



TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
AGENDA PACKET

For the Meeting of Wednesday
January 22, 2014

7:00 P.M. Regular Meeting

District Office
1800 Willow Lake Road



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

President – Mark Simon • Vice-President – Chris Steele • Director – Bill Pease • Director – Kevin Graves • Director – Marianne Wiesen

**NOTICE OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY
Wednesday January 22, 2014
REGULAR MEETING 7:00 P.M.
1800 Willow Lake Road, Discovery Bay, California
Website address: www.todb.ca.gov**

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Call business meeting to order 7:00 p.m.
2. Pledge of Allegiance
3. Roll Call

B. PUBLIC COMMENTS (Individual Public Comments will be limited to a 3-minute time limit)

During Public Comments, the public may address the Board on any issue within the District's jurisdiction which is not on the agenda. The public may comment on any item on the Agenda at the time that item is before the Board for consideration. Any person wishing to speak must come up and speak from the podium. There will be no dialog between the Board and the commenter. Any clarifying questions from the Board must go through the Chair.

C. PRESENTATIONS

D. PRESIDENT REPORT AND DIRECTORS' COMMENTS

E. CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. DRAFT minutes of previous regular meeting dated January 8, 2014
2. Ordinance No. 24 to ban the installation of sodium, potassium, and chloride based water softeners with brine discharge to the Town of Discovery Bay sewer collection system
3. Approve Register of District Invoices

F. NEW BUSINESS AND ACTION ITEMS

1. Control Panel Purchase and Related SCADA services for Lift Station F Rehabilitation Project
2. Adopt Resolution 2014-03 approving a Drug and Alcohol Policy pursuant to the U.S. Department of Transportation Federal Motor Carrier Administration

G. INFORMATIONAL ITEMS ONLY (NO ACTION NECESSARY)

1. Capital Improvement Program Update
2. Annual Disclosure pursuant to California Government Code Section 53065.5

H. VEOLIA REPORT

1. Veolia Report for the month of December

I. MANAGER'S REPORTS

J. GENERAL MANAGER’S REPORT – Discussion and Possible Action

K. DISTRICT LEGAL COUNSEL REPORT

L. COMMITTEE UPDATES – Discussion and Possible Action

1. Community Center Status Report (No written report)

M. CORRESPONDENCE – Discussion and Possible Action

1. East Contra Costa County Fire Protection District meeting minutes dated December 2, 2013

N. PUBLIC RECORD REQUESTS RECEIVED

1. Bay Area News Group Request for Cost of Compensation

O. FUTURE AGENDA ITEMS

P. ADJOURNMENT

1. Adjourn to the next Regular meeting dated February 5, 2014 starting at 7:00 p.m. on 1800 Willow Lake Road-Located behind the Delta Community Presbyterian Church.

“This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the American with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the Town of Discovery Bay, at (925)634-1131, during regular business hours, at least twenty-four hours prior to the time of the meeting.”

"Materials related to an item on the Agenda submitted to the Town of Discovery Bay CSD after distribution of the agenda packet are available for public inspection in the District Office located at 1800 Willow Lake Road during normal business hours."



No Back Up
Documentation
For Agenda Item # C



No Back Up
Documentation
For Agenda Item # D



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

President – Mark Simon • Vice-President – Kevin Graves • Director – Bill Pease • Director – Chris Steele • Director – Marianne Wiesen

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY
Wednesday January 8, 2014
REGULAR MEETING 7:00 P.M.
1800 Willow Lake Road, Discovery Bay, California
Website address: www.todb.ca.gov**

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

Call business meeting to order – 7:00 p.m. by President Simon
Pledge of Allegiance – Led by President Simon
Roll Call – All Present

B. PUBLIC COMMENTS (Individual Public Comments will be limited to a 3-minute time limit)

None

C. BOARD OFFICERS APPOINTMENT & DISTRICT REPRESENTATIVE COMMITTEE POSITIONS

1. Nominate & Appoint District Board Positions for the 2014 Year

General Manager Howard – Provided details of item C-1.

Nominations opened for Board President

Director Pease – Nominated Mark Simon to the Board President Position

Nominations Closed

No Public Comment

Vote: Motion Carried – AYES: 3 – President Simon, Director Pease, Director Steele, NOES: 0, ABSTAIN: 2
- Vice-President Graves, Director Wiesen

Nominations opened for Board Vice-President

Director Pease – Nominated himself to the Board Vice-President Position

Director Wiesen – Nominated Vice-President Graves to the Board Vice-President Position

Director Steele – Nominated himself to the Board Vice-President Position

Motion by: Director Wiesen to appoint Kevin Graves to the Board Vice-President Position

No Second – Motion Failed

Motion by: Director Pease to appoint himself to the Board Vice-President Position

No Second – Motion Failed

Motion by: Director Steele to appoint himself to the Board Vice-President Position

Second by: Director Wiesen

Vote: Motion Carried – AYES: 4 – President Simon, Director Pease, Director Steele, Director Wiesen,
NOES: 0, ABSTAIN: 1 – Director Graves

Nominations opened for Board President Pro-Tempore

Director Pease – Nominated himself to the President Pro-Tempore Position

Director Wiesen – Nominated Kevin Graves to the President Pro-Tempore Position

Motion by: Director Wiesen to appoint Kevin Graves to the President Pro-Tempore Position

Second by: Vice-President Steele

Vote: Motion Carried – AYES: President Simon, Vice-President Steele, Director Wiesen, NOES: 0,
ABSTAIN: 2 – Director Graves, Director Pease

Pictures were taken of the new President and Vice-President.

2. Appointment of Board Members to District Representative Committee Positions

General Manager Howard – Provided details of item C-2

<u>Committee Name</u>	<u>Director Appointed</u>	<u>Alternate</u>
Contra Costa County Aviation Advisory Committee	Kevin Graves	Chris Steele
Contra Costa County Code Enforcement	Marianne Wiesen	Mark Simon
Contra Costa Special Districts Association	Bill Pease	Kevin Graves
East Contra Costa County Fire Protection District Liaison	Kevin Graves	Mark Simon
East County Water Management Agency	Board President	Board Vice-President
LAFCO/Liaison	Chris Steele	Bill Pease
Police Services (P6 Committee)	Bill Pease	Marianne Wiesen
School District Representative Liaison	Chris Steele	Kevin Graves
Regional Transportation Agencies	Bill Pease	Kevin Graves

Board Subcommittee Appointments

<u>Committee Name</u>		
Budget Subcommittee	Mark Simon	Bill Pease
Communications Subcommittee	Kevin Graves	Chris Steele
Community Center Subcommittee	Chris Steele	Kevin Graves
Investment Oversight Subcommittee	Chris Steele	Mark Simon
Landscaping Subcommittee	Mark Simon	Marianne Wiesen
Park and Recreation Subcommittee	Marianne Wiesen	Kevin Graves
Public Financing Authority Subcommittee	Kevin Graves	Mark Simon
Water and Wastewater Subcommittee	Chris Steele	Kevin Graves

There was a consensus within the Board of Directors regarding the District Representative Listing.

D. PRESENTATIONS

None

E. AREA AGENCIES REPORTS / PRESENTATION

1. Sheriff's Office Report

Deputy Scheftner – Provided the law enforcement report for the month of December. There was discussion between the Board and Deputy Scheftner. There was one Public Comment Speaker.

Lieutenant Jose Beltran – Introduced himself as the replacement for Lieutenant Alan Johnson

2. **CHP Report** – No Report

3. **East Contra Costa Fire Protection District Report** – No Report

4. **Supervisor Mary Piepho, District III Report** – No Report

F. COMMITTEE/LIAISON REPORTS

1. **Trans-Plan Report** – No Report

2. **County Planning Commission Report** – No Report

3. **Code Enforcement Report** – No Report

4. **Special Districts Report**** – No Report

*** These meetings are held Quarterly*

G. CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. DRAFT minutes of previous regular meeting dated December 18, 2013

2. DRAFT minutes of previous special meeting dated December 19, 2013

3. Annual "State of the Town" Chamber of Commerce Event for 2014

4. Approve and Adopt Resolution 2014-02 Amending the Reimbursement of Expense and Reimbursement Policy

5. Approve Register of District Invoices

Motion by: Director Pease to approve the Consent Calendar

Second by: Director Wiesen

Vote: Motion Carried – AYES: 5, NOES: 0

H. PUBLIC HEARING to Consider the Following

1. Ordinance No. 24 to ban the installation of sodium, potassium, and chloride based water softeners with brine discharge to the Town of Discovery Bay sewer collection system

President Simon – Opened the Public Hearing

General Manager Howard – Provided details of item H-1

District Engineer Harris – Provided additional details of item H-1. There was discussion between the General Manager, the District Engineer, Legal Counsel, and the Board. There was one Public Comment Speaker.

President Simon – Closed the Public Hearing

Motion by: Director Graves to adopt Ordinance No.24 and waive first reading establishing brine discharge water softening appliance use regulation, including a ban of the installation of sodium, potassium, or chloride based water softeners in the District; and authorize the General Manager and Legal Counsel to place the adopted ordinance in effect per District policies.

Second by: Director Wiesen

Vote: Motion Carried – AYES: 5, NOES: 0

I. NEW BUSINESS AND ACTION ITEMS

1. Establishment of Community Center Foundation

General Manager Howard – Provided details of item I-1. There was discussion between the General Manager, Legal Counsel, and the Board.

No Action

2. Consideration, Approval and Adoption Resolution No. 2014-01 to revise Park Rules and Regulations Forms and Fees for the Town of Discovery Bay CSD owned and maintained Parks and Facilities

General Manager Howard – Provided details of item I-2.

Parks and Landscaping Manager Perez – Provided additional details of item I-2

Motion by: Director Pease to approve and adopt Resolution No. 2014-01 adopting revised Park Rules & Regulations and Reservations Forms and Fees for the Town of Discovery Bay CSD owned and maintained Parks and Facilities with the three changes as noted – Alcohol, 501(c)(3), and the wording removal of the Sports Organizations or Leagues.

Second by: Vice-President Steele

Vote: Motion Carried – AYES: 5, NOES: 0

General Manager Howard – Recognized Parks and Landscape Manager Perez for her time and efforts related to the Community Center Rehabilitation Project that took place during the Christmas Holiday Season.

3. Mission, Vision, Values and Goal Statement

General Manager Howard – Provided details of item I-3. There was discussion between the General Manager and the Board. This item will be brought back to the February 1, 2014 Workshop. No action taken.

4. Proposed Modification to the approved Holiday Schedule for 2014

General Manager Howard – Provided details of item I-4. There was discussion between the General Manager, Legal Counsel, and the Board.

Motion by: Director Pease to eliminate the three paid holidays - Martin Luther King, Jr. Day; Veteran's Day; and one Floating Holiday and transfer those days to the time between Christmas Day and New Year's Day, and require employees to take a vacation day to make up the four work days that occur between Christmas Day and New Year's Day

Second by: Director Graves

Vote: Motion Carried – AYES: 5, NOES: 0

J. PRESIDENT REPORT AND DIRECTORS' COMMENTS

Director Graves – Provided the details of the East Contra Costa County Fire Protection District meeting dated December 2, 2013.

K. MANAGER'S REPORT

None

L. GENERAL MANAGER'S REPORT

None

M. DISTRICT LEGAL COUNSEL REPORT

None

N. COMMITTEE UPDATES – Discussion and Possible Action

1. Community Center Status Report (No written report)

O. CORRESPONDENCE – Discussion and Possible Action

P. PUBLIC RECORD REQUESTS RECEIVED

Q. FUTURE AGENDA ITEMS

None

R. ADJOURNMENT

The meeting adjourned at 8:36 p.m. to the next regular meeting dated January 22, 2014 starting at 7:00 p.m. on 1800 Willow Lake Road.

//cmc – 01-.09.14

<http://www.todb.ca.gov/content/agenda-and-minutes/>

DRAFT



Town of Discovery Bay

"A Community Services District"

AGENDA REPORT

Meeting Date

January 22, 2014

Prepared By: Gregory Harris, District Engineer

Submitted By: Rick Howard, General Manager *RH*

Agenda Title

Ordinance No. 24 to ban the installation of sodium, potassium, and chloride based water softeners with brine discharge to the Town of Discovery Bay sewer collection system

Recommended Action

That the Board: (1) Board adopt Ordinance No.24 and waive second reading establishing brine discharge water softening appliance use regulation, including a ban of the installation of sodium, potassium, or chloride based water softeners in the District.

Executive Summary

On January 8, 2014, the Board held a Public Hearing to consider a regulation on brine discharge water softening appliance use regulation, including a ban on the installation of sodium, potassium, or chloride based water softeners in the District for new construction and replacement of existing systems.

Staff recommends implementation of an ordinance to ban the installation of sodium, potassium, or chloride based regenerative water softeners in the District. Membrane based or carbon based water softeners would still be allowed. Failure to comply with this Ordinance will result in a monthly fine of \$250.00 until the violation is corrected.

At this time, this Ordinance will only impact new home construction and new water softener installation.

Staff will coordinate sending notices to all residences and contractors concerning the new Ordinance once it is implemented.

The Ordinance will take effect 30 days after it is adopted.

Fiscal Impact:

Amount Requested \$ N/A

Previous Relevant Board Actions for This Item

Public Hearing – January 8, 2014.

Attachments

Ordinance No. 24 Establishing Brine Discharging Water Softening Appliance Use Regulation
Draft of Public Notice

AGENDA ITEM: E-2



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 24**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT
ESTABLISHING BRINE DISCHARGING WATER SOFTENING
APPLIANCE USE REGULATION**

Be it ordained by the Board of Directors of the Town of Discovery Bay Community Services District as follows:

SECTION 1. Short Title

This Ordinance shall be known and may be cited as Town of Discovery Bay Water Softening Regulation Ordinance.

SECTION 2. Purpose

The purpose of this Ordinance is to protect the health, safety and welfare for the Town of Discovery Bay Community Services District ("District") and its waterways through the regulation of the discharge of sodium, potassium, and chloride products into the District; to impose regulations regarding to compliance with requirements of the California Water Code and the California Health and Safety Code §116775 et seq. and to regulate the use of self-generating water softeners and sodium, potassium, and chloride based products.

SECTION 3. Definitions and Abbreviations

The following definitions shall apply to the terms used in this Ordinance:

"Authorized Office" means the District Manager and Engineer or any person designated by the District Board.

"Brine" means a heavily concentrated solution containing sodium, potassium, or chloride.

"District" means Town of Discovery Bay Community Services District.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns.

"Residence" means a structure which is or is intended to be, in whole or in part, a place of dwelling, whether occupied or not, whether fully constructed or not, and includes, without limitation, homes, whether attached to another structure or not, apartments, condominiums and mobile homes.

"Residential self-regenerating water softening appliance" means a water softening device located within or adjacent to a residence located within the District or which discharges into a community sewer system that is tributary to the sewer system owned and operated by the District, whereby the capability of the appliance to remove hardness from water is renewed by the on-site application of a chloride, potassium or similar slat-containing brine solution to the active softening or conditioning material contained therein, followed by a subsequent rinsing of the active softening or conditioning material.

SECTION 4. Regulations

No person shall install or in any manner assist in the installation of a residential or non-residential self-regenerating water softening appliance that discharges in to the District sewer system owned and operated by the District or that discharges into the District sewer system that is tributary to the sewer system owned and operated by the District.

New water softening devices installed for all users or structures shall be of a type and style as selected by the user at their expense, provided however that any such appliances or devices must comply with the terms and conditions of this Ordinance. Use of non-brine discharging water softening devices such as membrane or carbon systems are not prohibited by the District.

SECTION 5. Enforcement

The General Manager and the Engineer of the District shall administer, implement and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the General Manager and District Engineer may be delegated to persons acting in the beneficial interest of or in the employ of the District.

SECTION 6. Violation

The District Manager or any other person designated by the Board, may issue a Notice of Violation to any person who fails to comply with any conditions of this Ordinance. A Notice of Violation shall allow a period of 30 days to correct the violation and/or to remove and dispose of the non-compliant self-regenerating water softener. Any person violating this Ordinance after issuance of a Notice of Violation and the subsequent 30-day period shall pay an administrative fine to the District in an amount of \$250/month until such system is removed.

Any use or activity in violation of the terms of this Ordinance is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction. The District Board, in addition to other remedies, may institute any appropriate action or proceedings to prevent, abate, or restrain the violation. All costs, fees and expenses in connection with such action shall be assessed as damages against the violation.

SECTION 7. Severability

The various parts, paragraphs, section and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 8. Adoption and Effective Date

This Ordinance is hereby declared to have been adopted by the District Board at a meeting thereof duly called and held on the 8th day of January, 2014, and ordered to be given effect thirty (30) days after its first publication as mandated by statute.

