



SAN MIGUEL COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
September 15, 2016 SPECIAL MEETING MINUTES

MEETING HELD AT DISTRICT OFFICES  
1150 MISSION STREET  
SAN MIGUEL, CA 93451

- I. Meeting Called to Order by President Green—6:01 pm
- II. Pledge of Allegiance: lead by Director Buckman
- III. Roll Call: Directors Present: Buckman, Green and Reuck. Absent: Dawes and Kalvans  
  
District Staff in attendance: General Manager Gentry, District General Counsel Schweikert, Utility Supervisor Dodds
- IV. Adoption of Special Meeting Agendas: Motion by Director Reuck to adopt Special Meeting Agenda as presented. Seconded by Director Buckman. Motion was approved by vote of 3 AYES, 2 ABSENT and 0 NOES.

Director Kalvans arrived—6:06 pm

- V. Public Comment and Communications: There were no public requests to speak.
- VI. President Green asked the General Manager why the usual Committee reports were not included for this meeting. GM Gentry replied that it was not understood that the customary Committee Reports for Staff & Committee were to be a part of this Special Meeting since they are ordinarily a part of the scheduled Regular Board Meeting, not Special Meeting agendas. President Green expressed his concerns that this would mean a heavier meeting load for next week's meeting and take longer for that meeting.

**VII. Board Action Items:**

President Green asked if there were any Board requests to pull an item out of order. There were no such requests. GM was asked to introduce the first item.

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**1. Review and Discuss Approving Resolution NO. 2016-31 appropriating \$53,000 for purchase of a mini-excavator for Utility Services Department**

GM Gentry introduced Item #1 and gave a brief overview and recommendation to approve the purchase. GM asked Utility Supervisor Dodds to provide further details regarding the proposed purchase of an excavator and related equipment with justifications for expense.

Utility Supervisor Dodds reported on the details and equipment included with the basic excavator equipment and costs associated with basic unit and accessories. He also indicated that a written Staff Report is included with the Board's packet for this agenda.

He spoke about the pending park improvements to be made by the County Public Works crew and the conflicts with District water and sewer systems and facilities on K Street between 12<sup>th</sup> and 13<sup>th</sup>, and a relocation of 1 fire hydrant on L Street. County would begin its project work in November of this year. District facilities should be replaced and relocated prior to their beginning construction work in order to avoid extra costs of doing the work later

President Green asked if there were any Board questions of Utility Supervisor regarding the recommendation or purchase.

President Green asked about the necessity of a closed cabin with air conditioning and heating especially for the price quoted. He indicated that this may be a "perk" that could be eliminated to reduce the overall cost. Utility Supervisor Dodds responded to questions about the cabin and accessories necessity and indicated that the cabin could be taken out of the purchase package but wouldn't recommend it.

Directors Buckman and Kalvans added questions about the other various appliances, such as the various blades and other accessories. Utility Supervisor Dodds stated that the accessories needed would include the quick coupler, hydraulic thumb, 12" and 24" buckets.

Director Reuck stated that he could support the purchase but agreed with eliminating the cabin and its accessories and keeping the minimal extra equipment.

President Green asked what would be the recalculated appropriation amount if the reductions discussed were taken into account. Utility Supervisor Dodds stated that the total with taxes is an estimated \$46,000.

There were no further questions by Board

President Green asked if there was any public comment or requests to speak.

There were no public comments.

President Green called for a motion on this requested purchase.

Director Reuck made a motion to approve Resolution No. 2016-31 with an amendment to accessory package of equipment and to appropriate \$46,000 from capital reserves, unless the District qualifies for financing, to purchase a mini-excavator from C & N Tractor as the lowest, qualified low bidder, Seconded by Director Kalvans. Roll call vote was taken. Motion was approved by a vote of 4 AYES, 0 NOES and 1 ABSENT.

**2. Approving Resolution No. 2016-32 designating the District's representative for purposes of negotiating a Memorandum of Understanding Agreement with San Luis Obispo County Employees Association**

President Green asked GM to introduce the next item.

GM Gentry reported that this request is to consider tied to the initiation of negotiating proceedings with San Luis Obispo County Employees Association (SLOCEA) for purposes of a Memorandum of Understanding Agreement for District's represented employees.

