



PLACER COUNTY GRAND JURY

Placer County Wastewater Advisory Committee

Report Date: April 12, 2011

Placer County Wastewater Advisory Committee

Summary

The Placer County Grand Jury investigated a complaint regarding the practices and procedures of the Placer County Wastewater Advisory Committee (PCWAC). The complaint included concerns regarding conflict of interest, wastewater policies, procedures, and regulations. This led the Grand Jury to review the Committee By-Laws (Appendix) and specific documents, interview Placer County officials, and a visitation to the Placer County Clerk-Recorder's office.

The Placer County Grand Jury recommends the PCWAC re-write their by-laws and properly post meeting agendas. The committee also needs to clarify and re-write their definition of a quorum. It is further recommended, the committee members be required to complete the Statement of Economic Interests (Form 700), and submit the forms to the Placer County Clerk-Recorder's Office.

Background

The On-Site Sewage Disposal Committee is mandated and was established and approved by the Placer County Board of Supervisors on October 17, 2000. The committee was renamed the Placer County Wastewater Advisory Committee (PCWAC) in 2004; revision of the Committee By-Laws and approval by the Board of Supervisors occurred on August 16, 2005. The PCWAC was established to make recommendations to the Director of Environmental Health regarding ordinance adoption/revisions, to review methods, techniques, materials for on-site sewage treatment and disposal, as well as policy issues.

The PCWAC is composed of up to 13 members. The membership includes representatives from manufacturing, government, academia, and the public-at-large. Many of those members have direct knowledge of the use of septic systems. All members are appointed by the Board of Supervisors.

Investigation Methods

The Placer County Grand Jury researched and reviewed documents specifically related to the PCWAC, the Placer County Website, several in-depth interviews with Placer County officials, and a visitation to the Placer County Clerk-Recorder's office. The Committee By-Laws were reviewed and compared to those of another county of comparable size, with rural foothill communities using septic systems.

Facts

- The PCWAC, established by the Placer County Board of Supervisors, is mandated to exist and function as an advisory body to the Director of Environmental Health. As an advisory committee they work towards the following objectives:
 - Development and maintenance of the On-Site Sewage Manual;
 - Application of new on-site collection, treatment, conveyance, dispersal, and disposal technology;
 - Development and oversight system for introducing innovative on-site sewage technology;
 - Development and oversight system for assuring that the on-site sewage systems are appropriately operated, maintained, and monitored;
 - Future revisions to the On-Site Sewage Manual;
 - Policies, practices, and procedures to improve protection of public health and delivery of customer service;
 - Other on-site issues as requested by the Director.

- The PCWAC has Committee By-Laws in place. The By-Laws specifically address the following:
 - “Six members of the Committee shall constitute a quorum and shall have authority to transact Committee business. A quorum shall be established at roll call and shall not be affected by membership departures during the course of the meeting”;
 - “The Committee shall meet regularly on a monthly basis, and no less than quarterly, at the date and time set by the Committee at their first meeting of the year, unless otherwise notified by the Chair. Placer County Environmental Health will arrange meeting locations”;
 - “Members shall file annual financial interest statements”;
 - Committee members may not participate in making, influencing, or attempting to influence a decision in which that committee member has a financial interest;
 - Agendas shall be posted 72 hours in advance in the front office of the Environmental Health Department and a copy given to the Clerk of the Placer County Board of Supervisors for posting on their meeting board.

- The meetings are to be conducted according to the latest edition of Robert’s Manual of Parliamentary Rules.

Findings

- F1. The PCWAC does not have annual financial interest statements or Statement of Economic Interests (Form 700) on file with the Placer County Clerk- Recorder's Office. This is a contradiction between what is stated in the Committee By-Laws and the actual practice that has been implemented.
- F2. The PCWAC Agendas and Minutes are not consistently posted by the Director of Environmental Health for public access.
- F3. The Committee By-Laws state the advisory committee "shall meet regularly on a monthly basis and no less than quarterly..." This is a contradiction and may be confusing to the public.
- F4. The definition and application of a quorum in the Committee By-Laws is unclear and ambiguous.
- F5. There are specific rules stated in The California Political Reform Act regarding recusal. If there is a conflict of interest, the member must state there is a conflict; he/she must summarize the conflict and then must leave the podium and/or the room during consideration of that agenda item. This is not uniformly practiced and not clearly defined in the Committee By-Laws.
- F6. There appears to be inconsistency in following Robert's Parliamentary Rules or the rules of order stated in their Committee By-Laws.

