AGENDA
Special Board Meeting
Tuesday, November 17, 2026 - 4:00 PM
OMC Training Room, 2600 Grant Avenue, San Lorenzo, CA 94580

INFORMATION FOR THE PUBLIC

This meeting will be conducted in-person at the address listed above and virtually via Zoom.

Members of the public interested in attending the meeting or providing public comment may participate in the following ways:

1. Attend In-Person at the location listed above.

2. Join the Meeting Online via Zoom at: https://us02web.zoom.us/j/4882542320. If you wish to speak during the meeting, please select "Raise Hand" from the "Reactions" menu at the bottom of your screen. For best performance, please consider updating to the latest version of the Zoom application and restarting your device before joining the meeting.
Zoom and a call-in option are offered as a courtesy. If a technical issue arises with Zoom or the dial-in option, the meeting will continue unless it is being held pursuant to the provisions of Assembly Bill 2449.

3. Join by Telephone by dialing (669) 900-6833 and entering Meeting ID: 488-254-2320. If you wish to speak during the meeting, please press *9.

4. Submit Written Comments by emailing publiccomment@orolomasanitarydistrict.ca.gov;please identify the specific agenda item being addressed. Written public comment will be accepted until 4:00 p.m. on the day prior to the scheduled meeting. Copies of all written comments submitted by the deadline above will be provided to each Board Member and will be added to the official record.

ACCESSIBILITY INFORMATION: In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a District meeting or need a copy of the agenda in an appropriate alternative format, please contact the District Secretary at (510) 276-4700. Notification of at least 48 hours prior to the meeting will assist District staff with ensuring that reasonable arrangements can be made.

MEETING DECORUM AND PUBLIC PARTICIPATION GUIDELINES: The Oro Loma Board of Directors encourages a respectful dialogue that supports freedom of speech and values diversity of opinion, in a manner consistent with the requirements of the Brown Act. The Board, staff, and members of the public are expected to be civil and courteous, and to refrain from questioning the character or motives of others participating in the meeting. Members of the public should direct their comments to the Board, and not staff or other members of the public. Speakers shall not use threatening, profane or abusive language that disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting.

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1. **CALL TO ORDER**
2. **ROLL CALL: DIRECTORS DEAN, DUNCAN, LEE, SIMON, YOUNG**

3. **NEW BUSINESS**

3.1. **Approval of Code of Ethics-Conduct for Members of the Board of Directors Policy** 3 - 6

The Board will consider adoption of the following amendments proposed by Director Simon to the District's Code of Ethics/Conduct for Members of the Board of Directors: (1) reducing the voting threshold required under Section J for disciplinary action against a Board member from a four-fifths supermajority to a three-fifths majority; and (2) allowing the amended policy to apply retroactively to conduct that occurred prior to the effective date of the amendments.

Attachment - Code of Ethics-Conduct for Board Members, Redlined November 2026

4. **BOARD DISCUSSION**

4.1. **Discussion of Potential Violation of Board Code of Ethics/Conduct by Director Lee** 7 - 11

At the request of Director Simon, the Board will consider an alleged violation of the District's Code of Ethics/Conduct for Members of the Board of Directors by Director Lee and provide direction on any appropriate next steps.

District Counsel Report, Attachments - Alleged Violation

5. **ADJOURNMENT TO BOARD WORKSHOP**

ORO LOMA SANITARY DISTRICT
POLICY

No.: IV.B.7
Effective: 02/03/2015

SUBJECT: CODE OF ETHICS/CONDUCT FOR MEMBERS OF THE BOARD OF DIRECTORS

I. POLICY: The Board of Directors of Oro Loma Sanitary District is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its ratepayers and compliance with State laws including Assembly Bill 1234's requirement to undergo Ethics training every two years.

II. RESPONSIBILITY: It is the responsibility of each member of the Board of Directors to conduct themselves in accordance with the guidelines established by this policy and standard procedure.

III. PROCEDURE: In order to assist in the governance of the behavior of members of the Board of Directors, the following rules shall be observed.

A. The dignity, style, values and opinions of each Director shall be respected.

B. Responsiveness and attentive listening in communication is expected.

C. The needs of the District's ratepayers shall be the priority of the Board of Directors. When a Director believes there might be a conflict of interest, legal counsel shall be requested as soon as the potential conflict is discovered to offer written advice concerning whether one exists or not.

