="checkbox"/> Motion	<input type="checkbox"/> Minute Order	<input checked="" type="checkbox"/> Resolution
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Informational	<input type="checkbox"/> Other
REPORT:	<input checked="" type="checkbox"/> Verbal	<input type="checkbox"/> Presentation
	<input type="checkbox"/> Staff	E. Duarte
		<input checked="" type="checkbox"/> Board Member

**Recommendation:**

The Board President recommends the Board, by Resolution, and using the attached decision making process, appoint an individual to fill the vacancy on the District Board of Directors created by the resignation of Director Dawn L. Benson.

**Summary:**

On September 15, 2015 the Board decided to fill the existing vacancy by appointment and established a process and schedule to do so. Application forms were made available on September 16, 2015 and the application period ran through 5:00 p.m., Monday, September 28, 2015. A total of four (4) applications were received. The District Secretary has verified with the Registrar of Voters in Alameda County and the Elections Department in Contra Costa County that all the candidates meet the minimum requirement for consideration consisting of being a registered voter within the boundaries of Dublin San Ramon Services District.

The individuals that will be considered for the vacant seat are (listed in the order their applications were received):

- o Madelyne A. (“Maddie”) Misheloff
- o Dr. Alan Kilpatrick, Ph.D.
- o Rosalind Rogoff
- o Dawn L. Benson

The following material related to the appointment is attached for the Board’s information and consideration:

1. A decision making process for the appointment that was successfully used by the District in 2009 to fill a Board vacancy at that time and which was endorsed by the Board on September 15, 2015 for use at this meeting
2. All written material submitted by each applicant (Attachments A through D).

After approval of the appointment resolution the District Secretary will administer the Oath of Office and the newly appointed Board Member will be immediately seated and assume all duties and responsibilities of a District Board Member.

Committee Review			Legal Review	Staff Review		
COMMITTEE ---	DATE ---	RECOMMENDATION ---	Yes	ORIGINATOR B. Michalczyk	DEPARTMENT Executive	REVIEWED BY
<b>ATTACHMENTS</b> <input type="checkbox"/> None						
<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Minute Order	<input type="checkbox"/> Task Order	<input type="checkbox"/> Staff Report	<input type="checkbox"/> Ordinance		
<input checked="" type="checkbox"/> Cost \$0.00 (Budget based on five Directors)	<input type="checkbox"/> Funding Source A. B.	Attachments to S&R 1. Decision Making Process 2. Written Materials Submitted by the 4 Applicants 3.				



RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT APPOINTING AN INDIVIDUAL TO FILL THE VACANCY ON THE DISTRICT BOARD OF DIRECTORS CREATED BY THE RECENT RESIGNATION OF DAWN L. BENSON

---

WHEREAS, on August 19, 2015 Director Dawn L. Benson resigned from the District Board of Directors; and

WHEREAS, on September 15, 2015 the Board, in accordance with Government Code Section 1780, decided to fill the remaining term of office of Director Dawn L. Benson by appointment, which appointment will extend through December 2, 2016; and

WHEREAS, on September 15, 2015 the Board approved a schedule, process, application forms and public outreach program to fill the vacancy; and

WHEREAS, on September 16, 2015 the District Secretary notified the Registrar of Voters of Alameda County and the Elections Department of Contra Costa County of the Board's decision to fill the vacancy by appointment; and

WHEREAS, pursuant to Government Code Section 1780, proper legal notice was posted, and further the District issued press releases and posted information on its internet web site so as to publicize the application and appointment process as widely as possible; and

WHEREAS, the application period was open through 5:00 p.m. on Monday September 28, 2015 and during that application period the District received applications from four (4) persons seeking appointment; and

WHEREAS, the District Secretary verified that all the applicants met the minimum qualification of being a registered voter within the boundaries of Dublin San Ramon Services District; and

WHEREAS, on October 6, 2015 the Board carefully reviewed the qualifications for office of each of the applicants, heard a verbal presentation from each applicant, asked appropriate questions of the applicants, considered all material submitted by each applicant and considered all verbal and written public comments related to the appointment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California that \_\_\_\_\_ is

Res. No. \_\_\_\_\_

appointed to the office of Director of the Dublin San Ramon Services District, effective immediately, and shall serve the remainder of the first half of the term of Director Dawn L. Benson through December 2, 2016.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 6th day of October 2015.

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Edward R. Duarte, President

ATTEST: \_\_\_\_\_  
Nicole Genzale, District Secretary

**ATTACHMENT 1**  
**SUGGESTED DECISION MAKING PROCESS TO FILL BOARD VACANCY<sup>1</sup>**

Step	Action
<b><i>Presentations, Public Comment and Discussion</i></b>	
1	District Secretary draws, by random lot, the names of the applicants establishing the order in which they will make their presentations.
2	Each applicant will be given up to three (3) minutes to make a presentation to the Board regarding their qualifications.
3	The Board will then allow for public comments of a reasonable length from any member of the public wishing to speak; in the interest of time and at the discretion of the President the comments may be limited so as to avoid repeating topics already covered.
4	After all applicants have made their initial remarks and the public comments have been received the Board may, but is not required to, ask follow-up questions of any or all of the applicants; the questions will be of an individual Board member's choosing and may inquire into any and all aspects of the applicant's application, verbal remarks, qualifications or any other aspect that a Board member believes relevant to the matter or to their decision.
<b><i>Discussion and Deliberation</i></b>	
5	At any time after the applicants have completed their statements (Step 3 above), including before the first straw vote is called or at any point in the straw voting process, a Board Member may make a motion to appoint a specific applicant. (Go to Step 10)
6	The Board discusses the merits of the qualifications of the applicants.
7	<p>Prior to any round of straw voting the Board may discuss the results of the previous round and/or the qualifications of the applicants.</p> <ul style="list-style-type: none"> <li>○ A straw vote will be called for by the President with each Board Member being allowed in each round a maximum number of votes as identified in the table below. A Board Member may vote all, some or none of their allotment of votes; cumulative voting will not be allowed (wherein a Board Member could cast more than one of his allotted votes in a given round for one applicant).</li> <li>○ So that the straw voting process is not influenced by which Board Member goes first, the straw votes will be cast by the Board on paper ballots provided by the District Secretary that are identifiable by Board Member.</li> <li>○ The straw vote ballots will be read aloud by the District Secretary and identified by originating Board Member; the results will be tallied and displayed for the audience.</li> <li>○ The District Secretary will record the straw votes in the minutes.</li> </ul>
8	<p>The results of each round of straw voting shall be determined as follows:</p> <ul style="list-style-type: none"> <li>○ All applicants receiving two (2) or more votes shall move into the next round of straw voting.</li> <li>○ If an applicant receives zero (0) votes that person shall not advance to the next round of straw voting.</li> <li>○ The Board may, by Motion duly passed, move any applicant receiving one (1) vote forward to the next round of straw voting.</li> </ul> <p><i>(See examples below)</i></p>
9	The above straw voting process will continue to be used until such time as (A) a Board Member makes a motion that is appropriately seconded to appoint a specific applicant whether or not that applicant has been eliminated in the straw voting process; or (B) the straw voting process has screened the candidate list to two or fewer candidates at which time a motion to approve one of the remaining candidates would be in order.
10	After a motion is made and seconded the Board may discuss the matter further.

<sup>1</sup> This process is suggestive and only for the purpose of facilitating the Board's discussion to systematically screen down the candidate pool; it is in no way legally binding. **AT ANY TIME BOARD MEMBER MAY MAKE A MOTION TO APPOINT ANY OF THE CANDIDATES WHETHER THEY HAVE BEEN SCREENED OUT THROUGH THIS PROCESS OR NOT.**

11	The President calls for a vote on the motion; if at least three members of the Board vote for the motion the Appointment is thereby made and the applicant will be sworn in and will immediately assume the duties and responsibilities of a Board member.
<i><b>If No Decision is Made</b></i>	
12	The Board President will announce that the Board will not be making a decision at this meeting and direct staff to schedule further discussions for a future Special Board meeting (the Board must make the decision to appoint on or before October 18, 2015).