CERTIFICATION

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay Community Services District held on January 22, 2014 by the following vote:

Mark Simon
Board President

AYES:
NOES:
ABSENT:
ABSTAIN:

Richard J. Howard
Board Secretary

PUBLIC NOTICE
THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT
SUMMARY OF ORDINANCE NO. 24

Notice is hereby given that the Board of Directors of the Town of Discovery Bay Community Services District at their regular meeting on Wednesday, January 22, 2014 passed and adopted Ordinance No. 24 by a 5 ayes vote; President Simon, V. President Steele, Directors Graves, Pease and Wiesen. This ordinance is for adoption, implementation, and enforcement of a regulation prohibiting the installation of self-generating water softeners that utilize sodium, potassium and chloride based products. The purpose of this Ordinance is to set forth what is permitted and prohibited in the installation of water softeners to protect the health, safety and welfare of the District. All violations of the ordinance are considered an infraction and are punishable by a fine of \$250.00.

A certified copy of the full text of the Ordinance is available for review at the Town of Discovery Bay Community Services District Office located at 1800 Willow Lake Road, Discovery Bay, California or contact the office at 925-634-1131.



Town of Discovery Bay

"A Community Services District"

AGENDA REPORT

Meeting Date

January 22, 2014

Prepared By: Dina Breitstein, Finance Manager & Lesley Marable, Sr. Accounts Clerk
Submitted By: Rick Howard, General Manager

RH

Agenda Title

Approve Register of District Invoices

Recommended Action

Staff recommends that the Board approve the listed invoices for payment

Executive Summary

District invoices are paid on a regular basis, and must obtain Board authorization prior to payment. Staff recommends Board authorization in order that the District can continue to pay warrants in a timely manner.

Fiscal Impact:

Amount Requested \$ 394,916.37

Sufficient Budgeted Funds Available?: Yes (If no, see attached fiscal analysis)

Prog/Fund # See listing of invoices. **Category:** Operating Expenses and Capital Improvements

Previous Relevant Board Actions for This Item

Attachments

Request For Authorization to Pay Invoices for the Town of Discovery Bay CSD 2013/2014
Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District # 8 2013/2014
Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District # 9 2013/2014

AGENDA ITEM: E-3

Request for authorization to pay invoices (RFA)
For the Meeting on January 22, 2014
Town of Discovery Bay CSD
For Fiscal Year's 7/13 - 6/14

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
Administration				
Big Dog Computer	BDC32989	Computer Repair	01/02/14	\$187.50
Big Dog Computer	BDC32995	Monthly GOTO Assist Jan 2014	01/06/14	\$85.00
Caselle, Inc.	54660	Contract Maintenance Feb 2014	01/01/14	\$1,110.00
County Of Contra Costa, Dept of Info Tec	8564	Data Processing Charge Nov 2013	12/17/13	\$44.00
David Theobald	6809 NEW MELONES	Refund Overpayment	01/15/13	\$150.63
Denalect Alarm Company	R1668	Quarterly Alarm Charge	01/02/14	\$111.00
Discovery Pest Control	72442	Pest Control	01/14/14	\$68.00
Freedom Mailing Service, Inc	23864	Water Bill Processing	01/09/14	\$1,138.85
MediaMacros, Inc	7571	Programming Services	01/13/14	\$820.00
My Bark Company, Inc.	6755	Bark (Z57)	12/17/13	\$857.15
My Bark Company, Inc.	6786	Mocha Deco Plus (Z61)	12/20/13	\$1,617.93
Odyssey Landscape Co, Inc.	36039377	Monthly Maintenance Dec 2013 (Z35,57,61)	12/20/13	\$7,397.47
Office Depot	685237366001	Office Supplies	12/03/13	\$35.87
Office Depot	688646312001	Office Supplies	12/12/13	\$101.16
Office Depot	688845298001	Office Supplies	12/13/13	\$89.63
Office Depot	689438821001	Office Supplies	12/18/13	\$102.62
Office Depot	689438858001	Office Supplies	12/18/13	\$10.76
Office Depot	690964518001	Office Supplies	01/03/14	\$28.20
Office Depot	690964767001	Office Supplies	01/03/14	\$110.31
Office Team	39491319	Admin Asst Week Ending 12/27/13 (Z57,61)	01/01/14	\$207.36
ReliaStar Life Insurance Company	JR52 457(B) 011514	457(b) 01/01/14-01/15/14	01/15/14	\$929.75
SDRMA	14015	Medical Benefits Feb 2014	01/06/14	\$3,048.78
Shred-It	9403009082	Shredding Service Dec 2013	12/27/13	\$59.39
Spectral Wireless Networks	3674	Quarterly Internet Jan-Mar 2014	01/01/14	\$240.00
U.S. Bank Corporate Payment System	4246044555703473/13	Travel & Meetings	12/26/13	\$152.05
U.S. Bank Corporate Payment System	4246044555703473/13	Training & Education	12/26/13	\$525.00
U.S. Bank Corporate Payment System	4246044555703473/13	TODB Sponsored Events	12/26/13	\$478.62
U.S. Bank Corporate Payment System	4246044555703473/13	Telephone General	12/26/13	\$957.20
U.S. Bank Corporate Payment System	4246044555703473/13	Telecom Networking	12/26/13	\$140.00
U.S. Bank Corporate Payment System	4246044555703473/13	Telephone Cellular	12/26/13	\$21.56
U.S. Bank Corporate Payment System	4246044555703473/13	Vehicle & Equipment Fuel	12/26/13	\$50.55
U.S. Bank Corporate Payment System	4246044555703473/13	Info System Maintenance	12/26/13	\$297.25
U.S. Bank Corporate Payment System	4246044555703473/13	Computer Equipment & Supplies	12/26/13	\$26.05
U.S. Bank Corporate Payment System	4246044555703473/13	Office Supplies	12/26/13	\$355.85
U.S. Bank Corporate Payment System	4246044555703473/13	Landscape Reimb (Z35,57,61)	12/26/13	\$47.76
Upper Case Printing, Ink.	7792	Envelopes & Bills	01/08/14	\$623.60
Verizon Wireless	9717415205	Cell Phone Bill Dec 2013	12/26/13	\$73.09
		Administration	Sub-Total	\$22,299.94
Water				
All American Equipment Sales	59529	Gehl Tractor	01/07/14	\$20.86
Caselle, Inc.	54238	BlueReview Software-Correction, Discount	12/30/13	\$5,225.00
Contra Costa County Public Works	JV209400	Flood Control Encroachment Permit Well 7	12/18/13	\$1,400.00
Discovery Locks & More, Inc.	10895	Padlocks	12/27/13	\$75.52
J.W. Backhoe & Construction, Inc.	2027	Leak on Dolphin Place	01/08/14	\$4,366.50
J.W. Backhoe & Construction, Inc.	2028	Leak on Starboard Drive	01/08/14	\$686.00
Office Team	39355750	Admin Asst Week Ending 12/06/13	12/12/13	\$92.16
Office Team	39399650	Admin Asst Week Ending 12/13/13	12/18/13	\$92.16
Office Team	39451325	Admin Asst Week Ending 12/20/13	12/25/13	\$84.10
Office Team	39491319	Admin Asst Week Ending 12/27/13	01/01/14	\$46.08
ReliaStar Life Insurance Company	JR52 457(B) 011514	457(b) 01/01/14-01/15/14	01/15/14	\$50.00
SDRMA	14015	Medical Benefits Feb 2014	01/06/14	\$663.00
SDRMA	45846	Certificate of Insurance	01/06/14	\$150.00
U.S. Bank Corporate Payment System	4246044555703473/13	Memberships	12/26/13	\$228.00
U.S. Bank Corporate Payment System	4246044555703473/13	Telephone General	12/26/13	\$242.86
U.S. Bank Corporate Payment System	4246044555703473/13	Telecom Networking	12/26/13	\$28.00
U.S. Bank Corporate Payment System	4246044555703473/13	Vehicle & Equipment Fuel	12/26/13	\$352.82
U.S. Bank Corporate Payment System	4246044555703473/13	Automotive Supplies & Repairs	12/26/13	\$262.96
U.S. Bank Corporate Payment System	4246044555703473/13	General Repairs	12/26/13	\$84.74
U.S. Bank Corporate Payment System	4246044555703473/13	Equipment Maintenance	12/26/13	\$48.08
U.S. Bank Corporate Payment System	4246044555703473/13	Misc. Small Tools	12/26/13	\$20.21
U.S. Bank Corporate Payment System	4246044555703473/13	Equipment Repair	12/26/13	\$44.21

U.S. Bank Corporate Payment System	4246044555703473/13	Misc. Supplies	12/26/13	\$198.47
Veolia Water North America	31633	Monthly O&M Oct 2013	10/01/13	\$39,493.69
Veolia Water North America	33423	Monthly O&M Dec 2013	12/02/13	\$39,493.69
Veolia Water North America	34303	Monthly O&M Jan 2014	01/01/14	\$39,493.69
Veolia Water North America	34532	Monthly R&M Dec 2013	01/14/14	\$275.49
Verizon Wireless	9717415205	Cell Phone Bill Dec 2013	12/26/13	\$125.82

Water Sub-Total \$133,344.11

Wastewater

Ace Armature	SALE-1339	Clarifier	12/23/13	\$488.12
All American Equipment Sales	59529	Gehl Tractor	01/07/14	\$31.29
American Retrofit Systems	411	Wetlands Pump	01/09/14	\$100.00
Brentwood Ace Hardware	808/123013	Fiber to Plant 1	12/30/13	\$17.32
Brentwood Ace Hardware	808/123013	Equipment Maintenance	12/30/13	\$16.59
Brentwood Ace Hardware	808/123013	Misc. Small Tools	12/30/13	\$8.84
Cramer, Frank	DEC 2013	Expense Report Dec 2013	12/31/13	\$175.15
Discovery Locks & More, Inc.	10895	Padlocks	12/27/13	\$113.27
Herwit Engineering	13-12	Professional Services Dec 2013	01/01/14	\$6,838.14
Office Team	39355750	Admin Asst Week Ending 12/06/13	12/12/13	\$138.24
Office Team	39399650	Admin Asst Week Ending 12/13/13	12/18/13	\$138.24
Office Team	39451325	Admin Asst Week Ending 12/20/13	12/25/13	\$126.14
Office Team	39491319	Admin Asst Week Ending 12/27/13	01/01/14	\$69.12
Plasti-Fab Inc	0131478-IN	Site Gage for Flumes at WWTP #1 & #2	01/07/14	\$1,204.25
ReliaStar Life Insurance Company	JR52 457(B) 011514	457(b) 01/01/14-01/15/14	01/15/14	\$75.00
U.S. Bank Corporate Payment System	4246044555703473/13	Telephone General	12/26/13	\$591.41
U.S. Bank Corporate Payment System	4246044555703473/13	Telecom Networking	12/26/13	\$42.00
U.S. Bank Corporate Payment System	4246044555703473/13	Vehicle & Equipment Fuel	12/26/13	\$173.72
U.S. Bank Corporate Payment System	4246044555703473/13	Automotive Supplies & Repairs	12/26/13	\$394.43
U.S. Bank Corporate Payment System	4246044555703473/13	General Repairs	12/26/13	\$2,515.72
U.S. Bank Corporate Payment System	4246044555703473/13	Special Equipment	12/26/13	\$59.66
U.S. Bank Corporate Payment System	4246044555703473/13	Equipment Maintenance	12/26/13	\$62.40
U.S. Bank Corporate Payment System	4246044555703473/13	Misc. Supplies	12/26/13	\$13.42
U.S. Bank Corporate Payment System	4246044555703473/13	Equipment Repair	12/26/13	\$66.31
U.S. Bank Corporate Payment System	4246044555703473/13	Misc. Supplies	12/26/13	\$267.39
Veolia Water North America	31633	Monthly O&M Oct 2013	10/01/13	\$59,240.55
Veolia Water North America	33423	Monthly O&M Dec 2013	12/02/13	\$59,240.54
Veolia Water North America	34303	Monthly O&M Jan 2014	01/01/14	\$59,240.54
Veolia Water North America	34532	Monthly R&M Dec 2013	01/14/14	\$2,941.84
Verizon Wireless	9717415205	Cell Phone Bill Dec 2013	12/26/13	\$101.66

Wastewater Sub-Total \$194,491.30

Community Center

Community Center Sub-Total \$0.00

Grand Total \$350,135.35

Request For Authorization To Pay Invoices (RFA)
For the Meeting on January 22, 2014
Town of Discovery Bay, D.Bay L&L Park #8
For Fiscal Year's 7/13 - 6/14

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
American Retrofit Systems	404	Community Center-Lights	12/18/13	\$200.00
American Retrofit Systems	406	Lights at Cornell	12/20/13	\$450.00
American Retrofit Systems	407	Community Center-Install Power	12/31/13	\$4,370.00
American Retrofit Systems	408	Cord on Dump Trailer	01/06/14	\$50.00
American Retrofit Systems	409	Community Center-Install Voice & Data	01/02/14	\$475.00
American Retrofit Systems	410	Community Center-Duct Work	01/02/14	\$250.00
Big Dog Computer	BDC32994	Community Center-VOIP & Data Move	01/04/14	\$910.69
Brentwood Ace Hardware	808/123013	Equipment Maintenance	12/30/13	\$110.00
Brentwood Ace Hardware	808/123013	Misc. Service & Supplies	12/30/13	\$35.13
Brentwood Ace Hardware	808/123013	Community Center-General Repairs	12/30/13	\$108.30
Brentwood Ace Hardware	808/123013	Community Center-Equip	12/30/13	\$88.90
Department of Justice	13860	Community Center-Fingerprinting	01/06/14	\$49.00
Discovery Bay Disposal	17-0001966/123113	Cornell Com 2 YD Bin	12/31/13	\$285.57
Discovery Bay Disposal	17-0013218/123113	Community Center-Com 2YD Bin	12/31/13	\$285.57
Gates & Associates	35438	Cornell Park	12/04/13	\$863.00
Kelly-Moore Paint Company, Inc.	601-TO1131/123113	Community Center-Paint	12/31/13	\$912.49
My Bark Company, Inc.	6786	Mocha Deco Plus	12/20/13	\$539.32
National Aquatic Services, Inc.	2013-538	Community Center-Pool	08/28/13	\$157.50
Odyssey Landscape Co, Inc.	36039377	Monthly Maintenance Dec 2013	12/20/13	\$7,965.00
Office Depot	685237366001	Office Supplies	12/03/13	\$21.69
Office Depot	690382757001	Community Center-Office Supplies	12/27/13	\$20.60
Office Depot	690382832001	Community Center-Office Supplies	12/27/13	\$9.58
Office Depot	690382833001	Community Center-Office Supplies	12/27/13	\$224.46
Office Depot	690382833001	Office Supplies	12/27/13	\$197.88
Office Depot	690382833001	Community Center-Office Supplies	12/27/13	\$197.88
Office Team	39214045	Admin Asst Week Ending 11/15/13	11/25/13	-\$23.04
Office Team	39355750	Admin Asst Week Ending 12/06/13	12/12/13	\$230.40
Office Team	39355750	Community Center-Admin Asst Week Ending 12/06/13	12/12/13	\$230.40
Office Team	39399650	Community Center-Admin Asst Week Ending 12/13/13	12/18/13	\$300.00
Office Team	39451325	Admin Asst Week Ending 12/20/13	12/25/13	\$210.24
Office Team	39451325	Community Center-Admin Asst Week Ending 12/20/13	12/25/13	\$210.24
Office Team	39491318	Admin Asst Week Ending 12/27/13	01/01/14	\$184.32
Office Team	39524574	Community Center-Admin Asst Week Ending 01/03/14	01/07/14	\$541.44
Pacific Gas & Electric	0869258994-1/010814	Electric & Gas Bill 12/10/13-01/08/14	01/08/14	\$405.98
Pacific Gas & Electric	5702839598-6/010914	Community Center-Electric & Gas Bill 12/09/13-01/07/14	01/09/14	\$945.76
SDRMA	45846	Certificate of Insurance	01/06/14	\$75.00
Town of Discovery Bay CSD	9-900-000-002-6.02	Community Center Water Bill 11/01/13-11/30/13	11/30/13	\$182.87
Town of Discovery Bay CSD	9-900-000-004-2.01	Water Bill 11/01/13-11/30/13	11/30/13	\$991.73
Town of Discovery Bay CSD	9-900-000-004-2.02	Water Bill 11/01/13-11/30/13	11/30/13	\$222.28
Town of Discovery Bay CSD	9-900-000-004-2.04	Water Bill 11/01/13-11/30/13	11/30/13	\$53.12
Town of Discovery Bay CSD	9-900-000-004-2.05	Water Bill 11/01/13-11/30/13	11/30/13	\$27.96
Town of Discovery Bay CSD	9-900-000-004-2.06	Water Bill 11/01/13-11/30/13	11/30/13	\$121.62
Town of Discovery Bay CSD	9-900-000-004-2.07	Water Bill 11/01/13-11/30/13	11/30/13	\$8.94
Town of Discovery Bay CSD	9-900-000-004-2.08	Water Bill 11/01/13-11/30/13	11/30/13	\$17.33
Town of Discovery Bay CSD	9-900-000-004-2.09	Water Bill 11/01/13-11/30/13	11/30/13	\$31.52
Town of Discovery Bay CSD	9-900-000-004-4.01	Water Bill 11/01/13-11/30/13	11/30/13	\$2.79
Town of Discovery Bay CSD	9-900-000-004-4.02	Water Bill 11/01/13-11/30/13	11/30/13	\$59.27
Town of Discovery Bay CSD	9-900-000-004-4.03	Water Bill 11/01/13-11/30/13	11/30/13	\$302.52
Town of Discovery Bay CSD	9-900-000-004-4.04	Water Bill 11/01/13-11/30/13	11/30/13	\$12.58
Town of Discovery Bay CSD	9-900-000-004-4.05	Water Bill 11/01/13-11/30/13	11/30/13	\$116.03
Town of Discovery Bay CSD	9-900-000-012-0.01	Water Bill 11/01/13-11/30/13	11/30/13	\$6.29
Town of Discovery Bay CSD	9-900-000-002-6.02	Community Center Water Bill 12/01/13-12/31/13	12/31/13	\$180.07
Town of Discovery Bay CSD	9-900-000-004-2.01	Water Bill 12/01/13-12/31/13	12/31/13	\$207.46
Town of Discovery Bay CSD	9-900-000-004-2.02	Water Bill 12/01/13-12/31/13	12/31/13	\$19.57
Town of Discovery Bay CSD	9-900-000-004-2.04	Water Bill 12/01/13-12/31/13	12/31/13	\$16.77
Town of Discovery Bay CSD	9-900-000-004-2.05	Water Bill 12/01/13-12/31/13	12/31/13	\$5.59
Town of Discovery Bay CSD	9-900-000-004-2.06	Water Bill 12/01/13-12/31/13	12/31/13	\$16.77
Town of Discovery Bay CSD	9-900-000-004-2.07	Water Bill 12/01/13-12/31/13	12/31/13	\$8.94
Town of Discovery Bay CSD	9-900-000-004-2.08	Water Bill 12/01/13-12/31/13	12/31/13	\$8.94
Town of Discovery Bay CSD	9-900-000-004-2.09	Water Bill 12/01/13-12/31/13	12/31/13	\$14.53
Town of Discovery Bay CSD	9-900-000-004-4.01	Water Bill 12/01/13-12/31/13	12/31/13	\$2.79
Town of Discovery Bay CSD	9-900-000-004-4.02	Water Bill 12/01/13-12/31/13	12/31/13	\$11.52
Town of Discovery Bay CSD	9-900-000-004-4.03	Water Bill 12/01/13-12/31/13	12/31/13	\$55.07
Town of Discovery Bay CSD	9-900-000-004-4.04	Water Bill 12/01/13-12/31/13	12/31/13	\$4.19