D. The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Implementation of policy and the day-to-day operation of the District are to be delegated to the General Manager.

E. Directors should commit themselves to focusing on the business of the District, emphasizing the positive, and not participating in negative forms of communication and interaction, both internally and externally.

F. Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged.

G. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, without being unprofessional or impolite in their words, tone, or body language.

H. Directors should practice the following procedures:

i. In seeking clarification on informational items, Directors shall directly approach the General Manager to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.

ii. In handling complaints from residents and property owners of the District, said complaints shall be immediately referred directly to the General Manager. Nothing herein limits the ability of Board members to communicate directly with constituents in accordance with the adopted Board Guidelines.

iii. In handling items related to safety, concerns for safety or hazards shall be reported to the General Manager. Emergency situations shall be dealt with immediately by seeking appropriate assistance and reporting to the General Manager.

iv. In seeking clarification for policy-related concerns, said concerns shall be referred directly to the General Manager.

v. Directors shall direct all requests for work, studies, information or any task which is to be performed by District staff to the General Manager. Directors may direct requests for information to the General Manager, or may direct appropriate administrative requests to the District Secretary per the Board Guidelines. If the General Manager determines that an individual Director's request for staff services shall result in a substantial expenditure of time or District resources (greater than 2 hours), the General Manager shall refer the request to the Board for approval. This policy shall in no way limit the authority of individual Directors to contact the General Manager and District legal counsel for the purpose of inquiring about a Director's own potential conflicts of interest.

vi. Directors shall comply with the Board Guidelines in all communications with staff, the General Manager, and Legal Counsel.

I. If approached by District personnel concerning specific District policy, Directors shall direct inquiries to the General Manager.

J. Policy violations by a Board Member shall be referred to the District Counsel for evaluation and consideration of any appropriate action warranted. Reports, complaints, or concerns of perceived violations should be shared by

the District Counsel with the entire Board, including the Board Member who is the subject of the referral, unless prohibited by applicable law. Thereafter, the District Counsel shall meet with the Board to discuss the process for investigating and/or addressing the alleged violation. If permitted by the Brown Act, such discussion shall occur in closed session and exclude the Board Member who committed the alleged violations. A violation of this policy may be addressed by remedies available in law, as approved by a ~~four-fifths~~ majority of the Board (~~excluding~~ the Board Member who committed the alleged violation shall not be eligible to vote), including the following:

i. Informal discussion with the District Counsel and the Board Member with the alleged violation;

ii. Professional counseling/coaching for the Board Member with the alleged violation;

iii. An expression of admonition or disapproval of the conduct and/or censure of the Board Member. This could take place as follows:
   1. A verbal admonition (not a written action) carried out by the Board in a public meeting; and/or
   2. A formal censure in the form of a resolution, which may include actions up to and including removal from all committee assignments and any outside form of representation of the District.

iv. Injunctive relief; or

v. Referral of the violation to the Alameda County District Attorney and/or grand jury for investigation.

Nothing herein will be construed to prohibit a Board Member from exercising their First Amendment right to free speech or the Board's right to express its collective disapproval.

Formal Board actions to address violations will be taken in the public portion of a properly noticed Board meeting.

This policy shall not be applied retroactively to any Board Member for any conduct occurring prior to September 23, 2025. Any changes to this policy shall apply to Board Members regardless of when the alleged conduct occurred, as long as such alleged conduct was after September 23, 2025.

Approved by: Board on 02/03/2015
Reviewed by Legal Counsel: 01/22/23
Reviewed by: Personnel/Safety/Public Information Committee on 02/22/23
Approved by: Board on 03/07/23
Approved by: Board on 09/23/25

AGENDA ITEM REPORT

AGENDA ITEM NO: 4.1
AGENDA DATE: November 17, 2026

Subject: **Discussion of Potential Violation of Board Code of Ethics/Conduct by Director Lee**

BACKGROUND:
The Board of Directors previously adopted a policy for the Code of Ethics/Conduct for Members of the Board of Directors (the "Policy") establishing rules for behavior of members of the Board of Directors. Section III.J of the Policy provides that potential violations may be referred to the District Counsel for evaluation and consideration. The District Counsel is required to share the referral with the full Board, unless prohibited by applicable law, to discuss the process for investigating and/or addressing the alleged violation.