**NUMBER OF VOTES  
FOR EACH BOARD MEMBER IN STRAW VOTING STEPS**

Number of Applicants (in any round of the straw voting)	One third of the Number of Applicants	Number of straw votes allocated to each Board member in a given round**
4	1.33	2
3	1	1

\*\* One third of the number of applicants in any round and then rounded up to the next whole number

**EXAMPLES OF VOTING  
AND EFFECT ON APPLICANTS**

**Possible Round I – 4 applicants (each Board Member receives 2 votes)**

Applicant	Board Member 1	Board Member 2	Board Member 3	Board Member 4	Vote Tally	Result
<b>A</b>	✓		✓	✓	<b>3</b>	Next Round
<b>B</b>		✓			<b>1</b>	May be Moved Forward
<b>C</b>					<b>0</b>	Not moved forward
<b>D</b>	✓	✓	✓	✓	<b>4</b>	Next Round

**Possible Round II – 3 applicants (each Board Member receives 1 vote)**

Applicant	Board Member 1	Board Member 2	Board Member 3	Board Member 4	Vote Tally	Result
<b>A</b>	✓			✓	<b>2</b>	Next Round
<b>B</b>		✓	✓		<b>2</b>	Next Round
<b>C</b>					<b>0</b>	Not moved forward

## Attachment to the Summary & Recommendation

### Board Applications

(Listed in the order their Applications were received)

- Madelyne A. (“Maddie”) Misheloff
- Dr. Alan Kilpatrick, Ph.D.
- Rosalind Rogoff
- Dawn L. Benson

**Nicole Genzale**

---

**From:** maddimisheloff@comcast.net  
**Sent:** Sunday, September 27, 2015 6:01 PM  
**To:** \*DSRSD Board  
**Subject:** Board of Directors Application from Maddi Misheloff  
**Attachments:** Scan of DSRSD Board Application.pdf; MMisheloff Updated Resume (11).doc

Dear Nicole Genzale and Board of Directors,

Attached please find my completed application for the open position on the the Board as well as my resume.

Please feel free to contact me should you have any questions.

Best regards,

Madelyne ("Maddi") Misheloff

**BOARD OF DIRECTORS APPLICATION SCAN COVER**

**TO:** DSRSD

**ATTENTION:** Nicole Genzale

**EMAIL:** board@dsrsd.com

**FROM:** Madelyne (Maddi) Misheloff

**EMAIL:** [maddimisheloff@comcast.net](mailto:maddimisheloff@comcast.net)

No. of pages, including cover: 4, plus resume attachment

**DUBLIN SAN RAMON SERVICES DISTRICT  
APPLICATION - BOARD OF DIRECTORS**

**Applications (including all supporting material) must be received no later than 5:00 p.m. Monday, September 28, 2015. Applications must be sent to the District and to the attention of Nicole Genzale, District Secretary, at 7051 Dublin Blvd. Dublin CA 94568. Applications may also be submitted via email sent to [board@dsrdsd.com](mailto:board@dsrdsd.com)**

**Interviews will be conducted by the Board of Directors on Tuesday, October 6, 2015 at a regular Meeting of the Board which starts at 6:00 p.m. in the District Board Room at the above address; the interviews will be open to the public including other applicants. The order of the interviews will be determined by lot by the District Secretary.**

APPLICATION MATERIAL SHALL BE LIMITED TO:

1. This fully completed application (Mandatory);
2. A resume consisting of no more than two (2) pages single spaced, with no smaller than 11 point font (Optional); and
3. A one page cover letter transmitting the above materials (Optional)

LEGALLY MANDATED QUALIFICATIONS:

1. Must be a Registered Voter; and
2. Must legally reside within the boundaries of the District

**Candidate Information**

Name: Madelyne A ("MADDI") MISHELOFF

Home Address: 11613 Alegre Dr  
Dublin CA 94568

Home Phone: 925-833-6080

Alternate Phone: 925-719-0410  
(mobile)

Email Address: maddimisheloff@comcast.net

Employer: N/A

Type of Business: \_\_\_\_\_

**Qualifications**

1. Current Resident of District  Yes \_\_\_\_\_ No  
If "Yes" How Many years? 37 Years

2. Registered Voter:<sup>1</sup>  Yes \_\_\_\_\_ No Dublin / Alameda City/County where Registered

<sup>1</sup> Will be verified with the Registrar of Voters



**Question No. 1: Why do you want to be on the Board of Directors?**

If appointed, membership on this Board would provide me with another/further opportunity for me to not only give back to a community that has been supportive to us in addition to have an avenue to bring resident concerns to the Board.

During my years as a Dublin resident, I have had the occasions, opportunities to discuss with friends and acquaintances across the district issues that impact all of us - residents and business owners alike - who appear passionate in their concerns over the overarching drought issues, sourcing of the water we use and the cost to water users of this precious commodity. The individuals who have voiced concerns are divided in their feelings/opinions of not feeling they have a voice or not aware that Board meetings are public meetings or they complain but don't want to become involved.

As a member of the Board, I could attain the knowledge with which to share DSES actions and, hopefully, encourage these people to attend meetings to share their concerns. If a question is not asked, the answer most certainly is "NO".

**Question No. 2: Describe the unique experience that you believe makes you the best candidate for an appointment to the Board of Directors.**

In my efforts ~~to~~ and desire to "give back" to the Dublin community, I joined Dublin Lions Club 13 years ago. For the past 12 years, I have been a member of the Board of Directors. In my capacity on the board I have served as past secretary, First VP (which entailed serving as chairperson for our then Annual BBQ - the second largest fundraiser for the club, second (2-yr) and 1-year directorship and presently as secretary.

As part of my commitment, I have volunteered religiously, for events which has provided me the opportunity to interact with and work with City leaders. My years on the board have provided me with the opportunity to gain knowledge, involved in being an integral part of club decisions that adhere to Lions International Missions and by-laws. I have been privileged to participate in making appropriate decisions for funding of projects close to the hearts of all of us in Lions Club.

**Question No. 3: What do you believe to be the top three policy issues facing the District and how do you believe you can contribute to developing a solution to them as a member of the Board of Directors?**

It is my belief that the top three policy issues the District faces are inherently tied to the current severe and ongoing drought conditions:

- ① Where the District procures sourcing/purchase of water and the cost of that water to the district and the consumers,
- ② the major controversy I know exists over residents having risen to task of conserving water use in every way possible (whether individual users have been conserving as part of being a good citizen or to avoid fees levied on over-users). This coupled with the knowledge that now those same strident water conservers could now face increased fees for water delivery to offset reduced revenue to DSRSD, this "news" has not been accepted favorably.
- ③ How the District might act proactively in considering the means to reduce water costs through looking into avenues to obtain water from sources less expensive than zone 7. Adding to wide-reaching concern is the ongoing new construction of multi-unit housing, single family housing and businesses which all use water in a drought, water restrictive environment.

I believe I can contribute by listening to options DSRSD has up for considering and then sharing my viewpoint and bringing individual concerns of residents to the board

**Acknowledgement & Certification**

1. I understand that all material provided by me in connection with this application are public and will be furnished by the District to any person including other applicants upon their request and without my approval or notification.
2. I certify that I am a registered voter and a legal resident of the Dublin San Ramon Services District and that I am not disqualified by the Constitution or laws of the State of California from holding a civil office and further that I am qualified to and am prepared to assume and hold the office as a member of the Board of Directors of the Dublin San Ramon Services District without reservation or condition.
3. I certify under penalty of perjury that all information provided in connection with my application for the Board of Directors of the Dublin San Ramon Services District is true.

Signature: Madelynne A. Misheloff  
Print Name: MADELYNE A MISHELOFF  
Date Signed: 9/27/15

# Maddi Misheloff

Home: 925-833-6080 Cell: 925-719-0410

[maddimisheloff@comcast.net](mailto:maddimisheloff@comcast.net)

## EXECUTIVE SUMMARY

Administrative professional with over 15 years of experience in a wide range of business environments. Skilled in providing exceptional client service, managing multiple projects under tight time constraints and creating systems that increase efficiency and reduce cost. Highly collaborative with the ability to establish successful relationships across all levels, including C-Suite executives. Strong technical skills include proficiency in MS Office suite, SAP and a variety of databases.