Town of Discovery Bay CSD	9-900-000-004-4.05	Water Bill 12/01/13-12/31/13	12/31/13	\$11.18
Town of Discovery Bay CSD	9-900-000-012-0.01	Water Bill 12/01/13-12/31/13	12/31/13	\$5.59
U.S. Bank Corporate Payment System	4246044555703473/13	Community Center-Remodel	12/26/13	\$8,875.07
U.S. Bank Corporate Payment System	4246044555703473/13	Marina Road	12/26/13	\$51.13
U.S. Bank Corporate Payment System	4246044555703473/13	Telephone General	12/26/13	\$65.00
U.S. Bank Corporate Payment System	4246044555703473/13	Telecom Networking	12/26/13	\$38.44
U.S. Bank Corporate Payment System	4246044555703473/13	Vehicle & Equipment Fuel	12/26/13	\$511.29
U.S. Bank Corporate Payment System	4246044555703473/13	Automotive Supplies & Repairs	12/26/13	\$15.00
U.S. Bank Corporate Payment System	4246044555703473/13	Equipment Maintenance	12/26/13	\$230.57
U.S. Bank Corporate Payment System	4246044555703473/13	Minor Equipment	12/26/13	\$125.00
U.S. Bank Corporate Payment System	4246044555703473/13	Grounds Maintenance	12/26/13	\$3.79
U.S. Bank Corporate Payment System	4246044555703473/13	Misc. Supplies	12/26/13	\$411.87
U.S. Bank Corporate Payment System	4246044555703473/13	Misc. Services	12/26/13	\$43.55
U.S. Bank Corporate Payment System	4246044555703473/13	Community Center-Advertising	12/26/13	\$25.31
U.S. Bank Corporate Payment System	4246044555703473/13	Community Center-Telephone General	12/26/13	\$275.82
U.S. Bank Corporate Payment System	4246044555703473/13	Community Center-Automotive Supplies & Repairs	12/26/13	\$261.65
U.S. Bank Corporate Payment System	4246044555703473/13	Community Center-General Repair	12/26/13	\$767.35
U.S. Bank Corporate Payment System	4246044555703473/13	Community Center-Monthly Software	12/26/13	\$249.00
Verizon Wireless	9717415205	Cell Phone Bill Dec 2013	12/26/13	\$71.68
Verizon Wireless	9717415205	Cell Phone Bill Dec 2013	12/26/13	\$71.69
Watersavers Irrigation Inc.	1410774-00	Community Center-Irrigation Items	12/18/13	\$493.15
Watersavers Irrigation Inc.	2855/123113	Finance Charge	12/31/13	\$67.77
Williams Sanitary Service	25803	Community Center-Toilet Rental	01/03/14	\$280.83
			Total	\$37,749.09

Request For Authorization To Pay Invoices (RFA)
For the Meeting on January 22, 2014
Town of Discovery Bay, D.Bay L&L Park #9 (Ravenswood)
For Fiscal Year's 7/13 - 6/14

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
American Retrofit Systems	408	Cord on Dump Trailer	01/06/14	\$50.00
Brentwood Ace Hardware	808/123013	Equipment Maintenance	12/30/13	\$135.53
My Bark Company, Inc.	6755	Bark	12/17/13	\$1,285.73
Odyssey Landscape Co, Inc.	36039377	Monthly Maintenance Dec 2013	12/20/13	\$2,827.28
Office Depot	685237440001	Office Supplies	12/03/13	\$68.34
Office Depot	690382833001	Office Supplies	12/27/13	\$197.88
Office Team	39355750	Admin Asst Week Ending 12/06/13	12/12/13	\$230.40
Office Team	39399650	Admin Asst Week Ending 12/13/13	12/18/13	\$95.60
Office Team	39451325	Admin Asst Week Ending 12/20/13	12/25/13	\$210.24
Office Team	39491319	Admin Asst Week Ending 12/27/13	01/01/14	\$184.32
Pacific Gas & Electric	0403377952-3/010814	Electric & Gas Bill 12/09/13-01/07/14	01/08/14	\$38.18
Town of Discovery Bay, CSD	9-900-000-004-3.01	Water Bill 11/01/13-11/30/13	11/30/13	\$5.59
Town of Discovery Bay, CSD	9-900-000-004-3.02	Water Bill 11/01/13-11/30/13	11/30/13	\$228.43
Town of Discovery Bay, CSD	9-900-000-004-3.03	Water Bill 11/01/13-11/30/13	11/30/13	\$116.59
Town of Discovery Bay, CSD	9-900-000-004-3.01	Water Bill 12/01/13-12/31/13	12/31/13	\$5.59
Town of Discovery Bay, CSD	9-900-000-004-3.02	Water Bill 12/01/13-12/31/13	12/31/13	\$55.07
Town of Discovery Bay, CSD	9-900-000-004-3.03	Water Bill 12/01/13-12/31/13	12/31/13	\$11.74
U.S. Bank Corporate Payment System	4246044555703473/13	Telephone General	12/26/13	\$78.69
U.S. Bank Corporate Payment System	4246044555703473/13	Telecom Networking	12/26/13	\$35.00
U.S. Bank Corporate Payment System	4246044555703473/13	Vehicle & Equipment Fuel	12/26/13	\$87.28
U.S. Bank Corporate Payment System	4246044555703473/13	Automotive Supplies & Maintenance	12/26/13	\$90.00
U.S. Bank Corporate Payment System	4246044555703473/13	Equipment Maintenance	12/26/13	\$306.24
U.S. Bank Corporate Payment System	4246044555703473/13	Misc. Small Tools	12/26/13	\$118.94
U.S. Bank Corporate Payment System	4246044555703473/13	Minor Equipment	12/26/13	\$124.55
U.S. Bank Corporate Payment System	4246044555703473/13	Misc. Supplies	12/26/13	\$331.03
U.S. Bank Corporate Payment System	4246044555703473/13	Misc. Services	12/26/13	\$42.01
Verizon Wireless	9717415205	Cell Phone Bill Dec 2013	12/26/13	\$71.68
			Total	\$7,031.93



Town of Discovery Bay

"A Community Services District"

AGENDA REPORT

Meeting Date

January 22, 2014

Prepared By: Gregory Herwit, District Engineer

Submitted By: Rick Howard, General Manager *RH*

Agenda Title

Control Panel Purchase and Related SCADA services for Lift Station F Rehabilitation Project

Recommended Action

That the Board approve a contract amendment with Veolia Water N.A., for Control Panel Purchase and SCADA related equipment and services in the amount of \$114,000.00.

Executive Summary

Lift Station "F" has been identified as a critical pump station for the Town. The majority of the sewage from original Discovery Bay flows through this lift station. The lift station has had no significant work in more than 40 years. The Wastewater Committee identified Lift Station F as a priority 2 years ago, and \$500,000.00 was placed in the Bond to rehabilitate this pump station. This rehabilitation is scheduled to take place when school is out during the Summer of 2014. Design of the Control Panels and SCADA integration is a critical component of the project as well as the project schedule.

The overall project includes (amongst other items) conversion of the pump station to submersible pumps, rehabilitation of the wet well, new electrical service and SCADA control. The project is presently out to bid and it is anticipated that the bid will be awarded in February 2014.

Fiscal Impact:

Amount Requested \$ 114,000.00

Sufficient Budgeted Funds Available?: YES (If no, see attached fiscal analysis)

Prog/Fund # Category: Pers. Optg. Cap. X -or- CIP# Fund# Bond

Previous Relevant Board Actions for This Item

Adoption of FY 2012-13 CIP and Approval of Capital Financed Projects
Authorization to Purchase Lift Station F Pumps – December 18, 2013

Attachments

Veolia Project Scope of Work

AGENDA ITEM: F-1

Disco Bay PSF Project	Veolia PLC and Integration Labor Scope not shown		Gregory Harris / Virgil Koehne Review Only for determination of Scope of Services		
Project Segment	Net Cost	Tax	Freight (Estimated)		
PS-F Power Panel	\$ 20,800.00	\$ 1,768.00	\$ 500.00	\$ 23,068.00	
PS-F Control Panel	\$ 20,500.00	\$ 1,742.50	\$ 500.00	\$ 22,742.50	
PS-F Power Termination Cabinet	\$ 850.00	\$ 72.25	\$ 75.00	\$ 997.25	
PSF- Control Termination Cabinet	\$ 1,850.00	\$ 157.25	\$ 75.00	\$ 2,082.25	
Radios at PS-F and Plant 1	\$ 4,000.00	\$ 340.00	\$ -	\$ 4,340.00	
PS-F Pulsar (1)	\$ 2,100.00	\$ 178.50	\$ -	\$ 2,278.50	
Engineering Assembly					
Realsys for Pulsar (others by Pump MFG)	\$ 2,000.00	\$ 170.00	\$ -	\$ 2,170.00	
Contingency for unknowns	\$ 1,000.00			\$ 57,678.50	
Total Base+Contingency	\$ 58,678.50				
Administrative fees for Veolia	\$ 2,018.75	3.5% Fee for Administrative Duties for Purchasing			
Material Values	\$ 60,697.25		\$ 60,697.25		
Labor Values	Hours Estimated	Cost Estimated			
Engineering		\$ 7,500.00			
Assembly		\$ 16,500.00			
Programming and Integration (Kip)		\$ 10,000.00			includes travel
Programming and Services (Cascade)		\$ 17,500.00			includes travel
Radio Setp up (Kip/Cascade)		\$ 1,500.00			
		\$ -			
	0.00	\$ 53,000.00			
Travel Allowance		\$ -			
		\$ 53,000.00			
			\$ 53,000.00	Labor and Travel	
			\$ 60,697.25	Materials	
			\$ 113,697.25	Total	
			\$ 114,000.00		

For Review Only
 Approval of Scope Requested



Town of Discovery Bay

"A Community Services District"

AGENDA REPORT

Meeting Date

January 22, 2014

Prepared By: Rick Howard, General Manager
Submitted By: Rick Howard, General Manager *RH*

Agenda Title

Adopt Resolution 2014-03 Approving a DOT Drug and Alcohol Policy pursuant to the U.S. Department of Transportation Federal Motor Carrier Administration

Recommended Action

That the Board Adopt Resolution 2014-03 approving a Drug and Alcohol Policy pursuant to the U.S. Department of Transportation Federal Motor Carrier Administration prepared in accordance with the requirements of 49 CFR Part 382 and 49 CFR Part 40.

Executive Summary

The Town of Discovery Bay owns two vehicles that require a Commercial Driver's License (CDL) to operate on public roads and highways. Those vehicles include the Vactor truck and the boom truck (only required when pulling a trailer).

The Town has two employees that possess a valid California Commercial Drivers License. As a requirement of operating those vehicles, the Town is required to adopt and comply with the U.S. Department of Transportation Federal Motor Carrier Administration requirements which must be prepared in accordance with 49 CFR Part 382 and 49 CFR Part 40.

The Town utilizes Express Labs Inc. for Drug and Alcohol testing through an arrangement they have with Quest Diagnostics. Quest has a local lab in Brentwood, CA. The Town may not participate in this testing program other than as the employer. For purposes of Chain of Command, the labs must maintain complete independence.

Employees of the Town that possess a valid CDL are required to comply with these requirements as well, and they must be tested randomly. Testing can also occur if a supervisor has first hand proof of violations or has suspicion that an employee may be impaired.

The attached policy is directly from the U.S. DOT's Federal Motor Carrier Administration. The Town is not able to amend any of the provisions included within the policy with the exception of those that are underlined.

Fiscal Impact:

Amount Requested \$ N/A

Sufficient Budgeted Funds Available?: (If no, see attached fiscal analysis)

Prog/Fund # Category: Pers. Optg. Cap. -or- CIP# Fund#

Previous Relevant Board Actions for This Item

N/A

Attachments

Drug and Alcohol Policy
Resolution No. 2014-03

AGENDA ITEM: F-2



Town of Discovery Bay

Program Area: Administrative	Policy Name: DOT – Drug and Alcohol	Policy Number: 021
Date Established: January 22, 2014	Date Amended: N/A	Resolution: 2014-03

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I. INTRODUCTION

1. Development of "Combined" Plan

The Federal Motor Carrier Safety Administration (FMCSA) is the agency within the Department of Transportation (DOT) that regulates motor carriers in the trucking industry. FMCSA's Controlled Substances and Alcohol Use and Testing regulation, 49 CFR Part 382¹, requires each motor carrier to develop, maintain, and follow a Drug and Alcohol Policy (i.e., Plan). A basic requirement of the Plan is that all drug and alcohol testing will follow the requirements of DOT's "Procedures for Transportation Workplace Drug and Alcohol Testing," 49 CFR Part 40². The Drug and Alcohol Plan, henceforth referred to as the "Plan," meets all the requirements of Part 382 and Part 40.

2. Approach

The Plan will use the generic word "*Company*" in reference to the motor carrier for which it is written. The Plan will describe how the Company will comply with government requirements.

The Plan will identify "Company-additional" requirements - those that go beyond the minimum requirements of DOT. Company-additional requirements will be underscored. Therefore, consider anything that is not underscored a requirement of DOT, or a process put in place by the Company to meet a DOT requirement. Appendix D outlines the Company disciplinary actions and additional procedures.

The Plan is written in "plain language" and follows the requirements of each rule. However, the Plan does not repeat the language of either Part 40 or Part 382. Doing so would require the Company to produce a new plan every time DOT or FMCSA issued a change to their respective rule. The goal of DOT is to know that the Company understands the requirements of the rules and how the Company will go about achieving compliance. The Plan makes use of existing DOT language in places where summaries are used to explain a more detailed process (e.g., specimen collection and alcohol test procedures are extracted from DOT's "Employee Guide"³).

3. Background

Safety. The DOT requires transportation employers to develop and implement drug and alcohol testing programs in the interest of public safety. Safety is the highest priority for DOT. One of the means by which the DOT helps ensure safety is by subjecting those drivers responsible for transportation safety to drug and alcohol testing. Drivers tested under the DOT program have direct impact on the safety of the traveling public.