On November 8, Director Simon submitted a written referral to the District Counsel alleging that certain conduct by Director Lee violated the Policy. A copy of that referral, along with the supporting information provided by Director Simon, is attached. The alleged violation relates to statements and activities made during the course of the recent election campaign. On November 10, Director Simon requested the Board schedule a special meeting to consider the referral.

ISSUES:
The Board has several options for how to handle the alleged Policy violation.

1. Dismiss or Table the Matter.
   The Board may determine that the no Policy violation occurred or that the matter does not warrant any further consideration or action by the Board.

2. Retain an Outside Investigator
   The Board can direct the District Counsel to retain an outside investigator to review and investigate the matter, and make a determination as to whether or not a violation occurred. Given the nature of the alleged Policy violation, any investigation is not anticipated to be extensive or extremely expensive. However, it is unknown how long it will take to secure a qualified investigator willing to handle this matter.

3. Consider Remedial Action
   The Board is not required to retain an outside investigator, and may decide whether a violation of the Policy occurred based on the information available to it. Section J

identifies potential remedial actions the Board may take, including verbal admonition or formal written censure. If the Board believes remedial action may be appropriate, it should schedule consideration of possible remedial action for a future Board meeting, so Director Lee has sufficient notice of the allegations and an opportunity to provide a defense to those allegations. The Board would make a decision about potential remedial action at that future meeting. Assuming the Board approves the proposed amendments to the Policy being considered at the November 17 special meeting, any remedial action must be approved by a majority of the Board (three votes).

RECOMMENDED ACTION:

Consider an alleged violation of the District's Code of Ethics/Conduct for Members of the Board of Directors by Director Lee and provide direction on any appropriate next steps.

ATTACHMENTS:

1. Referral and Supporting Information from Director Simon

Alex Mog

From: Fred Simon <fsimon@orolomasanitarydistrict.ca.gov>
Sent: Sunday, November 8, 2026 11:06 PM
To: Alex Mog
Subject: FSIMON concerns under Section III.J of the Board's Code of Ethics and Conduct
Attachments: 10-18-26 mailer back.jpeg

Dear Alex,

I am writing to refer several concerns under Section III.J of the Board's Code of Ethics and Conduct and to request written advice before this week's potential vote on a proposed amendment to the disciplinary voting requirement in the Code.

2541 Grant Avenue Purchase

I am asking you to evaluate this item first and separately from the other matters. The attached campaign mailer states "...No land buys outside the plan. No gifts of ratepayer money to another agency." under Director Lee's record, while describing the purchase of 2541 Grant Avenue as "...Not in the plan....Ratepayer money, pointed at somebody else's job." under my record.

The audio recording of the May 12, 2026 Board meeting (link GMT20260513-000059_Recording (1).m4a) , item 12.1, captures Director Lee seconding the motion to approve the purchase and voting in favor. The relevant timestamps are approximately 2:11:45 for Director Lee's second and 2:12:34 for his affirmative vote. My concern is that the side-by-side comparison is materially misleading because it portrays Director Lee as opposing purchases outside the plan, despite his seconding the motion and voting to approve the 2541 Grant Avenue purchase.

Please evaluate whether the flyer's portrayal, if substantiated, falls within Sections III.A, III.E, or III.G of the Board's Code of Ethics and Conduct.

Voting Requirement and Timing

If the Board adopts a three-vote threshold on Tuesday, November 10, 2026, and expressly provides that it applies to later disciplinary votes concerning earlier conduct, would three affirmative votes legally suffice to discipline Director Lee over the Grant Avenue flyer if the Board subsequently finds a violation?

If you conclude that the amended threshold can apply, please provide the recommended modified language in the Board's Code of Ethics and Conduct using tracked changes. If at all possible, please advise in writing before the amendment vote on Tuesday, November 10, 2026.

Separate San Leandro Flyer Statements

I also ask that you evaluate two statements separately from the Grant Avenue matter so that gathering the City records does not delay review of the property item.

Investigation. The flyer states, “He called the investigators liars.” I criticized the quality of the investigation. I did not call the investigators liars. I will provide my exact remarks and the recording timestamp for comparison.

Former City Manager and Settlement. The flyer presents harassment of former City Manager Fran Robustelli as a fact that caused San Leandro to settle. The City’s 2024 censure concerned interference with the City Manager’s duties. The City’s public settlement announcement reports no finding or admission of harassment. I am seeking the signed agreement so its exact terms can be verified.