## PROFESSIONAL EXPERIENCE

### Project Coordinator

2012-2013

Development Dimensions International

Member of project management team

### Project Coordinator

2007 - 2011

PDI Ninth House, San Francisco (global human resources consulting company)

Pivotal member of the project management team responsible for more than \$1 million annually in leadership assessments delivered worldwide to Fortune 100 and Fortune 500 clients. Administered assessments, provided guidance to clients with respect to assessment products, managed projects within established timelines and distributed confidential reports. Tracked progress and profitability on all client projects and monitored payments for past due accounts receivable for all clients. Produced monthly reports for client executive teams. Successfully handled emergency trouble-shooting for system issues.

- Awarded for being instrumental in increasing major client billings by 60% through exceptional customer service.
- Brought assessment delivery error rate down to zero by providing extensive training to global administrative teams.
- Consistently received superior client satisfaction ratings.
- Trusted to protect sensitive and confidential data.
- Leveraged strength of relationship with high-level executive to collect severely delinquent invoices (\$80,000) from a high profile client.
- Created system that enhanced credibility with clients and prevented invoices from reaching delinquent status by eliminating errors.
- Enhanced sales and marketing effectiveness by researching and identifying information about privately-held organizations.

**Office Manager**

2001 - 2007

Vacation Discounters, San Ramon, CA Internet-based travel agency

Rapidly promoted from part-time Executive Assistant to the agency President and Vice President to Office Manager, with responsibility for managing all office operations. Oversaw 18 independent contract agents and one assistant. Maintained company database, reconciled monthly commission statements, set-up and maintained system for tracking clients' information, and maintained marketing material inventory. Created and maintained spreadsheets, invoiced vendors and monitored accounts receivables. Answered and screened a high-volume of incoming calls, resolving customer needs or escalating as necessary.

***Office Manager, Vacation Discounters continued***

- Created an easy-access system that tracked marketing, vendor and customer information for accuracy and current status. This tool was so effective that it was used to improve many other aspects of business operations.
- Developed strong relationships with a wide range of clientele leading to repeat business.
- Created new processes for collection of monthly dues and vestment that offset company overhead.
- Successfully evaluated, interviewed, recommended, and trained new-hire assistants.
- Sold and arranged travel for a number of drop-in or call-in clients, building my own small client base.

**Office Manager**

1992 - 2000

Therapy Resources, Alameda, CA (medical, physical therapy and chiropractic equipment and supplies)

Provided executive and administrative support to the owner. Created and maintained confidential information and documents. Performed accounting duties including employee payroll, accounts payable and receivable and tracking customer payments. Created and maintained processes for documentation of company operations. Managed vendor and client relationships across the U.S.

- Insured timely receipts thereby keeping past due payment status to a minimum.
- Built and maintained successful relationships, based on mutual respect and trust, with colleagues, vendors and clients alike.
- Successfully compiled and submitted quarterly sales tax filings ahead of mandated deadlines.

**EDUCATION**

Bachelor of Science, Medical Technology/Biology, American University, Washington, D.C.

**SYSTEMS**

Microsoft Windows Office Suite (Word, Excel, PowerPoint, Outlook), SAP, QAT, Access, Siebel, Citrix (AIM, AID, GAIN)

## COMMUNITY SERVICE

Director and Member of Board of Directors, Dublin Lions Club International



7051 Dublin Boulevard  
Dublin, CA 94568-3018

phone (925) 828-0515  
fax (925) 829-1180  
www.dsrdsd.com

SEP 28 '15 PM 1:58 B - Kilpatrick

### DUBLIN SAN RAMON SERVICES DISTRICT APPLICATION - BOARD OF DIRECTORS

*Applications (including all supporting material) must be received no later than 5:00 p.m. Monday, September 28, 2015. Applications must be sent to the District and to the attention of Nicole Genzale, District Secretary, at 7051 Dublin Blvd. Dublin CA 94568. Applications may also be submitted via email sent to [board@dsrsd.com](mailto:board@dsrsd.com)*

*Interviews will be conducted by the Board of Directors on Tuesday, October 6, 2015 at a regular Meeting of the Board which starts at 6:00 p.m. in the District Board Room at the above address; the interviews will be open to the public including other applicants. The order of the interviews will be determined by lot by the District Secretary.*

APPLICATION MATERIAL SHALL BE LIMITED TO:

1. This fully completed application (Mandatory);
2. A resume consisting of no more than two (2) pages single spaced, with no smaller than 11 point font (Optional); and
3. A one page cover letter transmitting the above materials (Optional)

LEGALLY MANDATED QUALIFICATIONS:

1. Must be a Registered Voter; and
2. Must legally reside within the boundaries of the District

**Candidate Information**

Name: Dr. Alan Kilpatrick, Ph. D.

Home Address: 4680 Woodrose Creek  
Dublin, CA 94568

Home Phone: (925) 556-1699 Alternate Phone: \_\_\_\_\_

Email Address: atk@flash.net

Employer: Self - Employed

Type of Business: Property Mgmt. & <sup>Stock Market</sup> Option Trades

**Qualifications**

1. Current Resident of District  Yes  No  
If "Yes" How Many years? \_\_\_\_\_ Years
2. Registered Voter:<sup>1</sup>  Yes  No \_\_\_\_\_ / \_\_\_\_\_ City/County where Registered

<sup>1</sup> Will be verified with the Registrar of Voters

Question No. 1: Why do you want to be on the Board of Directors?

To find creative development of resources  
and distribution

Question No. 2: Describe the unique experience that you believe makes you the best candidate for an appointment to the Board of Directors.

Financial Management Degree (B.S.)

Experience in Real Estate and Finance  
that will help with budgeting challenges

I have also served on the Summer  
Glen H.U. Association as President and  
V.P., and Secretary. I am currently the  
~~the~~ president again.

Participated in Dublin 101 and  
another class where we visited Santa Rosa jail  
and Morgue in San Leandro, etc.

**Question No. 3: What do you believe to be the top three policy issues facing the District and how do you believe you can contribute to developing a solution to them as a member of the Board of Directors?**

1) A fair pricing of water usage charged customers.

2) Development and acquisition of resources

3) Developing programs for using recycled water

**Acknowledgement & Certification**

1. I understand that all material provided by me in connection with this application are public and will be furnished by the District to any person including other applicants upon their request and without my approval or notification.
2. I certify that I am a registered voter and a legal resident of the Dublin San Ramon Services District and that I am not disqualified by the Constitution or laws of the State of California from holding a civil office and further that I am qualified to and am prepared to assume and hold the office as a member of the Board of Directors of the Dublin San Ramon Services District without reservation or condition.
3. I certify under penalty of perjury that all information provided in connection with my application for the Board of Directors of the Dublin San Ramon Services District is true.

Signature:



Print Name:

Alan T. Kilgatorck

Date Signed:

9/28/2015



# Resume

Dr. Alan T. Kilpatrick, Ph.D., D.D.

Insurance Broker for 25 years

Mortgage Broker for 5 years

Stock Market Investor for 20+ years.

Amway Distributor for 42 years

Real Estate Investor for 35+ years

World Traveler

Amateur Egyptologist

**Nicole Genzale**

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**From:** Rosalind Rogoff <rosalindr@mytrainingdept.com>  
**Sent:** Monday, September 28, 2015 3:52 PM  
**To:** \*DSRSD Board  
**Subject:** Application for vacancy  
**Attachments:** Filled DSRSD Application Board of Directors.pdf; Question 1 Why do you want to be on the Board.docx

**Importance:** High

Hi,

I'm attaching my online application. I signed with the /Rosalind Rogoff/ form of online signature. I will fax a copy in a short while with my written signature but I wanted to get this in ASAP. The questions are answered in the attached Word document.