Test Procedures. The overall responsibility for management and coordination of the DOT program resides within the Office of the Secretary of Transportation's (OST), Office of Drug and Alcohol Policy and Compliance (ODAPC). ODAPC issues Part 40. Whether the transportation employee is a pipeline worker, truck driver, or airline pilot, their drug and alcohol tests are conducted using the same Part 40 procedures. This consistency benefits all employees affected by DOT regulations in that each agency's regulations must adhere to DOT's testing procedures. Better known simply as "Part 40," this rule has become the standard for workplace testing in the United States.

¹ Title 49 Code of Federal Regulations (CFR), Part 382, "Controlled Substances and Alcohol Use and Testing," Federal Motor Carrier Safety Administration, Department of Transportation, 61 FR 9553, Mar. 8, 1996 as amended.

² Title 49, Code of Federal Regulations (CFR), Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," Office of the Secretary, Department of Transportation, 65 FR 79462, Dec. 19, 2000 as amended.

³ "What Employees Need To Know About DOT Drug & Alcohol Testing," ODAPC, DOT, October, 2010.

Compliance Enforcement. Regulation and enforcement within the different transportation industries is the responsibility of the DOT agency (e.g., FMCSA for trucking) that has authority over the particular industry. The regulatory authority requiring drug and alcohol testing of safety-sensitive employees in aviation, trucking, railroads, and mass transit industries is the Omnibus Transportation Employee Testing Act of 1991⁴ (OTETA).

II. GENERAL

1. Applicability

Part 382, and this Plan, applies to every person and to all employers of such persons who operate a commercial motor vehicle in commerce in any State, and is subject to: (1) The commercial driver's license requirements of Part 383⁵; (2) The Licencia Federal de Conductor (Mexico) requirements; or (3) The commercial drivers license requirements of the Canadian National Safety Code.

2. Compliance

Plan Development. The Plan meets the requirement of Part 382, paragraph §382.601, to provide educational materials that explain the requirements of Parts 382 and 40 and the Company's policies and procedures with respect to meeting these requirements. The Plan describes the methods and procedures for compliance with the drug and alcohol program requirements of the DOT. The Plan covers the operational, day-to-day requirements that are found in Part 382, and the procedural, testing requirements that are found in Part 40. The Plan provides appendices for the name and address of each laboratory that analyzes specimens for the Company, the Company's Medical Review Officer, Substance Abuse Professionals, and Employee Assistance Professionals. The Plan communicates to drivers, Company officials, and DOT officials the path that the Company will follow in order to comply with the requirements for a successful DOT drug and alcohol program.

Plan Availability. The Plan will be posted in a common place, selected by the Company, for driver review and feedback. A copy of the Plan will be made available to all drivers. Any driver desiring a copy of Part 40 and/or Part 382 must contact the Designated Employer Representative (see Appendix B). The Plan will provide a basic description of the rules and testing requirements, and will show how the Company implements and follows them. The Plan is not meant as a substitute for the detail provided in either rule. If there is any difference in instruction or interpretation between the Plan and the rules, the rules prevail. The Plan will be updated at any time its language, or the intent of its language, differs from that of either Part 40 or Part 382. Drivers are encouraged to obtain and read Part 40 and Part 382 on their own.

3. "DOT" vs. "FMCSA"

All DOT workplace testing procedures will follow Part 40 requirements. All DOT procedural responsibilities for motor carriers will follow Part 382. In the Plan, the term "DOT" will be used for references to general requirements (e.g., testing procedures) placed on motor carriers. The use of the term "FMCSA" will be to distinguish specific, unique administration requirements versus general, DOT requirements (e.g., blood alcohol test results received from law enforcement may be used in a post-accident situation).

⁴ Public Law 102-143, October 28, 1991, Title V - Omnibus Transportation Employee Testing, 105 Stat. 952-965; 49 U.S.C. 45104(2).

⁵ Title 49 Code of Federal Regulations (CFR), Part 383, "Commercial Drivers License Standards; Requirement and Penalties," Federal Motor Carrier Safety Administration, 52 FR 20587, June 1, 1987, as amended.

4. DOT Procedures

The Company will assure that the procedures of Part 40 are followed for drug and alcohol testing conducted under the requirements and authority of Part 382; a violation of Part 40 is a violation of Part 382. If the Company employs a Consortium/Third-Party Administrator (C/TPA) to assist in program development, implementation, and management, the C/TPA will, likewise, follow all the requirements of Part 40 and Part 382. It is the Company's goal to establish and maintain compliance with the DOT drug and alcohol program.

5. Stand-down Waiver

DOT "stand-down" is not in effect for this Company. The Company does not hold a stand-down waiver under Part 40, and has not applied for one. Should this status change, the Company will notify all drivers and Company officials, in accordance with Part 40 requirements.

6. Preemption of State and Local Laws

Part 40 and Part 382 are Federal laws. Federal law preempts any state or local law, rule, regulation, or order to the extent that: (a) compliance with both the state or local requirement and Part 40 or 382 is not possible; or, (b) compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement of Part 40 or 382. This provision does not preempt provisions of state criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

7. Definitions

Definitions from Parts 40, and 382 have been combined in alphabetical order and are provided in a single listing. For purposes of the Plan the following definitions apply:

Actual knowledge- For the purpose of Part 382 (subpart B) and the Plan, means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, except as provided in Sec. 382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under Sec. 382.307.

Administrator- The Administrator of the Federal Motor Carrier Safety Administration (FMCSA) or any person to whom authority in the matter concerned has been delegated by the Secretary of Transportation.

Adulterated specimen- A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Affiliate- Persons are affiliates of one another if, directly or indirectly, one controls or has the power to control the other or a third party controls or has the power to control both. Indicators of control include, but are not limited to: interlocking management or ownership; shared interest among family members; shared facilities or equipment; or common use of employees. Following the issuance of a Public Interest Exclusion (PIE), an organization having the same or similar management, ownership, or principal employees as the service agent concerning who public interest exclusion is in effect is regarded as an affiliate. This definition is used in connection with the public interest exclusion procedures of Part 40, Subpart R.

Air blank- In evidential breath testing devices (EBTs) using gas chromatography technology, a reading of the device's internal standard. In all other EBTs, a reading of ambient air containing no alcohol.

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.

Alcohol concentration- The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this part.

Alcohol confirmation test- A subsequent test using an EBT, following a screening test with a result of 0.02 or greater, that provides quantitative data about the alcohol concentration.

Alcohol screening device (ASD)- A breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list (CPL) for such devices.

Alcohol screening test- An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Alcohol testing site- A place selected by the employer where employees present themselves for the purpose of providing breath or saliva for an alcohol test.

Alcohol use- The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Aliquot - A fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

Blind sample or blind performance test specimen- A specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from an employee specimen.

Breath Alcohol Technician (BAT)- A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

Cancelled test- A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which Part 40 otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.

Chain-of-custody(or Custody and Control Form (CCF)) - The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF).

Collection Container- A container into which the employee urinates to provide the specimen for a drug test.

Collection Site- A place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.

Collector- A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the CCF.

Commerce- (1) Any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States; and (2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in paragraph (1) of this definition.

Commercial Motor Vehicle (CMV)- A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle-- (1) Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or (2) Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or (3) Is designed to transport 16 or more passengers, including the driver; or (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials

Regulations (49 CFR part 172, subpart F).

Confirmatory drug test- A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmation (or confirmatory) validity test- A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Confirmed drug test- A confirmation test result received by an MRO from a laboratory.

Consortium/Third-Party Administrator (C/TPA)- A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members. C/TPAs are not "employers" for purposes of Part 40.

Continuing education- Training for substance abuse professionals (SAPs) who have completed qualification training and are performing SAP functions, designed to keep SAPs current on changes and developments in the DOT drug and alcohol testing program.

Controlled substances - Those substances identified in Part 40 and this plan as "drugs."

DOT Procedures (or Part 40)- The Procedures for Transportation Workplace Drug and Alcohol Testing Program published by the Office of the Secretary of Transportation in 49 CFR Part 40.

Designated employer representative (DER)- An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these safety-sensitive duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of Part 40. Service agents cannot act as DERs.

Dilute specimen- A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage- Damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. (1) Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven. (2) Exclusions. (i) Damage which can be remedied temporarily at the scene of the accident without special tools or parts. (ii) Tire disablement without other damage even if no spare tire is available. (iii) Headlight or taillight damage. (iv) Damage to turn signals, horn, or windshield wipers which make them inoperative.

DOT, The Department, DOT agency- These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). These terms include any designee of a DOT agency.

Driver- Any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

Drugs- The drugs for which tests are required under Part 40 and DOT agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates.

Employee (safety-sensitive employee)- Any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing under Part 40, the term employee has the same meaning as the term "donor" as found on CCF and related guidance materials produced by the Department of Health and Human Services. For the purposes of regulation under Part 382, the

term employee means a person (i.e., driver) who performs a safety-sensitive function, including full-time, part-time and temporary employees.

Employer- A person or entity employing one or more employees (including an individual who is self-employed) subject to DOT agency regulations requiring compliance with Part 40. The term includes an employer's officers, representatives, and management personnel. Service agents are not employers for the purposes of Part 40.

Error Correction Training- Training provided to BATs, collectors, and screening test technicians (STTs) following an error that resulted in the cancellation of a drug or alcohol test. Error correction training must be provided in person or by a means that provides real-time observation and interaction between the instructor and trainee.

Evidential Breath Testing Device (EBT)- A device approved by NHTSA for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices" and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.

HHS, Department of Health and Human Services-The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Initial drug test (also known as a "Screening drug test")-The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial specimen validity test- The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

Invalid drug test- The result reported by an HHS-certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory- Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Licensed medical practitioner- A person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Limit of Detection (LOD)- The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation- For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO)- A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Negative result-The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Non-negative specimen- A urine specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), and/or invalid.

Office of Drug and Alcohol Policy and Compliance (ODAPC)- The office in the Office of the Secretary, DOT, that is responsible for coordinating drug and alcohol testing program matters within the Department and providing information concerning the implementation of Part 40.

Oxidizing adulterant- A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or drug metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function)- A driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Positive rate for random drug testing- The number of verified positive results for random drug tests conducted under Part 382, plus the number of refusals of random drug tests required by Part 382, divided by the total number of random drug tests results (i.e., positives, negatives, refusals) conducted under Part 382.

Positive result- The result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.

Primary specimen- In drug testing, the urine specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.

Prohibited drug- Any of the following substances specified in Schedule I or Schedule II of the Controlled Substances Act (21 U.S.C. 812): marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

Qualification Training- The training required in order for a collector, BAT, MRO, SAP, or STT to be qualified to perform their functions in the DOT drug and alcohol testing program. Qualification training may be provided by any appropriate means (e.g., classroom instruction, internet application, CD-ROM, video).

Reconfirmed- The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for testing- The result reported by an HHS-certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that is not corrected.

Refresher Training- The training required periodically for qualified collectors, BATs, and STTs to review basic requirements and provide instruction concerning changes in technology (e.g., new testing methods that may be authorized) and amendments, interpretations, guidance, and issues concerning Part 40 and DOT agency drug and alcohol testing regulations (e.g., Part 382). Refresher training can be provided by any appropriate means (e.g., classroom instruction, internet application, CD-ROM, video).

Refusal to submit, refuse, or refuse to take- Behavior consistent with Part 40 concerning refusal to take a drug test or refusal to take an alcohol test.

Safety-sensitive function- All time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include: (1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer; (2) All time inspecting equipment as required by Sections 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; (3) All time spent at the driving controls of a commercial motor vehicle in operation; (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of Section 393.76); (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Screening drug test- See Initial drug test definition above.

Screening Test Technician (STT)- A person who instructs and assists employees in the alcohol testing process and operates an ASD.

Secretary- The Secretary of Transportation or the Secretary's designee.

Service agent- Any person or entity, other than an employee of the employer, who provides services specified under Part 40 to employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs and STTs, laboratories, MROs, substance abuse professionals, and C/TPAs. To act as service agents, persons and organizations must meet the qualifications set forth in applicable sections of Part 40. Service agents are not employers for purposes of Parts 382 and 40.

Shipping container- A container that is used for transporting and protecting urine specimen bottles and associated documents from the collection site to the laboratory.

Specimen bottle- The bottle that, after being sealed and labeled according to the procedures in Part 40, is used to hold the urine specimen during transportation to the laboratory.

Split specimen- In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Split specimen collection- A collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Stand-down- The practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.

Substance Abuse Professional (SAP)- A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Substituted specimen- A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Verified test- A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

Violation rate for random alcohol testing- means the number of 0.04 and above random alcohol confirmation test results conducted under Part 382 plus the number of refusals of random alcohol tests required by Part 382, divided by the total number of random alcohol screening tests (including refusals) conducted under Part 382.

III. POLICY AND RESPONSIBILITIES

1. Company Policy

Policy Statement. The Company has a long-standing commitment to maintain the highest standards for employee safety and health. The use of controlled substances and the misuse of alcohol are contrary to these high standards. The use or possession of illegal controlled substances or alcoholic beverages while on Company property, or in any Company vehicle, or on Company time, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.

DOT Compliance. The Company is aware that it is ultimately responsible for meeting the requirements of Parts 40 and 382. The DOT authorizes transportation employers to use a service agent(s) to perform tasks necessary to comply with the Plan. The Company understands that, under the DOT regulations, it is responsible for the actions of its service agents. The Company is responsible for developing and implementing a successful and comprehensive DOT workplace drug and alcohol program. Components of the Company's program include clear policies, provisions for education and

training, drug and alcohol testing, and when needed, referral for evaluation, education, and treatment. The Company shall ensure that all drivers are aware of the provisions and coverage of the Plan.

2. Responsibilities of Key Personnel

The Company will convey to responsible individuals -- the Designated Employer Representative(s) and affected supervisors - that, to the best of their ability, the privacy and confidentiality of any driver subject to the Plan must be maintained at all times.

Designated Employer Representative (DER). Appendix B contains the name, address, and phone number of the DER(s). The DER is:

- a. the key employee for the Company's drug and alcohol program functions, and has the knowledge and authority to make decisions about the testing process and answer questions about it.
- b. not a service agent.
- c. one or more employees of the Company assigned to ensure adequate coverage on all shifts and at all locations.
- d. responsible for the preparation of the Plan, as well as providing oversight and evaluation on the Plan.
- e. responsible to review all adverse personnel action or discipline applied under the Plan for consistency and conformance to human resources policies and procedures.
- f. responsible for scheduling random, return-to-duty and follow-up testing, as applicable, and is authorized to receive and maintain, in a secure file system, all drug and alcohol testing results.
- g. responsible for providing answers to driver questions regarding the testing program, and information on the resources available for drug and alcohol counseling.
- h. responsible for overseeing the employee assistance program (EAP).

Supervisor. A Company individual(s) responsible for observing the performance and behavior of drivers that is suggestive enough to lead to reasonable suspicion/cause drug and/or alcohol testing. Supervisors who will determine whether a driver must be drug tested and/or alcohol tested based on reasonable suspicion/cause will be trained in the "signs and symptoms" of each substance. The supervisor is required to document a reasonable suspicion/cause event.

3. Responsibility of Drivers

Compliance. Each driver must comply with the requirements of the Plan, and the DOT drug and alcohol rules it pertains to, in order to remain eligible to drive commercial motor vehicles. Each driver has the responsibility to read, be knowledgeable of, and comply with, the requirements of the Plan, and Parts 40 and 382. Committing a DOT violation will result in the driver's immediate removal from the safety-sensitive function, and remain so until successfully completing the DOT return-to-duty conditions of Part 40. The Plan describes circumstances for being tested, violations, prohibited conduct, and their subsequent consequences. The Plan describes what is available to each driver as services (e.g., EAP) in such cases where the driver has a potential problem with drugs or alcohol prior to a drug or alcohol test. It is a condition of employment for all drivers to sign the Acknowledgement/Receipt Form (Appendix A). In doing so, the driver attests to comply with the drug and alcohol program requirements of the Company and the requirements of the Plan. Failure to comply with this condition may result in disciplinary action up to and including termination.

4. Use of Service Agents

Compliance. The Company will contract with service agents to accomplish many of the requirements of Parts 40 and 382. Appendix B (Designated Personnel and Service Agents) provides the names and addresses of service agents that are under contract. Contracts will contain a provision that the service agent will comply with Parts 40 and 382 in the services provided. The work of any service agent providing services to the Company will be open to inspection by the Company. The service agent must allow access to property and records by the Company, the Administrator, and if the Company is

subject to the jurisdiction of a state agency, a representative of the state agency for the purpose of monitoring the Company's compliance with the requirements of Part 382. No service agent will serve as DER for this Company.