GM also stated that the additional background and history of previous efforts by the District and SLOCEA. GM reported the Board, previously, reviewed a tentative MOU agreement but left a decision pending for possibility of further negotiation with SLOCEA. No further Board action or decision has taken place regarding this tentative MOU. This previous MOU agreement had described the agreement term of 2 years which would expire in June 2017 unless a new agreement were enacted prior to that expiration.

Prior negotiations between SLOCEA and District negotiators took approximately 8-9 months for tentative agreement terms to be concluded for Board's final approval. It is estimated that any new round of negotiations would be approximately the same in terms of number of months. Therefore, it is prudent to consider initiating negotiations for a MOU agreement now rather than waiting.

Staff is seeking Board authorization to designate an authorized negotiator(s) to proceed with said MOU agreement negotiations. Additionally, the Board should consider designating the General Manager and/or District General Counsel as authorized negotiators on behalf of the District with power to negotiate a tentative agreement and terms. The attached resolution authorizes the General Manager and District General Counsel to meet and confer with the purposes of presenting a negotiated tentative Memorandum of Understanding agreement with SLOCEA for Board approval.

GM recommended that the Board approve Resolution No. 2016-32 designating the District's negotiating team comprised of the District General Manager and General Counsel with authority to negotiate a tentative agreement subject to final Board approval prior to execution of a MOU Agreement.

President Green asked if there were any Board questions or comments. Director Buckman There were no further public questions or comments.

President Green asked if there was a motion by the Board. Director Kalvans made a motion to approve Resolution No 2016-32, as presented, designating the District's representatives for purposes of negotiating a Memorandum of Understanding Agreement with San Luis Obispo County Employees Association, Seconded by Director Buckman. Roll call vote was taken. Motion was approved by vote of 4 AYES, 0 NOES 1 ABSENT.

**3. Discuss and Approve Resolution No 2016-10 adopting the District drug & Alcohol Free Workplace Policy and Guidelines**

President Green asked GM to introduce this item.

General Manager introduced this agenda item and gave specific statements as shown in the written report for the Board packet, regarding staff's recommendation for the request to approve Resolution No. 2016-10 adopting the District Drug & Alcohol Free Workplace Policy and Guidelines. GM described the meet and confer process with the San Luis Obispo County Employees Association (SLOCEA) as required by law in a good faith effort to address their questions and concerns. This meet and confer was held on August 5, 2016 at SLOCEA's offices.

GM reported added background and further described the meet and confer session in the following manner. General Manager and General Counsel representatives met with SLOCEA representatives to discuss the proposed Drug & Alcohol Free Workplace Policy and Guidelines as reviewed by the District's Organization & Personnel Committee and by District General Counsel for compliance with state and federal laws.

SLOCEA representatives provided comments and suggested changes at the meet and confer meeting for District consideration. The District has reviewed and noted some modifications to these Guidelines, but rejected some proposed language changes presented by SLOCEA. The agreed changes are provided in red-line format and are as follows:

The District continued to disagree with the proposed language for "Last Chance Agreement" ("Agreement") as presented by SLOCEA, but has agreed to use and include a "Last Chance Agreement" language and document form to be included as a part of these Guidelines, Section 3.8.1. The District maintains a management right to enforce a stricter standard for any Agreement by allowing for immediate discharge of an employee that violates the terms of said Agreement. District believes that this standard is appropriate for specific and key safety-sensitive positions.

District has also agreed to clarify Section 4.2, "Off the Job Conduct" language to remove some confusing language. Furthermore, the District agrees to SLOCEA's changes proposed for Section 5.0, "Confidentiality".

District has agreed to simplify Sections 3.5, 3.6 and 3.7 by consolidating said sections as a part of subsections of Section 3.4 with appropriate renumbering of all policy sections thereafter. The

District has reviewed Section 3.5.4, “Effects of Criminal Convictions” and determined to retain and renumber this Section as a part of the policy document, if approved by the Board.

The attached version of the District Drug & Alcohol Free Workplace Policy and Guidelines includes some modifications as suggested by SLOCEA during meet and confer but not all of their suggestions lead to a modification.

The meet and confer procedure is intended to provide an opportunity for both parties involved with policy discussion within the scope of representation of a bargaining unit authority, such as SLOCEA, then there must be a clear demonstration, by record, of a “good faith” effort, not a negotiation process prior to any action by the legislative body.

President Green asked the Board if there were any questions for General Manager.

Director Buckman asked if these policies will be replacing the existing policy. GM replied that these policies are new to the District but in the past there had been isolated policies that dealt with drug and alcohol conditions but not comprehensively as the proposed document does.