Roz

**DUBLIN SAN RAMON SERVICES DISTRICT  
APPLICATION - BOARD OF DIRECTORS**

***Applications (including all supporting material) must be received no later than 5:00 p.m. Monday, September 28, 2015. Applications must be sent to the District and to the attention of Nicole Genzale, District Secretary, at 7051 Dublin Blvd. Dublin CA 94568. Applications may also be submitted via email sent to [board@dsrsd.com](mailto:board@dsrsd.com)***

***Interviews will be conducted by the Board of Directors on Tuesday, October 6, 2015 at a regular Meeting of the Board which starts at 6:00 p.m. in the District Board Room at the above address; the interviews will be open to the public including other applicants. The order of the interviews will be determined by lot by the District Secretary.***

APPLICATION MATERIAL SHALL BE LIMITED TO:

1. This fully completed application (Mandatory);
2. A resume consisting of no more than two (2) pages single spaced, with no smaller than 11 point font (Optional); and
3. A one page cover letter transmitting the above materials (Optional)

LEGALLY MANDATED QUALIFICATIONS:

1. Must be a Registered Voter; and
2. Must legally reside within the boundaries of the District

***Candidate Information***

Name: Rosalind Rogoff

Home Address: 9913 Mangos Drive  
San Ramon, CA 94583

Home Phone: 925 828-1805

Alternate Phone: \_\_\_\_\_

Email Address: rosalindr@mytrainingdept.com

Employer: University of Phoenix  
3157 E Elwood St.  
Phoenix, AZ 85034

Type of Business: Education

***Qualifications***

1. Current Resident of District  Yes  No  
If "Yes" How Many years? 17 Years
2. Registered Voter:<sup>1</sup>  Yes  No San Ramon/Contra Costa City/County where Registered

<sup>1</sup> Will be verified with the Registrar of Voters

**Question No. 1: Why do you want to be on the Board of Directors?**

See attached MS Word Document

**Question No. 2: Describe the unique experience that you believe makes you the best candidate for an appointment to the Board of Directors.**

See attached

**Question No. 3: What do you believe to be the top three policy issues facing the District and how do you believe you can contribute to developing a solution to them as a member of the Board of Directors?**

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**Acknowledgement & Certification**

- 1. I understand that all material provided by me in connection with this application are public and will be furnished by the District to any person including other applicants upon their request and without my approval or notification.
- 2. I certify that I am a registered voter and a legal resident of the Dublin San Ramon Services District and that I am not disqualified by the Constitution or laws of the State of California from holding a civil office and further that I am qualified to and am prepared to assume and hold the office as a member of the Board of Directors of the Dublin San Ramon Services District without reservation or condition.
- 3. I certify under penalty of perjury that all information provided in connection with my application for the Board of Directors of the Dublin San Ramon Services District is true.

Signature:       /Rosalind L. Rogoff/        
Print Name:       Rosalind L. Rogoff        
Date Signed:       9/28/15

Question #1 Why do you want to be on the Board of Directors?

Rosalind L. Rogoff

I ran for the District twice, first in 2004 and again in 2010. I felt that San Ramon needed representation and all there was no one on the Board at that time from San Ramon. There is a representative now from San Ramon, but I believe there should be a better balance between the areas served.

There really should be a representative from Dougherty Valley. If someone from DV applies you should consider that person first. One of my goals at this point after following the District for over 10 years would be to move representation by Wards like East Bay MUD. There are at the moment five distinct regions in the Dublin San Ramon Services Area with different services, different populations, and different needs – East Dublin, Central Dublin, West Dublin, South San Ramon, and Dougherty Valley. There is not a balance of representation on the District Board as it is now constituted.

It is also necessary to work towards breaking Zone 7 away from Alameda County so it also can be represented in San Ramon, but as of now the only representation San Ramon has is indirectly through DSRSD. I ran on that platform in 2010 but lost and I won't run again. I'm not a politician and I don't want to lose again. So if I am appointed I plan to serve Dawn's remaining term and not run, but I believe there are things the District needs to do to more equitably represent its customers.

Another issue is Tassajara Valley and the proposed Cemetery. This has now become politicized. One issue is the lack of water in Tassajara Valley, and with the drought that is probably worse than ever. I know you are trucking water in for the farmers there, but the status of the Cemetery is still on hold. Tassajara Valley will become an issue again and where the water comes from will be an important element of whatever can or cannot be developed out there.

Question 2. Unique experiences that make you the best candidate.

As pointed out above, I ran for the District twice. If appointed I will need very little time to get up to speed. I know most of the current issues, even the concerns about recycled water possibly killing the oak trees. My tree man, Darryl Wise, says it is an oak disease and not the recycled water.

Also I was a Judge on the Essay Competition last year. Too bad Sue couldn't attract any applicants this year. I even wrote a blog on it. I would like to keep the Essay Competition going for one more year and try to promote it better to get at least two qualified entries.

Question 3. What is the top three policy issues facing the District now and how do you believe you can continue to develop a solution to them as a member of the board of directors?

1. The drought – and potential el Nino to follow. Water management plan for cyclical weather
2. Regional Growth/Tassajara Valley – Again water management plans for growth
3. Keeping costs down/merging multiple agencies – Replacing Bert and considering merger with Zone 7.

## Nicole Genzale

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**From:** Rosalind Rogoff <rosalindr@mytrainingdept.com>  
**Sent:** Monday, September 28, 2015 4:39 PM  
**To:** \*DSRSD Board  
**Subject:** Scanned Application  
**Attachments:** Board Applicaton2.pdf

**Importance:** High

I scanned the application with my written signature. This is a resend of what I sent before but physically signed.

Roz

Rosalind Rogoff  
San Ramon Express  
San Ramon Observer blog





**DUBLIN SAN RAMON SERVICES DISTRICT  
APPLICATION - BOARD OF DIRECTORS**

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Phoenix, AZ 85034

Type of Business: Education

***Qualifications***

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**Question No. 1: Why do you want to be on the Board of Directors?**

See attached MS Word Document

**Question No. 2: Describe the unique experience that you believe makes you the best candidate for an appointment to the Board of Directors.**

See attached

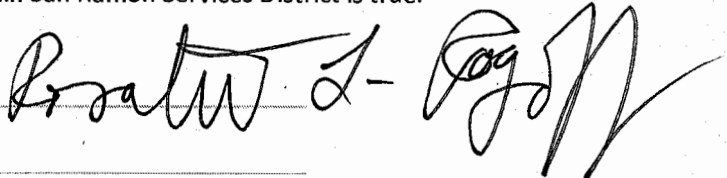
**Question No. 3: What do you believe to be the top three policy issues facing the District and how do you believe you can contribute to developing a solution to them as a member of the Board of Directors?**

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Signature:           /Rosalind L. Rogoff/          



Print Name:           Rosalind L. Rogoff          

Date Signed:           9/28/15

Question #1 Why do you want to be on the Board of Directors?

Rosalind L. Rogoff

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3. Keeping costs down/merging multiple agencies – Replacing Bert and considering merger with Zone 7.

**Nicole Genzale**

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**From:** Benson, Dawn <dbenson@ebmud.com>  
**Sent:** Monday, September 28, 2015 4:46 PM  
**To:** \*DSRSD Board  
**Cc:** Dawn Home  
**Subject:** Board Application - Attention Nicole Genzale  
**Attachments:** Benson\_DSRSD Application Board of Directors\_9\_28\_15-Final.pdf

Hi Nicole,

Attached is my application package for the appointed board position.

Please let me know if you need anything else.

Best and thanks, Dawn

**DAWN BENSON, EXECUTIVE ASSISTANT**  
EBMUD Customer and Community Services  
W: 510.287.1196 : Email: [dbenson@ebmud.com](mailto:dbenson@ebmud.com)  
**Thank you for saving our precious resource, water.**

*EBMUD = Stewardship - Integrity - Respect - Teamwork*

**Confidentiality Notice:** This e-mail and any attachments are solely for the use of the individual(s) to whom it is addressed. It is confidential and may be protected by legal privilege. You are hereby notified that any use, dissemination, distribution or copying of the e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately and delete the message and any attachments from your computer.