Public Interest Exclusion. The Company will not use a service agent against whom a Public Interest Exclusion (PIE) has been issued. The Company will stop using the services of a service agent no later than 90 days after the Department has published the decision in the *Federal Register* or posted it on its web site that a PIE has been issued. The Company may apply to the ODAPC Director for an extension of 30 days if it is demonstrated that a substitute service agent cannot be found within 90 days.

Consortium/Third Party Administrator. The Company may employ the service of a Consortium/Third Party Administrator (C/TPA) to assist the DER with overall program management and consultation on any program issue. While the C/TPA will not serve as the DER, the C/TPA may support the DER by explaining the regulations and offering guidance on program-compliance issues.

Employee Assistance Professional.

- a) The Company may offer a program through their EAP allowing the admission of drug and alcohol use. Drivers who admit to drug use or alcohol misuse are not subject to the referral, evaluation and treatment requirements of Part 382, Part 40, and the Plan, provided that: (1) The admission is in accordance with a written Company-established voluntary self-identification program or policy that meets the requirements of paragraph (b) of this section; (2) The driver does not self-identify in order to avoid testing; (3) The driver makes the admission of drug use or alcohol misuse prior to performing a safety sensitive function (i.e., prior to reporting for duty); and (4) The driver does not perform a safety sensitive function until the Company is satisfied that the driver has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.
- b) A qualified voluntary self-identification program or policy will contain the following elements: (1) The Company will not take adverse action against a driver making a voluntary admission of drug use or alcohol misuse within the parameters of the program or policy and paragraph (a) of this section; (2) The Company will allow the driver sufficient opportunity to seek evaluation, education or treatment to establish control over the driver's drug or alcohol problem; (3) The Company will permit the driver to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor; (4) The Company will ensure that: (i) Prior to the driver participating in a safety sensitive function, the driver shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or (ii) Prior to the driver participating in a safety sensitive function, the driver shall undergo a return to duty drug test with a verified negative test result; and (5) The Company may incorporate driver monitoring and include non-DOT follow-up testing.

5. "Non-DOT" Testing Program

Compliance. The Company may implement an additional drug and/or alcohol testing program, referred to as a "Non-DOT program." Any additional testing program would be completely independent of the DOT testing program. Such a testing program would be developed under the Company's own authority and kept separate from the DOT program. All DOT testing would be accomplished first; the Company's non-DOT program would commence afterwards. The non-DOT program would use different forms and not use the Federal Custody and Control Form or the DOT Alcohol Testing Form. The non-DOT program could test different people, for different drugs, and different reasons-for-testing. If the Company implements its own non-DOT testing program, the Company will define the

and notify all drivers through a Non-DOT Program Plan.

IV. DOT PROGRAM REQUIREMENTS

1. Drivers Subject to Drug and Alcohol Testing

Compliance. Any driver who operates a commercial motor vehicle in commerce in any State and is subject to:

- a) The commercial driver's license requirements of Part 383;
- b) The Licencia Federal de Conductor (Mexico) requirements; or
- c) The commercial drivers license requirements of the Canadian National Safety Code.

2. Acknowledgement/Receipt Form

The "Acknowledgement/Receipt Form," (Appendix A), applies to all drug and/or alcohol tests, or related foregoing or subsequent DOT procedures, for drivers of commercial motor vehicles with the Company. The signed form will be maintained by the Company. For any test, the expectations placed on the driver by the Company are to "follow all instructions" in order to accomplish the test.

3. History-check Requirement

Compliance. Prior to the first time that the Company uses a driver (i.e., a new hire or an employee transferring into the safety-sensitive position) the Company will require a "history check" of the driver. The history check will look back into the driver's past three years of DOT employment for DOT violations. History checks are conducted only after obtaining the driver's written authorization to do so. Any driver refusing to provide written consent will not be permitted to perform safety-sensitive functions. The Company will not allow the driver to perform their functions after 30 days from the date on which the driver first performed safety-sensitive functions, unless the Company has obtained or made and documented a good faith effort to obtain drug testing information from previous DOT-regulated employers.

Information request. The Company will request the following information about the driver.

- a) Alcohol tests with a result of 0.04 or higher alcohol
- b) Verified positive
- c) Refusals to be tested (including verified adulterated or substituted drug test results);
- d) Other violations of DOT agency drug and alcohol testing
- e) With respect to any driver who violated a DOT drug and alcohol regulation, documentation of the driver's successful completion of DOT return-to-duty and follow-up testing requirements.

The Company will make at least one attempt by telephone, e-mail or fax, and maintain documentation associated with the attempt to obtain history-check information (e.g., date and time of the attempt, person contacted). If the Company finds evidence of past DOT violations, those violations may be used as the sole reason for not hiring the individual or for termination.

Violation Consequences. The Company will not use any driver who has had a past DOT violation and has not complied with DOT eligibility standards for returning to safety-sensitive work. The Company will also ask the driver if they had any pre-employment test that was positive for which the previous employer did not hire them. The driver's answer to this question will be maintained as part of the driver's history-check information.

4. Notification of Tests

Drivers will be notified directly when a test must be conducted. While the circumstances for a test will differ by its reason-for-test, the Company will endeavor to conduct all tests with only a limited number of Company personnel having knowledge of the reason for the test.

All testing will be unannounced until the last possible moment. The timing will vary in conjunction with the reason-for-test. For example, a pre-employment test will be announced during the job application; a random test is announced within the test period, but just prior to the test, to maintain the element of surprise; and, announcements of post-accident or reasonable suspicion tests are controlled by the circumstances that come to light around the time of the event (e.g., accident). All alcohol test will be conducted just prior to, during, or just after the performance of safety-sensitive duties. Drug tests may be conducted anytime the driver is at work.

The DER and Company supervisors will be responsible for notifications and to help maintain the element of confidentiality. When a driver is notified for a test, the driver must proceed to the collection site immediately. Immediately means that after notification, all the driver's actions must lead to an immediate specimen collection (or test). The Company considers "travel time to the collection site, plus 30 minutes" as the maximum acceptable interval of time between notification and testing.

In test situations such as post-accident and reasonable suspicion/cause, where the driver's job performance is called into question, supervisors will use their discretion and training to minimize further confrontation. A reasonable attempt will be made by the supervisor to isolate and inform the driver of the decision to test, the steps that must be taken to accomplish the test, and the consequences of refusing the test. If possible, for post-accident and reasonable suspicion tests, the Company will have the DER or a supervisor accompany the driver to the collection site. In post-accident test situations occurring where the supervisor is not present, the Company will provide the driver with necessary post-accident information and instructions so that the driver will be able to comply with post-accident testing.

5. DOT Drug Violations

Drug Violations. The following provides a listing of DOT drug violations of drivers:

- a) A verified positive drug test result;
- b) A refusal to be tested, determined by:
 - (1) Having a verified adulterated or substituted drug
 - (2) Failing to appear for any drug test (except a pre-employment test) within a reasonable time, as determined by the Company, after being directed to do so by the Company;
 - (3) Failing to remain at the drug testing site until the testing process is complete;
 - (4) Failing to provide a urine specimen for any
 - (5) Failing to allow a directly observed or monitored collection in a drug test that requires such a collection procedure;
 - (6) Failing to provide a sufficient amount of urine for a drug test when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - (7) Failing or declining to take an additional drug test the employer or collector has directed you to take;
 - (8) Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER; or,
 - (9) Failing to cooperate with any part of the testing process (e.g., refuse to empty pockets or failure to wash hands when so directed by the collector, behave in a confrontational way that disrupts the collection process, tampering with a specimen).
 - (10) For an observed collection, fail to follow the observer's instructions to raise above the waist, lower clothing and underpants, and to turn Clothing.
around to permit the observer to determine if there is any type of Prosthetic.
 - (11) Possess or wear a prosthetic or other device that could interfere with the collection process.
 - (12) Admit to the collector or MRO that a specimen has been adulterated or substituted.

- c) On-duty use of any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in §382.107, and who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

6. DOT Alcohol Violations and Prohibited Conduct

Alcohol Violations. The following provides a listing of DOT alcohol violations of drivers:

- a) A test result of 0.04 or higher alcohol concentration;
- b) A refusal to be tested, determined by:
 - (1) Failing to appear for any alcohol test (except a pre-employment test) within a reasonable time, as determined by the Company, after being directed to do so by the Company;
 - (2) Failing to remain at the alcohol testing site until the testing process is complete;
 - (3) Failing to provide an adequate amount of saliva or breath for an alcohol test;
 - (4) Failing to provide a sufficient amount of breath for an alcohol test when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - (5) Failing to undergo a medical examination or evaluation, as directed by the DER;
 - (6) Failing to sign the certification statement on the Alcohol Testing Form; or,
 - (7) Failing to cooperate with any part of the testing process.
- c) On-duty use of alcohol while performing safety-sensitive functions.
- d) Pre-duty use of alcohol within four (4) hours prior to performing safety-sensitive functions.
- e) Use of alcohol within eight (8) hours following an accident unless the driver has already been given a post-accident alcohol test.

Alcohol Prohibited Conduct. The following is prohibited conduct of drivers:

- a) A test result of 0.02 or greater alcohol concentration, but less than 0.04.

7. Violation Consequences and Company Actions

After DOT Rule Violations. The Company will not allow any driver who has a DOT drug or alcohol violation to perform safety-sensitive functions for the Company. Immediately, upon learning of the violation, the DER shall assure the removal of the driver from all safety-sensitive duties. That driver will be ineligible to work in any DOT safety-sensitive function for the Company until the driver has successfully completed the DOT return-to-duty process. The Company will refer the driver to a Substance Abuse Professional (SAP) as soon as practicable after the verified violation report.

After DOT Alcohol Prohibited Conduct. The Company will not allow any driver to perform, or continue to perform, any safety-sensitive functions under Part 382 when the driver is found to have an alcohol concentration of 0.02, or higher, but less than 0.04. The Company may not use the driver in a safety-sensitive function until the start of the driver's next regularly scheduled shift, which must be not less than twenty-four (24) hours following the test that indicated "prohibited conduct."

8. Drug and Alcohol Tests

Compliance. The Company will ensure that each driver will be drug and/or alcohol tested for the following reasons when called for by Part 382. All drug and alcohol tests will be conducted following the procedures of Part 40.

Pre-Employment. A pre-employment drug test will be conducted before an individual is hired or used to perform safety-sensitive functions. Pre-employment tests are also required of drivers returning from a leave of absence greater than 30 days who have not been participating in the Company's drug and alcohol program and subsequently subject to the random selection process. A negative DOT urine drug test result is required prior to performing safety-sensitive functions. DOT does not allow the use of a "quick test" or any other methodology other than laboratory-based urine testing.

FMCSA does not mandate a pre-employment alcohol test for drivers. FMCSA does give motor carriers who wish to conduct a pre-employment alcohol test the authority to do so. If the Company decides to conduct pre-employment alcohol testing, all applicants will be advised of the test prior to the test occurring, and all tests will be conducted before the first performance of safety-sensitive functions by every driver. The Company will treat all drivers the same for the purpose of pre-employment alcohol testing; the Company will not test some drivers and not others. The Company will conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the driver passing the pre-employment alcohol test. A result of less than 0.02 alcohol concentration is required prior to performing safety-sensitive functions.

Post-Accident Testing. The Company will conduct both a drug test and an alcohol test after an accident. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the Company shall test for drugs and alcohol for each of its surviving drivers: (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or (2) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved: (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. Table 1 notes when a post-accident test is required.

A post-accident drug test shall be conducted on each driver as soon as possible but no later than 32 hours after the accident. A post-accident alcohol test shall be conducted on each driver as soon as possible but no later than 8 hours after the accident. The Company must take all reasonable steps to test the driver after an accident, but any injury should be treated first. The Company will not delay necessary medical attention for an injured driver following an accident, prohibit an driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

A driver who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the Company or Company's representative of their location if they leave the scene of the accident prior to submission to such test, may be deemed by the Company to have refused to submit to testing. Depending on the circumstances of the accident, and if feasible, the driver will not be allowed to perform safety-sensitive functions pending the results of the drug test.

In situations where an accident occurs away from the Company's principal place of business (e.g., "on the road") the responsibility of accomplishing the post-accident tests falls on the driver. The driver must immediately contact the Company, the DER, or other designated Company representation for information and instructions on how to get the test done.

Exception. All drug and alcohol testing under Part 382 and this Plan must conform to Part 40 standards, with one exception -- that being post-accident testing. In only a post-accident situation, the results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, meet the requirements of acceptable alcohol testing, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the Company. Likewise, in only a post-accident situation, the results of a urine test for the use of drugs, conducted by Federal, State, or local officials having independent authority for the test, meet the requirements of acceptable drug testing, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the employer.

Post-accident Test Criteria

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
Human fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

Table 1

Random Drug Testing. The Company will conduct a number of random drug and alcohol tests each calendar year that meets or exceeds the current minimum annual percentage random testing rate. The minimum rate for random drug testing, set by FMCSA regulations, is 50 percent of the Company's drivers. The minimum rate for random alcohol testing, set by FMCSA regulations, is 10 percent of the Company's drivers. The Company may use the services of the C/TPA to manage all aspects of the Company's random testing program. If the Company conducts random testing through a C/TPA, the number of drivers to be tested may be calculated for each individual Company or may be based on the total number of drivers covered by the C/TPA who are subject to random testing.

All drivers will be immediately placed in a drug and alcohol random pool after obtaining a negative result on their pre-employment test. Drivers will remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing. The selection of drivers shall be made by using a computer-based, scientifically valid method (e.g., random number generator or equivalent random selection method) that is matched with a driver's social security number or driver ID number. The DER will assure the pools contain driver social security numbers or driver identification numbers that are current, complete, and correct. Drivers will have an equal chance of being selected for testing. Drivers are subject to both random alcohol and drug testing.

Random testing will occur on a quarterly basis. Prior to selection, the DER shall ensure that the random testing pool has been updated to include all current drivers in the Company's workforce. The number of tests to be conducted will be based on the number of drivers at the beginning of each quarter's test cycle. The DER, or C/TPA, shall use the random selection procedures to compile lists of drivers selected for drug and alcohol testing in each testing cycle. The number of drivers selected on each list shall be sufficient to assure that the minimum number of required tests can be achieved for both drugs and alcohol. The list of drivers selected will be retained by the DER in a secure location until the time of testing when the list will then be provided to the appropriate division manager, department head, or supervisor who will, in turn, notify the driver(s) to report for testing.

Random testing is unannounced, with drivers being notified that they have been selected for testing after they have reported for duty on the day of collection. All testing will be conducted on different days of the week throughout each test cycle to prevent drivers from matching their substance use patterns to the schedule for testing.

Once notified by the appropriate Company official, drivers will be instructed to report immediately to the collection site.

Reasonable Suspicion/Cause Testing. The Company will conduct reasonable suspicion testing, also known as reasonable cause testing, based on the Company's observation of "signs and symptoms" of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.

The supervisor making the determination to test shall document, in writing, the behavioral signs and symptoms that support the determination to conduct a reasonable suspicion/cause test. This documentation of the driver's conduct shall be prepared and signed within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier. Refer to the *Post Accident or Reasonable Cause/Suspicion Supervisor Written Record*. The driver will be tested for drugs if the supervisor believes the driver has violated the prohibitions of Part 382 and this Plan concerning drugs. The driver will be tested for alcohol if the supervisor believes the driver has violated the prohibitions of Part 382 and this Plan concerning alcohol. In situations where the supervisor is sure of the signs and symptoms but unsure of the substance, the driver will be tested for both drugs and alcohol. The potentially affected driver should not be allowed to proceed alone to or from the testing site. In addition to the safety concerns for the driver, accompanying the driver also assures that there is no opportunity en route to the testing site for the driver to compromise the test through any method of tampering that could affect the outcome of test result.

The driver shall not perform a safety-sensitive function pending the receipt of the drug test results. The driver should make arrangements to be transported home. The driver should be instructed not to drive any motor vehicle due to the reasonable belief that they may be under the influence of a drug. If the driver insists on driving, a supervisor should notify the proper local law enforcement authority that a driver believed to be under the influence of a drug or alcohol is leaving the Company premises driving a motor vehicle.

Return-to-Duty Testing. The Company will conduct a return-to-duty test prior to a driver returning to safety-sensitive duty following a DOT violation. When a driver has a DOT violation they cannot work again in any DOT safety-sensitive function until successfully completing the Substance Abuse Professional (SAP) return-to-duty requirements. Only after the SAP has reported to the Company that the driver is eligible to return to safety-sensitive duties is the Company authorized to return the driver to a safety-sensitive function. However, whether or not to do so is a business decision of the Company, not the DOT. When the Company makes the decision to return the driver to safety-sensitive duty, the Company will initiate the order for the return-to-duty test. All return-to-duty drug tests will be conducted using direct-observation collection procedures.