Conclusion

The Grand Jury concludes there does not appear to be purposeful malfeasance on the part of the PCWAC. However, there is concern for the inconsistencies within the context of the Committee By-Laws, follow-through of the rules of order, the practices of the committee, and by the Director of Environmental Health. It is important to keep the public informed with regular posting of the agendas, minutes, and meeting locations.

Recommendations

The Placer County Grand Jury recommends:

- R1. The By-Laws be revised regarding recusal of a member. In the event of a conflict of interest, the member recusing them self must leave the room.
- R2. Redefine a quorum to be one more than 50% of the committee membership. A quorum be present at the time of voting.
- R3. The PCWAC practices be consistent with the revised By-Laws.
- R4. Keep the public informed as to how they function as an advisory committee to the Director of Environmental Health.
- R5. The PCWAC require the members to complete the Statement of Economic Interests (Form 700), and submit the forms to the Placer County Clerk-Recorder's Office.
- R6. The Director of Environmental Health be responsible for posting the meeting agenda and location of the meeting 72 hours in advance:
 - At the front office of the Environmental Health Department,
 - The meeting board located at the Placer County Board of Supervisor's Office,
 - On the Placer County Website (www.placer.ca.gov),
 - If the committee has no agenda items and there is no reason to meet, a cancelation should be posted in the same manner.

Request For Responses

Placer County Board of Supervisors,
#R1, R2, R3, R4, R5 & R6
175 Fulweiler Ave.
Auburn, CA 95603

Due by July 12, 2011

Richard J. Burton, M.D., M.P.H.,
Director
#R1, R2, R3, R4, R5 & R6
Health and Human Services
379 Nevada Street
Auburn, CA 95603

Due by July 12, 2011

Anthony J. La Bouff, County Counsel **Due by July 12, 2011**
#R2 & R5
Office of the Placer County Counsel
175 Fulweiler Ave.
Auburn, CA 95603

Copy Sent To

Jill Pahl, Director
Placer County Environmental Health
3091 County Center Drive Suite #180
Auburn, CA 95603

Placer County Wastewater Advisory Committee, Chair
11454 B Ave.
Auburn, CA 95603

Appendix: Wastewater Advisory Committee By-Laws

Placer County Wastewater Advisory Committee

COMMITTEE BY-LAWS

I. PURPOSE

The Wastewater Advisory Committee (hereafter referred to as the Committee) is established by the Placer County Board of Supervisors, and shall work towards the following objectives:

- A. Development and maintenance of the On-Site Sewage Manual
- B. Application of new on-site collection, treatment, conveyance, dispersal, and disposal technology
- C. Development and oversight system for introducing innovative on-site sewage technology
- D. Development and oversight system for assuring on-site sewage systems are appropriately operated, maintained, and monitored
- E. Future revisions to the On-Site Sewage Manual.
- F. Policies, practices, and procedures to improve protection of public health and delivery of customer service
- G. Other on-site issues as requested by the Director

II. REGULAR MEETINGS

The Committee shall meet regularly on a monthly basis, and no less than quarterly, at the date and time set by the Committee at their first meeting of the year, unless otherwise notified by the Chair. Placer County Environmental Health will arrange meeting location.

III. RULES OF ORDER

The proceedings of the Committee meetings shall be governed by and conducted according to the latest edition of Robert's Manual of Parliamentary Rules, except when State Law takes precedent.

IV. AMENDMENTS

These By-Laws may be amended by a simple majority vote of the Committee members present at any regular meeting of the Committee, if notice of the proposed amendment is contained in the agenda of the meeting.

V. QUORUM

Six members of the Committee shall constitute a quorum and shall have authority to transact Committee business. A quorum shall be established at roll call and shall not be affected by member departures during the course of a meeting.