7051 Dublin Boulevard  
Dublin, CA 94568-3018

phone (925) 828-0515  
fax (925) 829-1180  
www.dsrds.com

**DUBLIN SAN RAMON SERVICES DISTRICT  
APPLICATION - BOARD OF DIRECTORS**

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3. A one page cover letter transmitting the above materials (Optional)

LEGALLY MANDATED QUALIFICATIONS:

1. Must be a Registered Voter; and
2. Must legally reside within the boundaries of the District

***Candidate Information***

Name: Dawn L. Benson

Home Address: 6671 Ebensburg Lane  
Dublin, CA 94568

Home Phone: 925-803-0488

Alternate Phone: 925-719-1615

Email Address: dawn.benson@comcast.net

Employer: East Bay Municipal Utility District  
375 11th Street  
Oakland, CA 94568

Type of Business: Water and wastewater utility

***Qualifications***

1. Current Resident of District      Yes      Yes      No  
If "Yes" How Many years?      17      Years

2. Registered Voter:<sup>1</sup> Yes      Yes      No      /      City/County where Registered

Dublin/Alameda County

<sup>1</sup> Will be verified with the Registrar of Voters

**Question No. 1: Why do you want to be on the Board of Directors?**

I have been a director on the DSRSD board for over 5 years. I would like the opportunity to continue serving the community and Tri-Valley with interagency partnerships, expansion of alternative water supplies and transfers to expand the recycling system to prepare for the opportunity of future indirect and direct potable reuse.

I look after the ratepayers to continue to look for ways to promote sustainability, conservation and fiscal prudence.

I am an advocate for biosolid research and upgrading the dedicated land disposal site storage facility.

I work in the water industry that provides me a comprehensive overview of the internal organization of financial responsibility for budgets, rates, bond financing, operating and capital project management.

Note: The reason for stepping down off the board was to apply for a position within the District that only comes available very 20+ years. For that reason only is why I chose to step down as a director for a position in the industry I work in my own backyard.

**Question No. 2: Describe the unique experience that you believe makes you the best candidate for an appointment to the Board of Directors.**

I have a great relationship with the elected officials and ratepayers in the Tri-Valley. I bring a breadth of experience from my several years in the water/wastewater/recycled water industry, from water conservation, to customer service, to financial of bond rating, debt financing, rate studies, capital and operating budgeting to agency transparency.

I also believe in the education of our students in the communities to encourage environmental sciences sustainable and conservation management to best practices and strong community leadership.

My success in the past has been to work collaboratively with customers, staff, other agencies, cities and counties on issues that better the community. I am a solutions-type person - let's work on solutions to issues that best fit the need of the community.



**Question No. 3: What do you believe to be the top three policy issues facing the District and how do you believe you can contribute to developing a solution to them as a member of the Board of Directors?**

Water reliability and sustainability for the District and the Tri-Valley that includes expansion of the water recycling treatment plant and state and federal legislation that promotes direct potable reuse opportunities.

Ground water storage and recharging, sustainability, and water storage - I am very concerned that we are depleting our groundwater storage capacities, in a time where we need to be prudent with recharging and maintaining a healthy long-term water management program the District and Tri-Valley agencies and the Zone 7 must work together to a build portfolio of water supply components to accommodate growth, expand programs fiscally responsible and to work with local and regional agencies on future water, wastewater and recycled water projects.

Continue to work towards sharing resources and costs between local agencies/cities and work with Zone 7 board and staff to ensure that all agencies are actively participating in the guidance of long-term water supply/storage projects.

Education and conservation continue to be near and dear to my heart, while the change of leadership is currently in motion - I wish to be a part of building the agency of the future that continues to have the best staff, leading edge projects and partnerships on projects at the local, regional, state and federal levels. All with rates that are fair and equitable and working with developers and cities on managing the demand for water in our community.

Thank you for this opportunity to meet with you regarding this appointment.

**Acknowledgement & Certification**

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2. I certify that I am a registered voter and a legal resident of the Dublin San Ramon Services District and that I am not disqualified by the Constitution or laws of the State of California from holding a civil office and further that I am qualified to and am prepared to assume and hold the office as a member of the Board of Directors of the Dublin San Ramon Services District without reservation or condition.
3. I certify under penalty of perjury that all information provided in connection with my application for the Board of Directors of the Dublin San Ramon Services District is true.

Signature:



Print Name:

Dawn L. Benson

Date Signed:

9-28-2015



Reference General Manager	Type of Action Discuss and Provide Direction	Board Meeting of October 6, 2015
Subject Review and Discuss Drought Management Program for Remainder of State of Drought Emergency		
<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Minute Order	<input type="checkbox"/> Resolution
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Informational	<input checked="" type="checkbox"/> Other
REPORT:	<input checked="" type="checkbox"/> Verbal	<input type="checkbox"/> Presentation
	<input checked="" type="checkbox"/> Staff	B. Michalczyk
		<input type="checkbox"/> Board Member

**Recommendation:**

The General Manager recommends the Board of Directors, by Motion, direct staff to appropriately revise the existing Drought Management Program, for the duration of the current State of Community Drought Emergency through February 29, 2016.

**Summary:**

On May 19, 2015 the Board variously enacted and extended a multi-faceted Drought Management Program (“Program”) that is to remain in effect through the end of the State of Community Drought Emergency on February 29, 2016. The Board has specifically requested reconsideration of various elements of that Program as noted below and also asked staff to propose other changes that might be appropriate as the summer season turns to autumn and then to winter.

The Board has already provided direction for the following Program revisions:

- Reconsider Water Shortage Rate Stage “in the fall of the year” (June 16, 2015);
- If Stage 1 rates are adopted, suspend the Wise Water User Credit (June 16, 2015); and
- Administratively suspend enforcement of filling/refilling reasonable sized spas (September 15, 2015).

Staff has reviewed the program elements considering how they would operate over the cooler fall and winter months and suggests that the Board also consider the following revisions:

- Allow the use of potable water for construction purposes (other than compaction, grading, and dust control) provided that recycled water is not appropriate for the intended use, such as fire protective coatings, special mortars, etc.;
- Allow the use of potable water for pipeline testing, including the testing of recycled water pipelines, if recycled water is not yet available at a given location;
- Administratively suspend enforcement of prohibitions against “topping off” existing pools and spas;
- Administratively suspend enforcement of the requirement to use pool and spa covers; and
- Exclude artificial turf from eligibility for the District’s turf conversion rebate program.

A summary of the Drought Management Program with the suggested revisions is included as Attachment 1.

No formal action will be taken at this meeting; only direction is sought. Depending on the direction given, formal actions as appropriate will be agendized for future Board meetings.

Committee Review			Legal Review	Staff Review		
COMMITTEE ---	DATE ---	RECOMMENDATION ---	Not Required	ORIGINATOR B. Michalczyk	DEPARTMENT Executive	REVIEWED BY
<b>ATTACHMENTS</b> <input checked="" type="checkbox"/> None						
<input type="checkbox"/> Resolution	<input type="checkbox"/> Minute Order	<input type="checkbox"/> Task Order	<input type="checkbox"/> Staff Report	<input type="checkbox"/> Ordinance		
<input checked="" type="checkbox"/> Cost \$0	<input type="checkbox"/> Funding Source A. B.		Attachments to S&R 1. Summary of Current Drought Management Program 2. 3.			