A return-to-duty test, as a minimum, will be for the substance associated with the violation. A return-to-duty test may, however, be for both drugs and alcohol. The decision belongs solely to the SAP from information gained during the SAP-evaluation/treatment processes. The results of a return-to-duty test must be negative for drugs and less than .02 for alcohol in order "to count" and allow the driver to return to work. A cancelled test must be recollected. A positive drug test, an alcohol test of .04 or higher, or a refusal-to-test will be considered as a new, separate violation. When the driver "passes" his return-to-duty test, their name is immediately placed into the Company's random testing pool.

Follow-up Testing. The Company will conduct follow-up testing, as a series of tests that occur after a driver returns to safety-sensitive work, following a negative result on the return-to-duty drug and/or alcohol tests. Follow-up testing, as a minimum, will be for the substance associated with the violation. In addition, follow-up testing may be for both drugs and alcohol, as directed by the SAP's written follow-up testing plan.

Follow-up testing is the Company's responsibility to conduct. Follow-up testing will run concurrently with random testing. All follow-up drug tests will be conducted using direct-observation collection procedures. The results of a follow-up must be negative for drugs and less than .02 for alcohol. A cancelled test must be recollected. A positive drug test, an alcohol test of .04 or higher, or a refusal-to-test will be considered as a new, separate violation.

The number and frequency of the follow-up tests will be determined by the SAP, but shall consist of at least six tests in the first 12 months following the driver's return to duty. The follow-up plan will give both the number of tests and their frequency; the Company will select the actual day and time of the test and the tests are unannounced. Follow-up testing shall not exceed 60 months from the date of the driver's return to duty. The SAP may terminate the requirement for follow-up testing at any time after

the first six tests have been administered, if the SAP determines that such testing is no longer necessary.

V. DRUG PROGRAM

1. Drug Tests That Require Direct Observation Procedures

Compliance. The Company will conduct all return-to-duty and follow-up drug tests using the direct observation collection procedures specified by Part 40. Pre-employment, post-accident, reasonable suspicion/cause, and random drug tests are normally conducted by giving the driver the privilege of privacy when providing the urine specimen. However, should it become required that these collections be conducted under direct observation procedures, the Company will convey instructions to the collector to ensure that this occurs. Direct observation procedures will also be used for collections when a specimen is provided and the temperature is out of range, when the specimen appears to have been tampered with or when a previous specimen has been reported as invalid, adulterated, substituted or negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, as defined in Part 40.

2. Specimen Collection Procedures

Compliance. The Company will follow the requirements of Part 40 for its DOT collections. A full description of DOT collection requirements that collectors will follow can be found in Part 40, Subpart C ("Urine Collection Personnel"), Subpart D ("Collection Sites, Forms, Equipment and Supplies Used in a DOT Urine Collection"), and Subpart E ("Urine Specimen Collections").

Collection Site Personnel. The Company will ensure that collection sites, utilized by its drivers, are aware of their responsibilities with regard to the DOT specimen collection process. These responsibilities are to collect urine specimens using Part 40 procedures, ship the specimens to a Department of Health and Human Services (HHS) certified laboratory for analysis, and distribute copies of the Federal Drug Testing Custody and Control Form (CCF) to the laboratory, Medical Review Officer, employer or employer's C/TPA, and driver in a confidential manner. All attempts are made to use collectors who have been trained in accordance with Part 40. The Company, or the Company's C/TPA, will ask the collection sites conducting DOT collections to attest to the fact that they comply with DOT standards of practice. Any collection site that fails to attest to this goal will not be used by the Company for a DOT collection. The direct supervisor of a driver shall not serve as a collector for conducting any required drug test unless it is otherwise impracticable.

Collection Site, Forms, and Specimen. The Company will provide the driver with the specific location of the collection site where the drug test will take place. In most cases, the Company will provide the driver with a drug testing kit, which includes the CCF, to present to the collector. The only specimen that will be collected for any DOT collection is urine; the only form that will be used is the Federal CCF.

Collections. The Company will inform every driver that they are required to carry and present a current valid photo ID, such as a driver's license, passport, or employer-issued picture ID to the collection site. The driver will be advised that the collector will ask them to empty their pockets, remove any unnecessary garments (the driver may retain their wallet), and wash and dry their hands prior to the collection. The driver will be instructed to follow the collector's instructions throughout the collection process. Normally, the driver will be afforded privacy to provide a urine specimen. Exceptions to the rule generally surround issues of attempted adulteration or substitution of a specimen or any situation where questions of specimen validity arise, like an unusual specimen temperature.

After the driver has provided the specimen (a minimum of 45 mL) of their urine into a collection container, the collector will check the temperature and color of the urine. All DOT collections are "split specimen collections." The collector will pour the urine into two separate bottles (bottle "A" as the primary specimen and bottle "B" as split specimen), seal them with tamper-evident tape, and then ask the driver to initial the seals after they have been placed on the bottles. (Remember: Neither the driver nor the collector should let the specimen out of their sight until it has been poured into two separate

bottles and sealed.) Next, the driver will write their name, date of birth, and daytime and evening phone numbers on the MRO Copy (Copy 2) of the CCF. This is so the MRO can contact the driver directly if any questions arise about their test.

Lastly, the collector will complete the necessary documentation on Copy 1 of the CCF and package the CCF and the two specimen bottles in the plastic bag and seal the bag for shipment to the laboratory. Copies of the CCF will be distributed: Copy 2 to the MRO and Copy 4 to the employer or the employer's C/TPA; the collector keeps Copy 3; and, the driver gets Copy 5. The driver may list any prescription and over-the-counter medications they may be taking on the back of their copy of the CCF (this may serve as a reminder for the driver in the event the MRO calls to discuss their test results).

Possible collection issues. If the driver is unable to provide 45 mL of urine on the first attempt, the time will be noted, and they will be required to remain in the testing area under the supervision of the collection site personnel, their supervisor, or a representative from their Company (e.g., supervisor accompanying the driver). Leaving the testing area without authorization may be considered a refusal to test. The driver will be urged to drink up to 40 oz. of fluid, distributed reasonably over a period of up to three hours, and asked to provide a new specimen (into a new collection container). If the DER is contacted, the DER should instruct the driver to remain at the collection site to complete the collection process. If the driver does not provide a sufficient specimen within three hours, the DER, in consultation with the MRO, will direct the driver to obtain a medical evaluation within five days to determine if there is an acceptable medical reason for not being able to provide a specimen. If it is determined that there is no acceptable physiological or pre-existing psychological reason for not providing a urine specimen, it will be considered a refusal to test.

Directly observed collections. If a direct observation collection is required of the driver, the Company will ensure that the DOT requirements (i.e., direct observation by same-sex collector, observation of body-to-bottle urination, and use of full turn-around observation) procedures are followed.

3. Drug Testing Laboratory

Compliance. The Company will employ a laboratory that will follow the requirements of Part 40 for the Company's DOT drug tests. A full explanation of DOT drug testing requirements that the laboratory will follow is found in Part 40, Subpart F ("Drug Testing Laboratories").

Laboratory. The Company shall ensure that all DOT testing is conducted only by a laboratory that is certified by the Department of Health and Human Services (HHS) under the National Laboratory Certification Program (NLCP). Doing so ensures that the Company complies with the requirements of Part 40 and with all applicable requirements of HHS in testing DOT specimens, whether or not those requirements are explicitly stated in the Plan. The laboratory used by this Company is specified in Appendix B. The laboratory will report the certified results to the MRO and only to the MRO, at the address provided on the Federal CCF. Results will not be reported directly to the Company or to or through another service agent, such as the C/TPA.

Specimen. Urine is the only specimen that is authorized for DOT drug testing. The Company will not use any other specimen (e.g., hair or saliva) for a DOT-required drug test. A "quick test" (e.g. a urine test that produces an immediate test result) is also prohibited by DOT.

Drug Testing. The laboratory will ensure that, on each DOT test, each specimen is tested for **marijuana, cocaine, amphetamines, opiates, and phencyclidine (PCP)**. (See Table 2, pg 23) The testing is a "two step" process: all presumptive positive results on the initial test must be confirmed by a confirmation test. The initial and the confirmation tests use different chemical principles, and separate portions of the original specimen, for testing. DOT specimens will not be tested for any other drugs. DOT specimens will not be subjected to DNA testing.

Validity Testing. The laboratory will ensure that, on each DOT test, each specimen is also subjected to "validity testing." The purpose of validity testing is to determine if the driver tampered with their specimen during the collection process. Validity testing measures the creatinine concentration and specific gravity to detect a diluted or substituted specimen; pH is measured as one criterion established to detect an adulterated specimen. Validity testing also incorporates HHS criteria (used by DOT) in testing for specific adulterants such as nitrites, chromates, surfactants, and other active chemical compounds.

Laboratory specimen handling and reporting. When the laboratory receives a DOT specimen they will unpack and enter it into the testing process. Part of that process is to examine the condition of the specimen bottles and accompanying CCF. The laboratory will look closely for any specific reason to stop the testing process (i.e., "fatal flaws"). If the laboratory determines a fatal flaw exists, the specimen is rejected for testing. If a fatal flaw does not exist, the specimen will be tested. DOT specimens are limited to four fatal flaws. They are:

- a) Specimen ID numbers on the CCF and the bottles do not match.
- b) Not enough urine and the bottles cannot be redesignated.
- c) Signs of tampering and the bottles cannot be redesignated.
- d) Collector's printed name and signature are missing.

The laboratory will open only the primary specimen ("A" bottle) to conduct the two tests (initial and confirmatory). If the specimen tests negative in either test and does not have any specimen validity issues, the result will be reported to the MRO as a negative. Only if the specimen test results are positive, adulterated, substituted, and/or invalid under both tests will the specimen be reported to the MRO as a positive, adulterated, substituted, and/or invalid, respectively. These results are also referred to as "non-negative" results.

Required DOT Drug Tests & Cutoffs

TYPE OF DRUG Initial Test Analyte	INITIAL TEST Cutoff Concentration	CONFIRMATORY TEST Analyte	CONFIRMATORY TEST Cutoff Concentration
Marijuana metabolites	50 ng/mL	THCA ⁶	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzoylcegonine	100 ng/mL
Opiate metabolites: Codeine/Morphine	2000 ng/mL	Codeine Morphine	2000 ng/mL 2000 ng/mL
6-acetylmorphine (6-AM)	10 ng/mL	6-acetylmorphine (6-AM)	10 ng/mL
Phencyclidine (PCP)	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines:			
AMP/MAMP	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL 250 ng/mL ¹⁰
MDMA	500 ng/mL	MDMA ⁷ MDA ⁸ MDEA ⁹	250 ng/mL 250 ng/ml

Table 2

⁶ Delta-9-tetrahydrocannabinol-9-carboxylic acid.

⁷ Methylenedioxymethamphetamine (MDMA).

⁸ Methylenedioxyamphetamine (MDA).

⁹ Methylenedioxyethylamphetamine (MDEA).

¹⁰ Specimen must also contain amphetamine at a concentration of greater than or equal to 100 ng/mL.

4. Laboratory Retention Periods and Reports

Specimen retention. Specimens that are confirmed by the laboratory to be positive, adulterated, substituted, or invalid will be retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days. Within this 365 day period, the MRO, the driver, the Company, FMCSA or other state agencies with jurisdiction, may request in writing that the specimens be retained for an additional period. If the laboratory does not receive the request to retain the specimen within the 365-day period, the specimen will be discarded.

Record retention. All laboratory records pertaining to any test for this Company on its drivers will be retained for two years. The employer-specific data that is created by the laboratory for the laboratory statistical summary will be retained for two years.

Semi-annual reports. The laboratory will prepare and send to the Company the aggregate employer-specific summary on a semi-annual basis. The format for this report is found in Part 40, Appendix B.

5. Laboratory Quality Control

Inspections. The laboratory shall permit inspections by the Company, the FMCSA Administrator, or if the Company is subject to the jurisdiction of a state agency, a representative of the state agency. Additionally, if the Company uses a C/TPA, that C/TPA may conduct a periodic inspection of the laboratory on the behalf of the companies that are clients of the C/TPA.

Quality control. If the Company, or any C/TPA employed by the Company, has 2000 or more safety-sensitive employees, the Company will submit quality control specimens to any laboratory where they have more than 100 specimens tested each year. The rate of quality control specimens is 1% with a cap at 50 per quarter. At any time that the Company, or any C/TPA employed by the Company, reaches the 2000-employee threshold, quality control specimens will be submitted following the specifications of Part 40. Quality control specimens, known as "blind" specimens to the laboratory, will appear to be real employee specimens. The MRO will be informed of each test result and expected outcome.

Reporting discrepancies. The MRO will inform the Company or its C/TPA of any discrepancy in the expected result of any blind specimen. The MRO and C/TPA will resolve any discrepancies in the expected outcomes with this testing. If the unexpected outcome is positive, adulterated, or substituted where the expected outcome was to be negative, the MRO will report this result directly to DOT/ODAPC, in accordance with Part 40.

6. MRO Review of Drug Test Results

Compliance. The Company will have, on staff or contract for the services of, an MRO who is a licensed physician with knowledge of drug abuse and is qualified under Part 40. The MRO will follow the requirements of Part 40 in carrying out the functions of the "independent and impartial gatekeeper of the drug testing process." A full description of DOT MRO requirements can be found in Part 40, Subpart G ("Medical Review Officers and the Verification Process"), and Subpart H (Split Specimen Testing).

Duties. All confirmed drug test results for the Company are received by the MRO directly from the laboratory. The MRO is responsible for the review of both negative and non-negative test results, review of the CCFs associated with each test, and to conduct quality control reviews of the MRO staff. The MRO will review and interpret confirmed positive, adulterated, substituted, and invalid test results. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive, adulterated, substituted, or invalid test result. This action would include conducting a medical interview with the driver and review of the driver's medical history, or review of any other relevant biomedical factors, such as the results of a physical examination following an opiate positive. The MRO shall review medical records made available by the tested driver when the source of the confirmed result could have been from legally prescribed medication. The MRO shall not, however, consider the results of urine or other specimens that are not obtained or processed in accordance with DOT regulations.

Results. The MRO will use staff under his direct supervision to handle administrative processes for negative test results including receiving the result from the laboratory, reviewing the paperwork for accuracy, and reporting of the result to the DER.

The MRO staff may make the initial contact with drivers having confirmed positive, adulterated, substituted, and invalid test results, for the purposes of setting up an interview for the MRO. The MRO will personally conduct the interview with the driver to determine whether there is a legitimate medical explanation for these results. This interview will be conducted, in most cases, before the Company is notified. If the result is confirmed positive, and a legitimate medical explanation is established, the MRO will report the result to the DER as negative. If not, the MRO will report the result to the DER as positive. If the confirmed result is adulterated or substituted, and a legitimate medical explanation is established, the MRO will report the result to the DER as cancelled and notify ODAPC, in accordance with Part 40 procedures. If not, the MRO will report the result to the DER as a refusal to test. If the result is invalid, and an acceptable reason is established, the MRO will report the result to the DER as cancelled and the process will stop, unless a negative test result is needed (e.g., pre-employment, return-to-duty). If an acceptable reason is not established, the MRO will report the result to the DER as cancelled and order an immediate recollection under direct observation.

Reports. All drug test results will be reported to the Company DER in a confidential and timely manner. Before reporting any results, the MRO will have received a copy of the CCF showing where the driver has signed the form. The time period from collecting the specimen to reporting the verified is generally shorter for negatives than for non-negatives. Non-negatives will not be reported to the DER until all information required for the driver interview is received and approved by the MRO. The Company may use a C/TPA as its intermediary in receiving drug test results. If so, those reports will be handled in accordance with Part 40 requirements. If the MRO does not use Copy 2 of the CCF for reporting results, the MRO will maintain a copy of the signed or stamped report in addition to the signed or stamped and dated Copy 2. If the MRO uses an electronic data file to report negatives, the MRO will maintain a retrievable copy of that report in a format suitable for inspection and auditing by a DOT representative.

7. Split Specimen Testing

Split Specimen. When the MRO has verified a result as positive, adulterated, or substituted, the MRO will notify the driver of his right to have the split specimen tested. The driver must notify the MRO within 72 hours of the result being verified in order to have this testing conducted. If the driver requests that the split specimen be tested within the 72-hour period, the MRO will ensure that the split specimen is tested. Testing of the split specimen is only conducted at the request of the driver, and then only after using the MRO as the requesting agent for the driver.

The Company is responsible for making sure that the MRO, first laboratory, and second laboratory perform the functions noted in Part 40 in a timely manner, once the driver has made a timely request for a test of the split specimen (e.g., by establishing appropriate accounts with laboratories for testing split specimens).

The Company must not condition compliance with these requirements on the driver's direct payment to the MRO or laboratory or the driver's agreement for reimbursement of the costs of testing. For example, if the Company's asks the driver to pay for some or all of the cost of testing the split specimen, and the driver is unwilling or unable to do so, the Company must ensure that the test takes place in a timely manner, which means that the Company will pay for the split testing. The Company may seek payment or reimbursement of all or part of the cost of the split specimen from the driver. Part 40 takes no position on who ultimately pays the cost of the test, so long as the Company ensures that the testing is conducted as required and the results released appropriately.