There were no further questions by the Board.

President Green asked if there were any public comment or requests to speak. There were no public comment or questions.

President Green called for a motion. Director Kalvans made a motion to approve with changes as identified by Board comments and recommended by staff, seconded by Director Reuck. Motion was approved by roll call vote of 4 AYES, 0 NOES, 1 ABSENT.

#### **4. Discuss and Approve Resolution No 2016-30 adopting a comprehensive revision to District Personnel Guidelines and Policy Manual**

President Green asked General Manager to introduce this item.

General Manager Gentry introduced this item to include a discussion and consider a recommendation to approve a comprehensive revision to the District Personnel Guidelines & Policy Manual which has been reviewed by the Organization & Personnel Committee as well as by District General Counsel for compliance with state and federal laws.

GM pointed out that the District provided a copy of the comprehensive revision to the Policy to the San Luis Obispo County Employees Association (“SLOCEA”) and held a meet and confer session with their representatives in a good faith effort to resolve their questions and concerns. This meet and confer was held August 5, 2016 at SLOCEA’s offices.

SLOCEA representatives provided comments and suggested changes at that meet and confer meeting for the District’s consideration. The District has reviewed and noted some modifications to this Policy, but rejected some proposed language changes presented by SLOCEA. The agreed changes were provided in red-line format and are included as follows:

The District agreed to modify Section 2.4, "Promotion" to specify a three (3) month probationary period instead of twelve (12) months. The District also agreed to modify other probationary periods to 3-month periods for consistency throughout the Policy. District agrees to modifications to Chapter 1, Sections 1.1 and 1.6 as suggested by SLOCEA.

District disagree with any modification that suggests the insertion of a meet and confer process for a variety of employment practices as described throughout Chapter 2. District agreed to clarify some language in Chapter 2 and has provided alternate language changes for the Board's consideration.

The District disagree with inserting language that provides or suggests "a preferential treatment for hiring" clause that would be included in "Hiring" section of the Policy, section 2.3. The District wants to maintain a management right to "hire the best qualified person" that meets the needs of the District at the time and circumstances of recruitment.

The District also wants to maintain the ability to conduct a three (3) and/or six (6) month employee performance evaluation as well as a mandatory twelve (12) month evaluations as described in Section 2.6 to determine whether achieving the recruitment and hiring of the best qualified person has indeed taken place. District disagreed with SLOCEA suggestion for an appeal process be added to this Section.

The District agreed to modify and add clarifying language to Section 10 of the Policy and have provided legal citations wherever appropriate to the examples listed in this section.

President Green asked if there were any Board questions for staff.

Director Buckman asked if this policy will be used instead of the previous one for any future discussions with SLOCEA. General Manager replied that he is confident that SLOCEA will want to hold additional discussion about Personnel policies that affect the represented members, including this comprehensive revision.

Director Kalvans asked about the outlined changes, particularly why we did not want to accept all the proposed SLOCEA changes. GM replied that the first reason is that meet and confer process is not a bargaining or negotiating event as differently as SLOCEA may desire it to be. Secondly, these policies, Personnel and Drug & Alcohol, have been distributed to SLOCEA for over 60 days which should have allowed ample time for earlier review and comment by SLOCEA but failed until these policies were scheduled for a Board meeting. Third, the entirety of the SLOCEA suggested changes were viewed as an attempt to "hamstring" the District's ability to retain and exercise management rights in its day-to-day operations.

President Green asked if there were any other Board questions. There were no further questions.

President Green asked if there was anyone wishing to speak on this item.

There were no public comments or requests to speak.

President Green asked if there was a motion to be made. Director Kalvans made a motion to approve Resolution No 2016-30 adopting a comprehensive revision to District Personnel Guidelines and Policy with amendments as presented in written report to the Board, Seconded by Director Reuck. Motion was approved by roll call vote of 4 AYES, NOES and 1 ABSENT.

**X. BOARD COMMENT:**

President Green commented that next week's scheduled meeting may be lengthy and was concern with "getting things" started on time but not finishing. He asked the Board if there are any objections to starting earlier in the evening. There are 2 items for Closed Session are likely to take some time and delay the open session start time at 7:00pm. There was brief Board discussion with an agreement that meeting should start at 5:30 pm with open session beginning at 6:30pm. GM was so advised to make the meeting changes.

There were no further Board comments.

MEETING WAS ADJOURNED AT 7:45 pm

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