## SUMMARY OF CURRENT DROUGHT MANAGEMENT PROGRAM

ITEM	Current	Staff Recommendation for Remainder of State of Community Drought Emergency <b>(Changes only)</b>
Timing of actions	Adopted May 19, 2015	Post October 6, 2015 with Board actions scheduled after required notices (if any); target October 20, 2015
Duration of State of Emergency	February 29, 2016	
<b>CURTAILMENT LEVELS</b>		
Percent conservation (Annual system-wide target as compared to 2013 usage)	Overall – 12% Inside – 5% Outside – 33%	
Mandatory or Voluntary Use Limitations	Mandatory	
<b>WATER SHORTAGE RATES</b>		
Rate Stage	<b>STAGE 2 (all values are \$/ccf)</b> <u>Residential:</u> <ul style="list-style-type: none"> <li>• Tier 1:           \$0.66</li> <li>• Tier 2:           \$1.72</li> <li>• Tier 3:           \$2.88</li> </ul> <u>Commercial:</u> <ul style="list-style-type: none"> <li>• Summer:        \$1.27</li> <li>• Winter           \$1.77</li> </ul> <u>Potable Irrigation:</u> \$2.88	<b>STAGE 1 (all values are \$/ccf)</b> <u>Residential:</u> <ul style="list-style-type: none"> <li>• Tier 1:           \$0.59</li> <li>• Tier 2:           \$1.39</li> <li>• Tier 3:           \$1.92</li> </ul> <u>Commercial:</u> <ul style="list-style-type: none"> <li>• Summer:        \$1.15</li> <li>• Winter           \$1.48</li> </ul> <u>Potable Irrigation:</u> \$1.92
	<b>POTABLE WATER USE LIMITATIONS</b>	
<i>Landscape Irrigation</i>		
Applicable Customers	All (residential, commercial, Irrigation, schools)	
Weekly Frequency	Two days per week year round	

ITEM	Current	Staff Recommendation for Remainder of State of Community Drought Emergency <b>(Changes only)</b>
Daily Limitations - Time	<ul style="list-style-type: none"> <li>• Drip / bubblers / micro sprayers – No Time of day or day of week limitations</li> <li>• Bucket – No Limitations</li> <li>• Hand held – 6PM to 9AM</li> <li>• Temporary oscillating devices– 6PM to 9AM</li> <li>• Sprinklers – 6PM to 9AM</li> </ul>	
Daily Limitations other	Never two days in a row	
Irrigation / raining coordination	<ul style="list-style-type: none"> <li>• Prohibited when it is raining</li> <li>• Prohibited for 2 days after rain</li> </ul>	
Irrigation of nursery stock for sale	Nursery stock not considered landscaping	
<b>Other Prohibitions</b>		
All waste and unreasonable uses	Prohibited	
Hose use	Prohibited for any use unless equipped with quick-acting positive shutoff nozzles	
Runoff from landscape Irrigation	Prohibited	
Any landscape irrigation that results in ponding, flooding, or marshy conditions	Prohibited	
Newly Constructed homes or buildings unless with drip or micro spray	Prohibited if delivered in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission	
Turf on street medians	Prohibited	
Where recycled water is available	Prohibited	Potable water can be used for construction purposes other than compaction, grading, and dust control if the user provides sufficient justification that recycled water may not be appropriate for the intended construction use.
Compaction / dust control	Prohibited	

ITEM	Current	Staff Recommendation for Remainder of State of Community Drought Emergency <b>(Changes only)</b>
Driveway Wash Down	Prohibited	
Sidewalk Wash Down	Prohibited	
Street Sweeping	Prohibited	
Sewer Maintenance	Prohibited	
Gutter Flushing	Prohibited	
Water from fire hydrants	Prohibited except for firefighting purposes Operational flushing only where necessary	Potable water can be used for pipeline testing, including the testing of recycled water pipelines if recycled water is not yet available at a given location.
Filling / Refilling Swimming pools	Prohibited unless for health and safety purposes and with prior approval	
Filling / Refilling spas	Prohibited unless for health and safety purposes and with prior approval	Administratively suspend enforcement for filling / refilling reasonably sized spas.
Swimming pool /spa topping off	<u>Private Pools and Spas</u> : Prohibited for pools and spas unless covered when not in use. <u>Semi-Private Pools and Spas</u> : Prohibited unless covered when not in use <u>Public Pools</u> : Prohibited unless covered when not available for use <u>Public Water Play Features</u> : to the extent not due to leaks and limited to use on hot days	Administratively suspend enforcement of “topping off” prohibitions  Administratively suspend requirement that pool and spa covers be used
Non-recirculating decorative water features	Prohibited	
Recirculating decorative water features using potable water	Prohibited	
Decorative water features using recycled water	Allowed	
Water service	Only when requested in restaurants, hotels, cafes, cafeterias, bars and all public places where food and drink are served and purchased	

ITEM	Current	Staff Recommendation for Remainder of State of Community Drought Emergency <b>(Changes only)</b>
Hotels and Motels – Linens and towels	Give option to guest to not have towels and linens laundered daily and prominently display this option	
Car washing	Prohibited except at commercial car washes using recirculation or at a self-service car wash or if done at home with a hose with shutoff nozzle	
Unrepaired leaks	Repair as quickly as possible and prohibited if not repaired	
Building exteriors and fences surrounding homes	Prohibited unless for the purpose of repair work or painting	
<b>ENFORCEMENT AND PENALTIES</b>		
<i>For Prohibitions</i>		
Warning	Verbal or written	
Fine for First violation	\$250 or 10% of the comparable 2013 water billing during the period the violation occurred	
Fine for Second violation	\$500 or 10% of the comparable 2013 water billing during the period the violation occurred	
Fine for Third violation	\$1,000 or 10% of the comparable 2013 water billing during the period the violation occurred	
Fourth violation	Flow restrictor or shut-off	
Appeals process	First to Drought Coordinator then to BOD	
<i>For Excessive Use</i>		

ITEM	Current	Staff Recommendation for Remainder of State of Community Drought Emergency <b>(Changes only)</b>
Definition	<ul style="list-style-type: none"> <li>• <u>Single family resident</u> use that is greater than 4,480 gallons per week</li> <li>• <u>Irrigation</u>: lesser of 67% of 2013 usage for the same billing period or 50% ET rate</li> <li>• <u>Commercial</u>: Indoor potable use no greater than 95% of 2013 levels as adjusted for changes in use or occupancy since 2013</li> <li>• <u>General Limitation</u>: Use of an unreasonable or inappropriate amount of water at any time<sup>1</sup></li> </ul>	
Warning	Verbal or written	
Fine for First violation	<u>Residential</u> \$250 <u>Commercial</u> :10% of the comparable 2013 water billing during the period the violation occurred	
Fine for Second violation	<u>Residential</u> \$500 <u>Commercial</u> :10% of the comparable 2013 water billing during the period the violation occurred	
Fine for Third violation	<u>Residential</u> \$1,000 <u>Commercial</u> :10% of the comparable 2013 water billing during the period the violation occurred	
Fourth violation	Flow restrictor or shut-off	
Appeals process	First to Drought Coordinator Then to BOD	
<b>REBATES AD CREDITS</b>		
Water Efficient Appliances Rebates	Participate in Zone 7's Add \$25	

<sup>1</sup> All indoor usage below health and safety levels (55 gpcpd are considered reasonable)

ITEM	Current	Staff Recommendation for Remainder of State of Community Drought Emergency <b>(Changes only)</b>
High Efficiency Toilets	Participate in Zone 7's Add \$50	
Waterless Urinals Rebates	Participate in Zone 7's Add \$50	
Weather Based Irrigation Controller Rebates (Smart Controllers)	\$75 SFH \$100 multi-family complexes	
Lawn Replacement Rebates Two step conversion: <ul style="list-style-type: none"> <li>• Up front funding for lawn removal with mulching</li> <li>• Deferred planting until fall rains begin</li> </ul>	Participate in Zone 7's and add: <ul style="list-style-type: none"> <li>• SFH - \$0.50/sf \$500 max.</li> <li>• Commercial –\$0.50/sf \$3,000 or more with prior BOD approval</li> </ul> Min. 250 sf conversion	Exclude artificial turf from turf conversion rebates (Note Zone 7's rebate program does provide a rebate when grass is replaced with artificial turf).
Pool and spa cover rebates	\$50 rebate	
Wise Water User Credit	\$1 per month during Stage 2 rates if: <ul style="list-style-type: none"> <li>• 2013 =&lt; 10ccf per bimonthly period;</li> <li>• 2015 =&lt; 10 ccf per bimonthly period; and</li> <li>• 2015 &lt;= 2013</li> </ul>	Eliminate if Stage 1 rates adopted

H:\Board\2015\10-06-15\Review of Current Drought management Plan\Attachment 1 - Summary of Current Drought Management Program.docx





Reference Administrative Services Manager	Type of Action Approve Correspondence	Board Meeting of October 6, 2015
Subject Approve Correspondence to Zone 7 Water Agency Regarding Water Rate Adjustments		
<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Minute Order	<input type="checkbox"/> Resolution
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Informational	<input type="checkbox"/> Other
REPORT:	<input checked="" type="checkbox"/> Verbal	<input type="checkbox"/> Presentation
	<input checked="" type="checkbox"/> Staff	J. Archer
		<input type="checkbox"/> Board Member

**Recommendation:**

The Administrative Services Manager recommends that, in accordance with the Board Correspondence policy, and by Motion, the Board President be authorized and directed to sign a letter to Zone 7 regarding the revised water rates that Zone 7 is currently considering and he is authorized to make non substantive changes in consultation with the General Manager.