Laboratory. The testing of the split specimen will be conducted at another HHS-certified laboratory, different from the original laboratory. The Company will select the second laboratory. The split specimen will be tested for the same substance or condition that was found in the primary specimen. The MRO will report back to the DER and the driver whether the split reconfirms the primary. If the

test of the split does not reconfirm the primary, both tests will be cancelled as if they never occurred.

8. Medical Marijuana

The DOT and the Company do not accommodate the use of medical marijuana by DOT-safety-sensitive employees.

VI. ALCOHOL PROGRAM

1. Alcohol Test

Compliance. The Company will follow Part 40 procedures for alcohol testing. A full description of DOT alcohol testing requirements can be found in Part 40, Subpart J--Alcohol Testing Personnel; Subpart K--Testing Sites, Forms, Equipment and Supplies Used in Alcohol Subpart N--Problems in Alcohol Testing; Subpart L ("Alcohol Screening Tests"); Subpart M ("Alcohol Confirmation Tests"); and, Subpart N ("Problems in Alcohol Testing"). These procedures apply to all DOT alcohol tests regardless of the reason for the test.

Personnel and Testing Devices. The Company will only use qualified Screening Test Technicians (STT) or Breath Alcohol Technicians (BAT) for DOT alcohol tests. These technicians will only conduct the test using DOT-approved devices. Devices are approved by the National Highway Traffic Safety Administration (NHTSA), an agency of DOT, and placed on the Conforming Products List (CPL).¹¹ The devices used by the Company will be maintained according to the particular manufacturer's specifications in the Quality Assurance Plan (QAP). External calibration checks will be performed at the intervals specified in the manufacturer's instructions for any EBT used for DOT-required alcohol confirmation testing.

Testing Site, Forms, and Specimen. The Company will provide the driver with the specific location where the test will take place. Tests will be conducted in an area to prevent unauthorized people from hearing or seeing the driver's test result. The Company will remind the driver that failure to sign the DOT Alcohol Testing Form at the instruction of the testing technician will be viewed as a refusal to test. The alcohol screening test may be conducted with breath or saliva, as applicable for the device used by the testing technician. Only breath will be used for the confirmation test, which is conducted by a BAT using an EBT.

Test. The Company will inform the driver that they are required to carry and present a current valid picture ID, such as a driver's license, passport, or employer-issued picture ID to the testing site. The testing technician will perform a screening test and show the driver the test result. If the screening test result is an alcohol concentration of less than 0.02, no further testing is authorized, and there is no DOT action to be taken. The technician will document the result on the ATF, provide the driver a copy and also provide the Company and/or the Company's C/TPA a copy. If the screening test result is 0.02 or greater, the driver will be required to take a confirmation test, which can only be administered by a BAT using an EBT. The BAT will wait at least 15-minutes, but not more than 30 minutes, before conducting the confirmation test. During that time, the driver will not be allowed to eat, drink, smoke, belch, put anything in their mouth or leave the testing area. Leaving the testing area without authorization may be considered a refusal to test. The BAT will perform an "air blank" (which must read 0.00) on the EBT device to ensure that there is no residual alcohol in the EBT or in the air around it. The confirmation test result is the final result of the test, and the result will be shown to the driver and on the printout from the EBT. If the result is less than 0.02, no action is taken under Part 382. Any result of 0.02 or greater will be immediately reported to the Company.

¹¹ National Highway Traffic Safety Administration, Conforming Products List for Evidential Breath Measurement Devices, March 11, 2010, and addendums.

VII. PROGRAM ELEMENTS COMMON TO DRUG AND ALCOHOL

1. Substance Abuse Professional

Compliance. The Company will follow the requirements of Part 40 for its Substance Abuse Professional (SAP) obligations. A full description of the SAP requirements is in Part 40, Subpart O ("Substance Abuse Professionals and the Return-to-Duty Process").

Qualifications. The Company will refer drivers only to SAP's who have the credentials, basic knowledge, and qualification training, including fulfilling obligations for continuing education courses, for DOT violations. The SAP will not be an advocate for the Company or the driver. The SAP's function is to protect the public interest in safety by professionally evaluating the driver and recommending appropriate education/treatment, follow-up tests, and aftercare.

SAP Referral. The Company will provide to each driver who violates a DOT drug and alcohol regulation a listing of SAP's readily available to the driver and acceptable to the Company. The list will include SAP names, addresses, and telephone numbers. There will not be a charge to the driver for compiling or providing this list. The Company may use its C/TPA or other service agent to provide this information. Any driver who has violated DOT drug and alcohol regulations cannot again perform any DOT safety-sensitive duties for this Company until and unless the driver successfully completes the SAP evaluation, referral, and education/treatment process.

Payment. The Company is not required to pay for a SAP evaluation or any subsequent recommended education or treatment for a driver who has violated a DOT drug and alcohol regulation.

Company Responsibility. The Company is only bound by DOT to ensure that if the driver is provided an opportunity to return to a DOT safety-sensitive duty following a violation, that the Company ensure that the driver receives an evaluation by a SAP meeting the requirements of Part 40 and that the driver successfully complies with the SAP's evaluation recommendations before returning to the safety-sensitive job. Even if a SAP believes that the driver is ready to return to safety-sensitive work, the Company is under no obligation to return the driver to work. Under the DOT regulations, hiring and reinstatement decisions are left to the employer. The DOT leaves all payment issues for SAP evaluations and services to the Company and the driver to resolve.

SAP Process. The SAP will make a face-to-face clinical assessment and evaluation to determine what assistance is needed by the driver to resolve problems associated with alcohol and/or drug use. The SAP will refer the driver to an appropriate education and/or treatment program. At the completion of the education and/or treatment, the SAP will conduct a face-to-face follow-up evaluation to determine if the driver actively participated in the education and/or treatment program and demonstrated successful compliance with the initial assessment and evaluation recommendations. Reports will be provided to the Company on both the initial requirements and the outcome of the follow-up evaluation. The report will be specific and will include all of the Part 40 requirements of a written SAP report. The SAP will provide the DER with a written follow-up drug and/or alcohol testing plan for the driver and, if deemed necessary, will also provide the driver and the Company with recommendations for continuing education and/or treatment.

2. Employee Assistance Program

The Company may provide an Employee Assistance Program (EAP) for its drivers and supervisors. The EAP may be established "in house," as part of internal personnel service or may be contracted to an entity that provides EAP services at other locations. The function of the EAP will be to provide drivers with informational material on the awareness and danger of drug and alcohol use. General EAP-information material, such as the availability of brochures or videos, and community service "hotline" telephone numbers will be displayed in common areas and distributed to drivers. Drivers will be encouraged to call the hotline if needed. Additionally, this Plan will be displayed and made available to all drivers. The Plan contains the employer's policy regarding the use of prohibited drugs and alcohol misuse. The areas and places in which the above material will be displayed include employee bulletin boards, break rooms, locker rooms, or other areas designated by the Company.

3. Supervisor Training

Each supervisor who will determine whether a driver must be drug tested and/or alcohol tested based on reasonable suspicion/cause will be trained in the "signs and symptoms" of each substance. Each supervisor will receive one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable *drug* use and one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable *alcohol* use. The two 60-minute training periods may run concurrently.

4. Recordkeeping

Compliance. The Company will ensure that all records required by the DOT are maintained. The Company is not required to keep records related to a program requirement that does not apply to Part 40 or 382. The Company or its C/TPA will maintain the records in a locked file system and will be accessed only on a strict "need to know" basis. The Company or its C/TPA will not release a driver's drug and alcohol records to third parties without the driver's specific written consent. A "third party" is any person or organization to whom Parts 40 or 382 do not explicitly authorize or require the transmission of information in the course of the drug and alcohol testing process. "Specific written consent" means a statement signed by the driver that he or she agrees to the release of a particular piece of information to a particular, explicitly identified, person or organization at a particular time.

The Company or its C/TPA will release the driver's information without consent to DOT, FMCSA, or other government agency having regulatory authority over the Company or driver without consent. The Company or its C/TPA will release the driver's information without consent as a part of an accident investigation by the National Transportation Safety Board. The Company or its C/TPA will release the driver's information without consent in certain legal proceedings. These proceedings include a lawsuit, grievance, administrative proceeding (e.g., an unemployment compensation hearing brought by or on behalf of a driver resulting from a positive drug or alcohol test or refusal to test), a criminal or civil action resulting from a driver's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the Company to produce the information. In such a proceeding the information will be released to the decisionmaker in the proceeding with a binding stipulation that the decisionmaker to whom it is released will make it available only to parties to the proceeding. After releasing the information, the Company or its C/TPA will notify the driver.

If the Company uses a C/TPA to maintain the records, the Company will ensure that the C/TPA can produce these records at the Company's principal place of business in the time required by the DOT agency for an inspection. The records will be provided within two business days after receipt of the request. Most records will be stored electronically, where permitted by Part 40 and 382. The Company will ensure that the records are easily accessible, legible, and formatted and stored in an organized manner. If electronic records do not meet these criteria for the DOT inspector, the Company will convert them to printed documentation in a rapid and readily auditable manner, at the request of DOT agency personnel.

Records and Retention Periods. The Company or its C/TPA will maintain the following records for the noted time periods, as a minimum:

- a) Records kept for five years:
 - (1) Records of alcohol test results indicating an alcohol concentration of 0.02 or greater;
 - (2) Records of the inspection, maintenance, and calibration of EBTs;
 - (3) Records of verified positive drug test results;
 - (4) Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results);
 - (5) SAP reports;
 - (6) Follow-up tests and schedules for follow-up tests; and,
 - (7) Statistical data related to the Company's testing program, entitled "Management Information System," will be available to a representative of DOT, FMCSA, or a state agency having regulatory authority over the Company upon request.

- b) Records kept for **three years**:
 - (1) Records of information obtained from previous employers under Part 40 concerning **drug** and alcohol test results of drivers;
- c) Records kept for **two years**:
 - (1) Records that demonstrate the drug-testing collection process; and,
 - (2) Records related to the alcohol collection process (i.e., calibration documentation for evidential breath testing devices, documentation of breath alcohol technician training, documents generated in connection with decisions to administer reasonable suspicion alcohol tests, documents generated in connection with decisions on post-accident tests, and documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath for testing); and,
- d) Records kept for **one year**:
 - (1) Negative drug test results.
 - (2) Alcohol results less than 0.02.
- e) Records kept **indefinitely**:

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the Company while the individual performs the functions which require the training and for two years after ceasing to perform those functions.
- f) Types of records to be maintained is outlined in 382.401(c)
- g) Location of records. All records required by Part 382 shall be maintained as required by §390.31 and shall be made available for inspection at the Company's principal place of business within two business days after a request has been made by an authorized representative of the FMCSA.

Request for Records. All drivers have the right to request and obtain copies of any records pertaining to the driver's use of alcohol and/or drugs, including records of the driver's DOT-mandated drug and/or alcohol tests, and copies of SAP reports. Requests for records must be made in writing to the DER. A laboratory must provide, within 10 business days of receiving a written request from a driver, and made through the MRO, the records relating to the results of the driver's drug test (i.e., laboratory report and data package). Service agents providing records may charge no more than the cost of preparation and reproduction for copies of these records. SAPs must redact follow-up testing information from the report before providing it to the driver.

5. Management Information System

Compliance. The Company will prepare and maintain the DOT Management Information System (MIS) report for its drug and alcohol testing program. This report will be submitted to FMCSA in accordance with annual submission requirements. If the Company uses a C/TPA then the C/TPA may prepare and maintain the MIS, reporting the MIS as the Company requires. The DER will certify each report submitted by a C/TPA for accuracy and completeness.

VIII. Appendix A - Acknowledgement/Receipt Form

I acknowledge, by signing this form, that my full compliance with the Drug and Alcohol Plan (the "Plan") and DOT drug and alcohol regulation requirements is a condition of my initial and continued employment with the Company. I understand and agree that I may be discharged or otherwise disciplined for any drug and/or alcohol violation, committed by me, as cited in the Plan and/or in the DOT drug and alcohol regulatory requirements.

I also acknowledge, by signing this form, that a copy of the Plan has been made available to me and that I have read and understand the requirements of the Company and DOT drug and alcohol program. I have also been provided with informational material on the dangers and problems of drug abuse and alcohol misuse.

Signed, this the _____ day of _____, 20_____.

Employee Name (Please Print)

Employee Signature

Company Representative Name (Please Print)

Company Representative Signature

IX. Appendix B - Designated Personnel and Service Agents

CONSORTIUM/THIRD PARTY ADMINISTRATOR (C/TPA)

Name: Express Labs, Inc.

Address: 104 Starwood Ln, Holly Springs, NC 27540

Phone Number: 919-346-1141

DESIGNATED EMPLOYER REPRESENTATIVE (DER)/ALCOHOL & DRUG PROGRAM MANAGER

Name: Rick Howard / Town of Discovery Bay

Address: 1800 Willow Lake Road, Discovery Bay, CA 94505

Phone Number: (925) 634-1131

MEDICAL REVIEW OFFICER (MRO)

Name: D.R.S., Dr. Neil Dash

Address: 546 Franklin Ave., Massapequa, NY 11758

Phone Number: 516-541-7816

SUBSTANCE ABUSE & MENTAL HEALTH ADMINISTRATION (SAMHSA/HHS) LABORATORY

Name: Quest Diagnostics

Address: 10101 Renner Boulevard, Lenexa, KS 66219

Phone Number: 913-888-1770

COLLECTION SITE(s) - DRUG AND BREATH ALCOHOL

Name: Quest Diagnostics

Address: 1181 Central Blvd., Brentwood, CA 94513

Phone Number: (925) 516-4900

LIST OF APPROVED EVIDENTIAL BREATH TESTING DEVICES (EBTS) UTILIZED:

EBT Manufacture Name and EBT Model Name:

Lifeloc, Phoenix 6.0 Breath Alcohol Tester

SUBSTANCE ABUSE PROFESSIONAL (SAP)

Name: Robert Harelson Group

Address: 3411 Mount Diablo Blvd., Lafayette, CA 94549

Phone Number: (925) 639-2555

EMPLOYEE ASSISTANCE PROGRAM (EAP)

Name: MHN - A Health Net Company

Address: P.O. Box 10697, San Rafael, CA 94912

Phone Number: (800) 242-6220

TOWN OF DISCOVERY BAY
A California Community Services District

FMCSA DRUG/ALCOHOL PLAN
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X. Appendix C - Covered Positions

**EMPLOYEE/SUPERVISOR POSITIONS SUBJECT TO ALCOHOL & DRUG TESTING
(JOB CLASSIFICATIONS/TITLES)**

SUPERVISOR POSITIONS THAT HAVE RECEIVED ALCOHOL AND DRUG TRAINING (60 MINUTES DRUG, 60 MINUTES ALCOHOL)

<u>Title</u>	<u>Employee</u> Check applicable box.	<u>Supervisor</u> Check applicable box.	<u>Title</u>	<u>Employee</u> Check applicable box.	<u>Supervisor</u> Check applicable box.
Virgil Koehne	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Fairin Perez	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
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XI. Appendix D - Company Disciplinary Actions and Additional Procedures

1. Company Discipline

Under the Drug and Alcohol Plan, the Company is committed to a drug and alcohol free workplace. Violations to this Plan include:

a) The presence in the body, possession, use, distribution, dispensing, and/or unlawful manufacture of prohibited drugs and the misuse of alcohol is not condoned while conducting Company business, or while in work areas or Company vehicles on or off Company premises. No employee will work under the influence of prohibited drugs and alcohol.

b) An employee or applicant who tests positive for drugs, has an alcohol concentration of 0.04 or higher, or refuses to take any drug or alcohol test as directed by the Company.

c) The prohibited use of alcohol with a test result of 0.02 or greater, but less than 0.04.

Employees violating this Plan will be subject to disciplinary actions up to and including termination. Disciplinary action may include, but is not limited to: removal from working in a covered position, suspension, loss of pay, and termination of employment.

2. Additional Company Procedures

Reservation of Rights. The Company reserves the right to interpret, modify, or revise this policy statement in whole or in part without notice. Nothing in this policy statement is to be construed as an employment contract nor does this alter an employee's employment at-will status. The employee remains free to resign his/her employment at any time for any or no reason, without notice. Similarly, the Company reserves the right to terminate any employee's employment, for any or no reason, without notice.

Compliance with All Laws. This policy statement will be amended from time to time to comply with changes in Federal and State laws.

The Company reserves the right to revise or amend this policy with or without notice at any time.

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK TO ADD ADDITIONAL COMPANY DISCIPLINARY ACTIONS AND PROCEDURES IF NEEDED.