Please advise whether Sections III.A, III.E, or III.G apply to either statement, given that the underlying matters involved the City of San Leandro and the statements appeared in a campaign flyer for an Oro Loma Board seat.

Code of Fair Campaign Practices

Please confirm with the Alameda County Registrar of Voters whether Director Lee signed and filed the voluntary Code of Fair Campaign Practices for the November 3, 2026 Oro Loma District 3 election. If he did, please evaluate whether the Grant Avenue comparison and the two San Leandro statements described above were inconsistent with the pledge, including its provisions concerning character defamation, personal attacks, and dishonest or unethical practices.

Please advise what review or referral is available. Elections Code § 20440 governs distribution of the voluntary pledge by election officials.

Campaign Sign and Banner Matter

More than 200 Fred Simon for Oro Loma Board campaign signs were stolen, more than 50 Fred Simon for Oro Loma campaign signs were vandalized, and 10 Fred Simon for Oro Loma campaign banners were stolen, totaling over $2,000 in losses.

I have reported the matter to the San Leandro Police Department. At least one witness reported seeing an individual believed to be associated with Benny Lee’s campaign take a Fred Simon for Oro Loma campaign sign. I suspect the same person may have been involved in other removals and would like law enforcement to determine whether the incidents are connected.

Please confirm whether Oro Loma has the legal authority to refer this matter directly to the Alameda County District Attorney for investigation and possible prosecution. If so, please identify any legal restrictions or procedural requirements that would prevent or govern such a referral. I can provide the police report number and witness information. Please also advise whether any separate review under Section III.J is appropriate.

Thank you for prioritizing the voting requirement question before Tuesday’s meeting and evaluating the Grant Avenue matter separately from the other concerns.

Fred Simon
Director, Oro Loma Sanitary District

Benny Lee replaces the pipes.
Fred Simon replaces the lawyers.

One of them has spent six years on the Oro Loma Sanitary District Board fixing the system you pay for. The other already cost San Leandro taxpayers nearly half a million dollars.



BENNY LEE 李國斌
Vice President,
Oro Loma Sanitary District
Chair, Finance & Insurance
San Leandro City Council, 2012–2020

SAME SEAT... ...TWO RECORDS

FRED SIMON
Punished by his own City Council
Punished again in 2026
Nearly $470,000 in taxpayer damage



Watches the money. Chairs Finance & Insurance. Pipe and crews first.	**Your Money**	$470,000 legal bill. His break of the city charter and his harassment of City Manager Fran Robustelli forced San Leandro to pay a $335,000 settlement in May 2026. The investigation into his bullying cost taxpayers another $135,000.
Eight years on the San Leandro City Council, then Oro Loma. No deficit with his name on it.	**The Job**	$30 million in reverse. He has been on the City Council since January 2021. The city opened that period with a budget surplus, reserves above the required 16.67%. Juan Gonzalez walked into a $19 million surplus in 2022. It is now a projected deficit of more than $11 million. Washington also handed the city $18 million in ARPA money. He was in the room for all of it.
Six years on this board. No land buys outside the plan. No gifts of ratepayer money to another agency.	**The Habit**	$1 million on a whim. This year Oro Loma spent $1 million on land next to the plant. Not in the plan. Full-year budget is $36.5 million. He wanted a community center. Community centers belong to HARD. General Manager James Wheeler had never heard of it. No discussion. Ratepayer money, pointed at somebody else's job.
The director who leads the utility to 3 top Statewide awards out of 500 agencies. No investigations. No punishments. *Does the job and goes home.*	**The Company He Keeps**	Punished twice. His own council voted 4–1 in November 2024 to punish him for interfering with the City Manager and threatening her job. He did not stop. They punished him again in January 2026. He called the investigators liars.

READ MORE

The mileage. The Chicago and Palm Springs receipts.
The health-benefit cash grab. The retaliation. The full record at:
www.bennylee.us/simon-did-what

Page

Oro Loma runs on your rates. The person in that chair decides what gets fixed and what gets wasted.

Benny Lee fixes it.....Fred Simon wastes it.

On or Before November 3rd - Vote Benny Lee for Oro Loma Sanitary District Board District 3.