**Summary:**

The Zone 7 Water Agency (Zone 7) is considering water rate adjustments which would be effective January 1, 2016 that would effectively represent an increase of 32.2% or \$2,685,400 to the District’s Water Enterprise for 2016. This is estimated to increase the average residential customer bill in the District service area by 16.3% or \$17.69 bimonthly in 2016.

Zone 7 has engaged a consultant (Raftelis) to prepare a Water Rate Study and has met with the District and the other retailers as their work has progressed. Zone 7 is scheduled to formally consider the rates at its October 21, 2015 Board meeting. However, as of the date of the preparation of this agenda item, the Water Rate Study has not been finalized nor has Zone 7 management formulated a specific recommendation. Accordingly, at this time there is no concrete proposal to consider to support or oppose. Rather, clear communication of policy level concerns with the concepts being considered would be appropriate. These would be in the form of a letter from President Duarte to Zone 7 Board President Palmer and based on concerns raised by the Board at its meeting of September 15, 2015. A copy of a proposed letter is included as Attachment 1. Attachment 2 summarizes aspects of the rate proposal based on our best understanding.

The proposed letter addresses the following key policy concerns previously raised by the Board:

- An appropriate drought period surcharge is acceptable, but any such surcharge must be temporary and sunset when the drought is over and appropriate and defensible operating reserve targets are met;
- While there may be merit to alternative rate structures incorporating different rates to different retailers (based on peaking factors and fixed costs of service) such a fundamental change to the “across the Board” rate-setting methodology that Zone 7 has used for decades should not be implemented quickly and further discussions with all retailers and the community should continue;
- Rate increases that are driven by the need for renewal and replacement of infrastructure are appropriate after a critical and current review of specific capital needs and timing;
- Multi-year rate setting (ideally up to five years) is desirable so as to create budget certainty and to reduce the need for complicated rate analyses and approval each year; and
- An aggressive public outreach and engagement process must be undertaken in the weeks leading up to the rate decision to ensure public openness and transparency associated with the decision.

Committee Review			Legal Review	Staff Review		
COMMITTEE ---	DATE ---	RECOMMENDATION ---	Not Required	ORIGINATOR J. Archer	DEPARTMENT Admin Services	REVIEWED BY
<b>ATTACHMENTS</b> <input type="checkbox"/> None						
<input type="checkbox"/> Resolution	<input type="checkbox"/> Minute Order	<input type="checkbox"/> Task Order	<input type="checkbox"/> Staff Report	<input type="checkbox"/> Ordinance		
<input checked="" type="checkbox"/> Cost \$2,685,400 possible increase	<input checked="" type="checkbox"/> Funding Source A. Fund 600 B.	Attachments to S&R 1. Draft Letter from President Duarte 2. Analysis of Impact of Zone 7 Rate Proposal 3.				

Ms. Sarah Palmer, President, Board of Directors  
Zone 7 Water Agency  
100 North Canyon Parkway  
Livermore, CA 94551

Dear President Palmer, Members of the Board;

On behalf of the Dublin San Ramon Services District (DSRSD) I would like to offer the following comments on the proposed rates being considered by Zone 7. DSRSD is appreciative of the impact that the significant water conservation levels achieved by Tri-Valley water users has had on Zone 7 revenue and reserves. Further, we are grateful for Zone 7's outreach that resulted in productive discussions with our staff as well as being appreciative for Zone's direct outreach to Tri-Valley consumers. While there have been several Board and Committee meetings, as well as meetings with retailers, it is our understanding that no formal proposal has yet to be presented to the Board for consideration. Based on the latest written information available (as presented to the Zone 7 Board on September 16, 2015) the proposal would impact the DSRSD's Water Enterprise Fund by increasing our water purchase expenses by \$2,685,400 or 32.2%. In terms of our average residential customer this represents an impact of \$17.69 on each bimonthly bill, or a 16.3% increase. As such, these very significant increases warrant a measured approach to rate setting. Your rate consultant commented that this rate process was exceptionally fast and we agree. We are concerned about several specific matters currently being discussed which may yet come before you for consideration. Our comments and concerns are outlined below.

**DROUGHT SURCHARGE WITH SUNSET DATE**

We fully support the need for a proposed rate increase to offset the impact of the significant water conservation levels achievement in the Zone 7 service area. We agree that the use of reserves, while prudent in the past, cannot continue indefinitely. As was the case last year, we strongly urge the Board to adopt a specific sunset date or require annual action by the Zone 7 Board. In this way, customers can see an end to this charge as consumption increases over time.

**MULTI-YEAR RATE SETTING**

We are very supportive of Zone 7's effort to move to multi-year rate setting. DSRSD has found that there are many benefits to such an approach: increases to efficiency by not having to prepare and process a rate increase each year, creation of fiscal discipline on the expense side of the ledger and "living within the means available," public support, long-term budget predictability and a commensurate positive effect of the District's credit rating. We strongly encourage the Zone 7 Board to continue to work with your rate consultants to develop a long-term rate and reserve plan.

**STRUCTURAL CHANGES TO RATES**

We understand that it is prudent to consider changes in rate structure, such as those that will improve cash flow throughout the year. Your rate consultant and staff have attempted to develop this new rate on an extremely fast timetable. The new fixed charges change the allocation of costs between agencies and creates administrative burdens to the retailers such as DSRSD, who have adopted "pass through" rates. A major change in rate structure should be more fully evaluated and implemented over a period of time to minimize the impact to all water customers in the valley and to allow consensus building among the retail agencies for an approach that will, for the first time, lead to different water rates in different

parts of the valley. Additional time will allow additional outreach not only to retailers but to the consumers in the valley.

**We are adamantly opposed at this time** to the adoption of a fixed dollar monthly charge. Such a fixed dollar amount cannot at this time be passed through to our customers. DSRSD would need time to go through a rate adjustment process at the retail level in accordance with Proposition 218. As such we have no way to recover a charge assessed in this manner.

**RENEWAL AND REPLACEMENT CAPITAL EXPENDITURES**

Capital replacement and rehabilitation spending is a major cost component of the Zone 7 rate. The Zone's outreach, deferral of select projects and serious consideration of debt financing are appreciated and welcomed. However, we feel that the significant increase in funding for this capital program should be more thoroughly vetted and the need for and benefit derived from these expenditures should be explained to all customers. We believe if all stakeholders are fully involved in the process and the system needs are understood by all, any required rate increase will be supported by ratepayers.

**PUBLIC OUTREACH**

An aggressive public outreach and engagement process must be undertaken in the weeks leading up to your October 21, 2015 rate decision to ensure public openness and transparency associated with the decision.

**SUMMARY**

We know this is a difficult decision for you and your Board. We believe that a Zone 7 rate decision incorporating the points above will meet the financial needs of the Zone while building support for the proposed rate among the retailers and the community.