VI. MEMBERSHIP

A. *Committee Makeup*: Committee members will consist of up to 13 persons selected as follows:

1. One representative of P.A.G.E.S.
2. One representative of Academia
3. One representative of Board of Realtors
4. One representative of Placer County Facility Services
5. One representative for Septage Pumpers
6. One representative of Septic Tank Manufacturers
7. One representative of the Building Industry
8. One representative of On-Site Sewage Consultants
9. One representative of Contractors/Installers
10. One representative of Environmental Consultants
11. One representative of the Placer County Planning Commission
12. Two representatives of the Public-at-Large

B. *Selection of Members*: All members shall be appointed by the Placer County Board of Supervisors

C. *Terms of Membership*: Committee membership shall serve two-year terms, although nothing contained herein shall prohibit the Board from re-appointing Committee members for more than one (1) consecutive term.

VII. OFFICERS

A. The officers of the Committee shall include a Chair and Vice-Chair. The Chair and Vice-Chair may be removed by a simple majority of the Committee.

B. Elections shall be held at the first regularly scheduled meeting after January 1 each year.

C. The Chair shall preside over all meetings of the Committee. The Vice-Chair shall preside over all meetings at which the Chair is not in attendance. Should both the Chair and Vice-Chair be absent, the members may select an Acting Chair from committee members in attendance.

D. The term of office for Chair and Vice-Chair shall be one (1) year. The Chair and Vice-Chair may not serve more than two (2) consecutive terms.

VIII. AGENDA, MINUTES, CORRESPONDENCE, AND NOTIFICATIONS

A. The Chair and/or the Placer County Environmental Health Director shall determine the agenda for each meeting and notify each member of the Committee. The agenda will be developed as follows:

1. Any committee member or member of the public can request the inclusion of a relevant item on the committee's agenda.
2. In order for an item to be placed on the agenda for committee action, the item's sponsor must first present the item in writing to the Environmental health On-Site Program Supervisor ten working days before the meeting to allow time for staff analysis prior to the meeting.
3. Anyone can present any issue to the WAC during the public comment portion of the agenda, but no action will be taken by the committee on the item until it has been identified for action on the agenda.

B. Meeting agenda shall be posted 72 hours in advance of each meeting in the window at the Auburn Environmental Health Front Office and a copy shall be provided to the Clerk of the Placer County Board of Supervisors for posting on their meeting bulletin board.

C. Minutes, notifications, and correspondence shall be the responsibility of the Placer County Environmental Health Director.

D. Minutes shall be written summary of the proceedings and shall be kept by the Placer County Environmental Health. Copies shall be transmitted to each member prior to the next regularly scheduled meeting. A copy shall be filed in the Placer County Environmental Health office and shall be available to the public as a matter of record.

IX. CONFLICT OF INTEREST/APPEARANCE OF FAIRNESS

A. All members shall comply with Article 2.84 of the Placer County Code (Conflict of Interest Provisions).

B. Members shall file annual financial interest statements (Placer County Code §2.84.070).

C. Requirements in regard to conflicts of interest are found in the Political Reform Act and enforced by the Fair Political Practices Commission.

D. Committee members may not make, participate in the making, influence, or attempt to influence a decision in which that committee member has a financial interest. If a committee member has a conflict with regard to an item being discussed, he/she shall state for the record that such a conflict of interest exists, and shall recuse his/herself from further discussion on that matter as a committee member. The committee member may provide comments regarding this item as a member of the public.

X. ORDER OF BUSINESS

A. Call to Order

B. Preliminary Items

1. Role Call and Determination of Quorum
2. Introduction of Guests
3. Minutes Review
4. Correspondence and Public Comment
5. Agenda Review

C. Action Items

The chair should provide some structure to this portion of the meeting by following a process that allows for:

1. Presentation of the issue by the proponent
2. Clarification and questions of the proponent by the committee
3. Report and analysis by staff, when item has not been initiated by staff
4. Opening for comments by the public
5. Clarification and questions of the public by the committee
6. Closing of public comment
7. Committee deliberation and action

D. Informational Non-Action Items

E. Agenda Preparation for Next Meeting

XI. ATTENDANCE

A. Committee members are required to attend all regularly scheduled meetings. It is the responsibility of members to contact the Chair or the Placer County Environmental Health Director prior to any known absence from a regularly scheduled meeting. Three unexcused absences may result in the Committee formally submitting a petition to the Board of Supervisors requesting that the member be re-moved from the Committee and a new appointment be made.

XII. PUBLIC MEETINGS AND NOTICES

A. All meetings of the Committee shall be open to the public.

ADOPTED this 16th day of August 2005.
Placer County Wastewater Advisory Committee

Chair

Vice-Chair