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

RESOLUTION 2014-03

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT,
ESTABLISHING A DRUG AND ALCOHOL POLICY PURSUANT TO THE U.S. DEPARTMENT OF
TRANSPORTATION FEDERAL MOTOR CARRIER ADMINISTRATION PREPARED IN
ACCORDANCE WITH THE REQUIREMENTS OF 49 CFR PART 382 AND 49 CFR PART 40.**

WHEREAS, The Town of Discovery Bay operates two vehicles as of the date of this Resolution that require a valid California Commercial Driver's License; and

WHEREAS, the Town, from time-to-time, employs individuals that possess a valid California Commercial Driver's License; and

WHEREAS, the Town is required to adopt a Drug and Alcohol Policy pursuant to the U.S. Department of Transportation Federal Motor Carrier Administration prepared in accordance with the requirements of 49 CFR Part 382 and 49 CFR Part 40.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the Drug and Alcohol Policy attached and made a part of this Resolution is done so pursuant to the U.S. Department of Transportation Federal Motor Carrier Administration and prepared in accordance with the requirements of 49 CFR Part 382 and 49 CFR Part 40.

SECTION 2. That this action is effective immediately.

PASSED, APPROVED AND ADOPTED THIS 22nd DAY of January, 2014.

Mark Simon
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on January 22, 2014, by the following vote of the Board:

AYES:
NOES:
ABSENT:
ABSTAIN:

Richard J. Howard
Board Secretary



No Back Up
Documentation
For Agenda Item # G-1



Town of Discovery Bay

"A Community Services District"

AGENDA REPORT

Meeting Date

January 22, 2014

Prepared By: Rick Howard, General Manager
Submitted By: Rick Howard, General Manager *RH*

Agenda Title

Annual Disclosure pursuant to California Government Code Section 53065.5

Recommended Action

Receive and File (No Action Necessary)

Executive Summary

California Government Code Section 53065.5 requires special districts to disclose the following:

53065.5. Each special district, as defined by subdivision (a) of Section 56036, shall, at least annually, disclose any reimbursement paid by the district within the immediately preceding fiscal year of at least one hundred dollars (\$100) for each individual charge for services or product received. "Individual charge" includes, but is not limited to, one meal, lodging for one day, transportation, or a registration fee paid to any employee or member of the governing body of the district. The disclosure requirement shall be fulfilled by including the reimbursement information in a document published or printed at least annually by a date determined by that district and shall be made available for public inspection.

Subsequently, the attached list of reimbursements for the FY ending June 30, 2013 complies with Government Code Section 53065.5.

Fiscal Impact:

Amount Requested \$ N/A

Sufficient Budgeted Funds Available?: (If no, see attached fiscal analysis)

Prog/Fund # Category: Pers. Optg. Cap. -or- CIP# Fund#

Previous Relevant Board Actions for This Item

N/A

Attachments

Reimbursements for the FY ending June 30, 2013

AGENDA ITEM: G-2

Government Code Section 53065.5
Annual Compliance Report for FY 2012-13

Employee Name	Job Title	Type of Reimbursement	Date of Reimbursement	Amount of Reimbursement
Rick Howard	General Manager	Mileage	10/17/2012	\$359.93
Fairin Perez	Parks and Landscape Manager	Mileage	05/22/2013	\$102.81
Frank Cramer	Construction Manager	Mileage	07/18/2012	\$230.88
Frank Cramer	Construction Manager	Mileage	08/15/2012	\$103.23
Frank Cramer	Construction Manager	Mileage	10/03/2012	\$206.46
Frank Cramer	Construction Manager	Mileage	11/21/2012	\$104.90



MONTHLY OPERATIONS REPORT

December 2013

Town of Discovery Bay, CA

1585 Days of Safe Operations

68548 worked hours since last recordable incident

TRAINING:

Safety, Operations, & Equipment

Safety	Hours
Monthly Training consists of: Emergency Action Plan Take 5 Safety Tailgates (13) West Region Safety Council Call Monthly Regional Safety Webinar	3.0
Operations	
All Operators were trained on Hazardous Communication Standard Requirements and Protect your Hearing Scott Biocic and Fermin Garcia participated in the Thermo- Imaging Camera training in Rio Vista	8.0

REPORTS SUBMITTED TO REGULATORY AGENCIES

Monthly Discharge Monitoring Report (DMR) Monthly electronic State Monitoring Report (eSMR) Monthly Coliform Report, California Department of Public Health (CDPH)
--

WATER SERVICES

# of Active Wells	Water Produced (MG)	Chemical (Hypo) Delivered	Fire Hydrant Flushing
5	67.61	1,620	0

Note: Well 4 in lead and Well 5 in lag to offset specific conductivity

2013 Water Production Table (MG) by Month

January	February	March	April	May	June
51.48	55.88	86.09	99.81	148.77	144.86



July	August	September	October	November	December
162.13	156.00	129.93	117.18	83.10	67.61

Bacteriological Test Results:

Routine Bacteria Samples Collected	No. Total Coliform Positives	No. Fecal/E. coli Positives	Brown Water Calls
20	0	0	0

WASTEWATER SERVICE

Wastewater Laboratory Analysis

<i>WW Effluent Parameter</i>	<i>Permit Limits</i>	<i>Oct Lab Data</i>	<i>Nov Lab Data</i>
Flow, MG Effluent, monthly total		39.39	40.71
Flow, MG Daily Influent Flow, avg.	N/A	1.39	1.39
Flow, MG Daily Discharge Flow, avg.	2.1	1.31	1.31
Effluent BOD ₅ , lbs/d, monthly avg.	350	50.6	25.1
Effluent TSS, lbs/d, monthly avg.	525	40.2	39.0
Effluent BOD ₅ , mg/L, monthly avg.	20	4.6	2.4
Effluent TSS, mg/L, monthly avg.	30	3.7	3.7
Total Coli form 7 day Median Max	23	9	4
Total Coli form Daily Maximum	240	5	4.5
% Removal BOD ₅ , monthly avg.	85% min.	99.3	98.0
% Removal, TSS, monthly avg.	85% min.	97.3	97.2
Electrical Conductivity, umhos/cm annual avg.	2100	2130 (YTD)	2136 (YTD)

Red – new parameter added

National Pollution Discharge Elimination System (NPDES)

<u>NPDES Related Excursions</u>	<u>Permit Parameter</u>	<u>NPDES Parameter Limit</u>	<u>Actual Parameter Result</u>
<u>0</u>			

Bacteriological Test Results:

<u>Routine Bacteria Samples Collected</u>	<u>No. Total Coliform Positives</u>	<u>No. Fecal/E. coli Positives</u>	<u>7-Day Median Excursion</u>
<u>10</u>	<u>0</u>	<u>0</u>	<u>0</u>

# of Active Lift Stations	# of Inactive Lift Stations	Chemical Usage Polymer-gals	SSO	Wastewater Received (MG)
15	0	150	1	43.02

COLLECTION:

- Flushed **1,752 ft.** of sanitary sewer lines, YTD **25,080 ft. 38.00%** completed
- CCTV **0 ft. 0%** completed (Deadline is May 2014)
- Inspected **96** manhole & covers. YTD **200**
- Responded to an SSO at Key-West Way on December 12, followed up to all regulatory agencies.
- Placed Bio-Plugs in L/S G,S, & Lakeshore to test for grease control
- Performed an electrical test on the Lakes L/S because pumps are turning off on over-voltage, will need to test further, Gregory witnessed it on Dec 19.
- Had a PG & E power service outage for L/S F on Dec, 14, 2013.
- Performed valve exercising
- Performed weekly lift station inspections.
- Inspected vaulted lift stations.

MAINTENANCE

Wastewater

- PG & E upgraded Plant no.1 transformer, we ran portable power during that period approximately 3-weeks.
- When we resumed PG&E power we experienced some problems with SCADA and lost some days of data, Cascade worked on retrieving the data and continues to work on retrieving the histograms.
- Cascade Integration programmed Clarifier no. 1 and the unit was place into service this month.
- Lost Clarifier no.4 for 3-days beginning on a Sunday, found some wires that were corroded and needed to be repaired.
- Lost a bearing on Magna Rotor no.2 at Plant no.1.
- The panel view for BFP no.2 went out and needs to be replaced.
- Cleaned the UV3000 on Dec 19 and the UV 3000+ on Dec 31.
- PIC broke the influent pump station discharge line to Plant no.2, the sewage remained on site was pumped to the lagoon and was not reportable.

- Performed preventative maintenance.
- Pressure washed the clarifiers each week for algae removal.

Water

- We experienced erratic PLC issues at Willow WTP, this facility has Modicon so MCC troubleshooted and determined the cause was electrical noise from PG & E, similar to what is happening at the Lakes L/S.
- Replaced the fan on booster pump no.2 at Newport WTP
- Replaced the coil in the starter for the air compressor at Willow WTP
- Rock Rayl with Veolia troubleshooted the backwash pump at Newport and determined the soft start needs to be replaced.
- Brought Well 1B back into service this month.
- Performed preventative maintenance

Preventive and Corrective

Total # of WO's Completed	Total Hours
194	104

Work Order Back-Log

Aging 8 - 30 Days	Aging > 30 Days
61	31

Call & Emergency Responses

Call Outs	Emergencies
10	0

Personnel Hours & Overtime:

Regular Hours	Overtime
1221	68.5

TERMS

WWTP	WASTEWATER TREATMENT PLANT
WTP	WATER TREATMENT PLANT
WL	WILLOW LAKE
NP	NEWPORT

VFD	VARIABLE FREQUENCY DRIVE
WO	WORK ORDER
PLC	PROGRAMMABLE LOGIC CONTROLLER
L/S	LIFT STATION
SSO	SANITARY SEWER OVERFLOW
BOD	BIOLOGICAL OXYGEN DEMAND
TSS	TOTAL SUSPENDED SOLIDS
MGD	MILLION GALLONS PER DAY
mg/l	MILLIGRAMS PER LITRE
CCTV	CLOSED CIRCUIT TELEVISION
PPM	PARTS PER MILLION
RAS	RETURN ACTIVATED SLUDGE
WAS	WATSE ACTIVATED SLUDGE
UV	ULTRAVIOLET LIGHT



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WASTEWATER SERVICE

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WASTEWATER SERVICE

MAINTENANCE

* Wastewater

- * PG & E upgraded Plant no.1 transformer, we ran portable power during that period approximately 3-weeks.
- * When we resumed PG&E power we experienced some problems with SCADA and lost some days of data, Cascade worked on retrieving the data and continues to work on retrieving the histograms.
- * Cascade Integration programmed Clarifier no. 1 and the unit was place into service this month.
- * Lost Clarifier no.4 for 3-days beginning on a Sunday, found some wires that were corroded and needed to be repaired.
- * Lost a bearing on Magna Rotor no.2 at Plant no.1.
- * The panel view for BFP no.2 went out and needs to be replaced.
- * Cleaned the UV3000 on Dec 19 and the UV 3000+ on Dec 31.
- * PIC broke the influent pump station discharge line to Plant no.2, the sewage remained on site was pumped to the lagoon and was not reportable.
- * Performed preventative maintenance.
- * Pressure washed the clarifiers each week for algae removal.

WASTEWATER SERVICE

MAINTENANCE

* Water

- * We experienced erratic PLC issues at Willow WTP, this facility has Modicon so MCC troubleshooted and determined the cause was electrical noise from PG & E, similar to what is happening at the Lakes L/S.
- * Replaced the fan on booster pump no.2 at Newport WTP
- * Replaced the coil in the starter for the air compressor at Willow WTP
- * Rock Rayl with Veolia troubleshooted the backwash pump at Newport and determined the soft start needs to be replaced.
- * Brought Well 1B back into service this month.
- * Performed preventative maintenance.

WASTEWATER SERVICE

* Preventive and Corrective

Total # of WO's Completed	Total Hours
194	104

Work Order Back-Log

Aging 8 - 30 Days	Aging > 30 Days
621	31

Call & Emergency Responses

Call Outs	Emergencies
10	0

Personnel Hours & Overtime:

Regular Hours	Overtime
1221	68.5

TERMS

WWTP	WASTEWATER TREATMENT PLANT
WTP	WATER TREATMENT PLANT
WL	WILLOW LAKE
NP	NEWPORT
VFD	VARIABLE FREQUENCY DRIVE
WO	WORK ORDER
PLC	PROGRAMMABLE LOGIC CONTROLLER
L/S	LIFT STATION
SSO	SANITARY SEWER OVERFLOW
BOD	BIOLOGICAL OXYGEN DEMAND
TSS	TOTAL SUSPENDED SOLIDS
MGD	MILLION GALLONS PER DAY
mg/l	MILLIGRAMS PER LITRE
CCTV	CLOSED CIRCUIT TELEVISION
PPM	PARTS PER MILLION
RAS	RETURN ACTIVATED SLUDGE
WAS	WATSE ACTIVATED SLUDGE
UV	ULTRAVIOLET LIGHT



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For Agenda Item # I



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EAST CONTRA COSTA FIRE PROTECTION DISTRICT

Meeting Minutes

Board of Directors Regular Meeting

Monday December 2, 2013 – 6:30 P.M.

Meeting Location: 3231 Main Street, Oakley

BOARD OF DIRECTORS		
Kevin Bouillon	Joel Bryant-President	Cheryl Morgan
Greg Cooper	Ronald Johansen-Vice President	Stephen Smith
Robert Kenny	Jonathan Michaelson	Joe Young

CALL TO ORDER - (6:34P.M.)

PLEDGE OF ALLEGIANCE – (6:34 P.M.)

ROLL CALL - (6:35 P.M.) Directors Present: Bryant, Cooper, Kenny, Johansen, Morgan, Smith, Young
Directors Absent: Bouillon, Michaelson,

PUBLIC COMMENTS - (6:35 P.M.)

There were two (2) Public Speakers – Mark Whitlock & Gil Guerrero

CONSENT CALENDAR- (6:39 P.M.)

C.1 Approve minutes from November 4, 2013 Regular Board of Directors Meeting.

Motion by: Director Young to approve Consent Calendar Item C.1

Second by: Director Smith

Vote: Motion carried: 6:1

Ayes: Bryant, Cooper, Kenny, Morgan, Smith, Young

Abstained: Johansen

PUBLIC HEARINGS

NONE

DISCUSSION ITEMS- (6:40 P.M.)

D.1 Selection of District Board officers: President, Vice President for the 2014 Calendar Year

There was no (0) Public Speaker. –

Motion by: Director Smith to elect Director Joel Bryant as President for the 2014 Calendar Year and elect Director Ronald Johansen as Vice President for the 2014 Calendar Year

Second by: Director Young

Vote: Motion carried 7:0:

Ayes: Bryant, Cooper, Kenny, Johansen, Morgan, Smith, Young

Noes: None

WORKSHOP- (6:46 P.M.)

W.1 Proposed Parcel Tax June 3, 2014

INFORMATIONAL STAFF REPORTS- (8:52P.M.)

Chief Henderson gave the Operational Update for November 2013

DIRECTORS' COMMENTS- (8:59 P.M.)

President Bryant – Thanked all involved in solving the arsonist arrest.

Vice President Johansen – Thanked all who participated in the funeral for the Livermore Captain. Would like to bring awareness to the risk firefighters take every day and the high risk of cancer among firefighters.

Director Kenny – Would like to invite an Insurance Specialist to the next meeting.

INFORMATIONAL REPORTS AND REQUESTS FOR FUTURE AGENDA ITEMS FROM BOARD MEMBERS- (9:05 P.M.)

NONE

ADJOURN TO CLOSED SESSION ON THE FOLLOWING MATTERS: - (9.05 P.M.)

1. Conference With Labor Negotiator Pursuant to Government Code Section 54957.6:
Agency designated representatives: Board President and Vice President
Employee Organizations: International Association of Fire Fighters, Local 1230, AFSCME Local 2700, East County Fire Fighters Association (Reserves), Unrepresented Management.

2. Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9: East Contra Costa County Firefighters Association v. East Contra Costa Fire Protection District. Unfair Practice Charge No. SF-CE-1020-M
3. Conference With Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9: Contra Costa County Deputy Sheriff’s Association, et al v. Contra Costa County Employees Retirement Association, et al, Contra Costa Sup. Ct. No. N12-1870
4. Conference With Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9: City of Brentwood, et al v. Robert Campbell, Contra Costa Sup. Ct. No. MSN 11-1029.

REPORT ON THE CLOSED SESSIONS- (9:45 P.M.)

Report from closed session: Item 1 – No action to report

Report from closed session: Item 2 – No action to report

Report from closed session: Item 3 - No action to report

Report from closed session: Item 4 - No action to report

**ADJOURN TO THE NEXT REGULAR BOARD MEETING SCHEDULED: January 6, 2014
(9:46 P.M.)**

**Motion by: Director Bryant to approve adjourn to the next Regular Board Meeting
scheduled: January 6, 2014**



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Documentation
For Agenda Item # N



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