Sincerely,

Edward R. Duarte

President of the Board of Directors, Dublin San Ramon Services District

cc: Ms. Jill Duerig, General Manager, Zone 7  
Mr. Nelson Fialho, City Manager, Pleasanton  
Mr. Marc Roberts, City Manager, Livermore  
Mr. Frank Vallejo, District Manager, Cal Water  
Mr. Chris Foss, City Manager, Dublin  
Mr. Greg Rogers, City Manager, San Ramon

## SUMMARY OF ISSUE

It is anticipated that on October 21, 2015 the Zone 7 Board of Directors will consider a wholesale water rate proposal for 2016. This proposal has the following impacts on the District and on our customers:

- For the Water Enterprise an increase to expenses of:
  - \$2,685,400; or
  - 32.2%
- For the average residential customer an increase to their bimonthly bill of:
  - \$17.69; or
  - 16.3%

## PRIOR DSRSD BOARD DISCUSSION

The District Board discussed the Zone 7 water rate proposal at a policy level at its regular Board meeting of September 15, 2015 and in that discussion the following points were raised:

- An appropriate drought period surcharge is acceptable but any such surcharge must be temporary and sunset when the drought is over and appropriate and defensible operating reserve targets are met;
- While there may be merit to alternative rate structures incorporating different rates to different retailers (based on peaking factors and fixed costs of service) such a fundamental change to the “across the Board” rate setting methodology that Zone 7 has used for decades should not be implemented quickly and further discussions with all retailers and the community should continue;
- Rate increases that are driven by the need for renewal and replacement of infrastructure are appropriate after a critical and current review of specific capital needs and timing;
- Multi-year rate setting (ideally up to five years) is desirable so as to create budget certainty and to reduce the need for complicated rate analyses and approval each year; and
- An aggressive public outreach and engagement process must be undertaken in the weeks leading up to the rate decision to ensure public openness and transparency associated with the decision.

## PRIOR DSRSD STAFF INPUT TO RATE SETTING PROCESS

At the various public meetings identified above as well as at several staff and management level meetings, DSRSD staff has conveyed the following points to Zone 7.

- **DSRSD appreciates and continues to value:**
  - Its partnership and relationship with Zone 7;
  - The opportunities afforded by Zone 7 to DSRSD and the retailers through the past summer for informal and formal input into the rate setting process; and
  - The public outreach that Zone 7 has undertaken to date to inform customers of these pending increases but given the magnitude of the increases believes further outreach needs to be undertaken to build solid public support for the proposed actions.
- **DSRSD is supportive of:**
  - Zone 7’s multi- year approach to and analysis of its rates; and

- As it was last year, the need for a temporary drought surcharge to begin immediately and continue over a defined period of time to stabilize operating reserves and offset the impact of the lost revenue from conservation;
- **DSRSD could be supportive of:**
  - Appropriate increased funding levels for renewal and replacement and other capital expenditures but only after further critical analyses of the proposed capital expenditures driving that aspect of the rates noting that the timing for any increase related to infrastructure is not as immediately time critical as is the need to replenish and stabilize operating reserves;
  - Structural changes to the rates to incorporate annual usage and peak demands placed on the Zone 7 system but only after further discussion and consensus building with the other retailers; and
  - A fixed charge component that would provide greater revenue stability during periods of reduced consumption provided that it is translated to a dollar / ccf basis for billing purposes so as to allow a pass through to DSRSD customers and only after further discussion and consensus building with the other retailers.
- **DSRSD IS ADAMANTLY OPPOSED** to the immediate implementation of a fixed dollar monthly charge per turnout because DSRSD's current "pass through" rate structure does not work with such an arrangement; time would be needed for DSRSD to revise its rate structure to accommodate such a change.

#### **SCHEDULE OF THE ZONE 7 RATE DEVELOPMENT PROCESS AND APPROVAL**

Over the course of the summer of 2015 Zone 7 staff and their rate consultant have been developing a three year rate proposal for calendar year 2016. District staff have been involved and have monitored the development of the rate proposal as well as attended Zone 7's Finance Committee and Board meetings where the topic has been discussed. On August 12, 2015 a rate planning meeting was held with the retailers, Zone 7 staff and the rate consultants. Subsequently, on August 26, 2015, September 10, 2015 and September 16, 2015, the Zone 7 Board held public meetings during which it discussed and reviewed the need for and the various elements of the rate proposal. On October 21, 2015, the Zone 7 Board of Directors will consider the adoption of a wholesale treated water rate increase for 2016. The new wholesale rate would go into effect on January 1, 2016.

However, at the time of agenda preparation for the District Board, Zone 7 management has not yet formulated a definitive recommendation for consideration by their Board. The information in this Attachment 2 is based on the most recent information available from Zone 7 (September 16, 2015).

#### **STRUCTURE OF THE RATE PROPOSAL**

Zone 7 has developed a three-component water rate proposal. The three components are:

- **Component 1** Fixed uniform rate on each ccf purchased
  - This component would be the same for all the retailers
- **Component 2** Temporary Conservation Surcharge
  - This component would vary among retailers and is based on the 5-year rolling demand average.
- **Component 3** A two-part Fixed Charge.

- The amount of this rate component would also vary among the retailers and is based on 5-year rolling demand average and the 3-year rolling peak month.

The proposed rates for each component for each retailer are presented below (as presented on September 16, 2015 to Zone 7 Board)

	<b>DSRSD</b>	<b>Pleasanton</b>	<b>Livermore</b>	<b>Cal Water</b>
<b>Projected Purchase Volume ccf</b>	<b>3,643,358</b>	<b>4,207,896</b>	<b>2,143,588</b>	<b>2,277,317</b>
Conservation Fixed	\$1,921,835	\$2,478,121	\$1,195,725	\$1,404,319
Base Allocation Fixed	\$2,110,360	\$2,721,215	\$1,313,021	\$1,542,077
Peak Allocation Fixed	\$875,646	\$1,205,783	\$598,852	\$697,216
<b>Total Fixed</b>	<b>\$4,907,841</b>	<b>\$6,405,119</b>	<b>\$3,107,598</b>	<b>\$3,643,612</b>
Variable (at \$1.68/ccf)	\$6,120,841	\$7,069,265	\$3,601,228	\$3,825,893
<b>Total Cost</b>	<b>\$11,028,682</b>	<b>\$13,474,384</b>	<b>\$6,708,826</b>	<b>7,469,505\$</b>
<b>Unit Cost</b>	<b>\$3.03/ccf</b>	<b>\$3.20/ccf</b>	<b>\$3.13/ccf</b>	<b>\$3.28/ccf</b>

#### IMPACT ON DSRSD WATER ENTERPRISE

The following table presents the projected impact of the rate proposal on the District as a whole. **The same projected purchased volume was used for 2015 for the sake of isolating the impact of the Zone 7 rate proposal.**

	<b>2015</b>	<b>2016</b>
Total Wholesale Rate	\$2.29	\$3.03
Increase from Prior Year		\$0.74 /ccf
Projected Purchased Volume <sup>1</sup>	3,643,358	
Water Purchase Cost	\$8,343,289	\$11,028,682
Increase in Water Purchase Cost		\$2,685,392
Increase in Water Purchase Cost		32.2%

<sup>1</sup> As projected by Zone 7 in the rate study

**IMPACT ON TYPICAL DSRSD RESIDENTIAL CUSTOMER**

The following table presents the projected impact of the rate proposal on the average District customer *(use of 23 ccf bimonthly non-drought period and at “Baseline” rates and, for the sake of isolating the impact of the Zone 7 rate proposal, DSRSD rates are NOT adjusted for inflation.)*

	2015	2016
Average Customer Volume	23 ccf	
DSRSD Bimonthly Fixed Charge	\$33.54	
DSRSD Quantity Charge	\$19.73	
Zone 7 Pass Through <sup>2</sup>	\$55.20	\$72.90
Bimonthly Bill	\$108.47	\$126.17
Increase		\$17.69
Increase		16.3%

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<sup>2</sup> Includes 4.6% upward adjustment representing the volume of non-revenue water per the District adopted rate schedule