TO:

**BOARD OF DIRECTORS** 

FROM:

BRUCE BUEL BETT

DATE:

**AUGUST 22, 2008** 

AGENDA ITEM D AUGUST 27, 2008

### CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately.

### Questions or clarification may be made by the Board members without removal from the Consent Agenda.

- D-1) APPROVE WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE BOARD MEETING MINUTES [RECOMMEND APPROVAL]
  Approve Minutes of 8/13/08 Regular Meeting
- D-3) ADOPT RESOLUTION ADDING POLICY REGARDING LATERAL TRANSFERS TO PERSONNEL POLICY [ADOPT RESOLUTION]
- D-4) REQUEST SLO COUNTY NOT TO HOLD 11/4/08 NCSD ELECTION [ADOPT RESOLUTION]
- D-5) RATIFY EXECUTION OF TASK ORDER FOR CANNON TO PERFORM PHASE 1 WILLOW ROAD DESIGN SERVICES [RECOMMEND APPROVAL]
- D-6) DIRECT STAFF TO INCLUDE A FISCAL STATEMENT TO ALL SUBSEQUENT ADMINISTRATIVE ITEM BOARD LETTERS [RECOMMEND APPROVAL]

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TO:

**BOARD OF DIRECTORS** 

FROM:

**BRUCE BUEL** 

DATE:

**AUGUST 22, 2008** 

**TOTAL COMPUTER** CHECKS \$ 203,758.40

### HAND WRITTEN CHECKS

	19796	VOID	
08-11-08	19797	E EBY	100.00
08-11-08	19798	C TROTTER	100.00
08-12-08	19800	SLO COUNTY RECORDER	16.00
08-19-08	19801	SANTA BARBARA FLOOD CONTROL	65.00
08-19-08	19802	SLO COUNTY RECORDER	12.00
08-22-08	19803	M VILLANUEVA	75.00
08-22-08	19804	K JAMES	1,263.15

VOID 15402

COM	OILK (	CLIVER	RATED CHECKS					
Check Number	Check Date	Vendor Number	Name	Gross Amount	Amount	Net Amount	Invoice #	Payment Information Description
15416	08/22/08	EMP01	EMPLOYMENT DEVELOP DEPT	847.87	.00		A80818	STATE INCOME TAX
15417	08/22/08	MID01	MIDSTATE BANK-PR TAX DEP	3086.08	.00		A80818	FEDERAL INCOME TAX
				54.52 871.44	.00		1A80818 2A80818	FICA MEDICARE (FICA)
			Check Total:	4012.04	.00	4012.04		
15418	08/22/08	MID02	MIDSTATE BANK - DIRECT DP	23377.22	.00	23377.22	A80818	NET PAY
15419	08/22/08	PER01	PERS RETIREMENT	7394.03	.00	7394.03	A80818	PERS PAYROLL REMITTANCE
15420	08/22/08	STA01	STATE STREET GLOBAL	1680.00	.00	1680.00	A80818	457 DEFERRED COMP
015421	08/27/08	ABA01	ABALONE COAST BACTERIOLOG	176.00	.00	176.00	081527	TOWN WWTF LAB
				120.00	.00	120.00	08-1565 08-1566	WATER SAMPLES BL WWTF LAB
				20.00	.00	20.00	08-1581	BL WWTF LAB
				176.00	.00	176.00	08-1582	TOWN WWTF LAB
				20.00	.00	20.00	08-1602	BL WWTF LAB
				20.00	.00	20.00	08-1608	TRACT 2689 LAB
		*		20.00	.00	20.00	08-1609 08-1627	BL WWTF LAB BL WWTF LAB
				120.00	.00	120.00	08-1628	WATER SAMPLES
			Check Total:	712.00	.00	712.00		
015422	08/27/08	AME03	AMERI PRIDE	8.40	.00	8.40	F062047	UNIFORMS ETC
				198.23	.00	198.23	F551595	UNIFORMS ETC
				106.47	.00	106.47	F557248	UNIFORMS ETC
			Check Total:	313.10	.00	313.10		
015423	08/27/08	ATT01	AT&T/MCI	185.41	.00	185.41	209635	PHONE
015424	08/27/08	BOY01	BOYLE ENGINEERING CORP	340.20	.00	340.20	58251	SOUTHLAND WWTF ENG
				226.80	.00	226.80	58252	SOUTHLAND SALTS MIN PLAN
				1801.55 2642.76	.00	1801.55 2642.76	58253 58254	INSPECTION SERVICES PCI FOR CO 04-0190
				2194.43	.00	2194.43	58346	WATERLINE INTERTIE PROJEC
				27894.25	.00	27894.25	58347	WATERLINE INTERTIE PROJEC
			Check Total:	35099.99	.00	35099.99		
015425	08/27/08	BRE02	BRENNTAG PACIFIC INC.	1355.65	.00	1355.65	BPI820012	CHLORINE
015426	08/27/08	BUE01	BUEL, BRUCE	20.00	.00	20.00	080708	PER DIEM C TROTTER
015427	08/27/08	CAN02	CANNON ASSOCIATES	375.00	.00	375.00	43952	BL WELL#3 WELL TABLES
				342.50	.00	342.50	43953	BL WELL #4 WELL TABLES
				758.52	.00	758.52 485.14	43954 43956	EUREKA ALARMS BEVINGTON WELL
				485.14 2199.16	.00	2199.16	43957	TEFFT ST L/S
				530.80	.00	530.80	44390	MARIA VISTA SCADA SERVICE
				270.00	.00	270.00	44391	LIFT STATION SCADA SERVIC
				3919.71	.00	3919.71	44392	BL WELL & WTP SCADA SERVI
				270.00	.00	270.00	44393	EUREKA WELL SCADA SERVICE
				270.71 677.50	.00	270.71 677.50	44394 44395	SCADA SERVICES JUNIPER LIFT STN SCADA SE
				242.50	.00	242.50	44396	BL LIFT STN SCADA SERVICE
			Convolidation	170,00	www.NoNew	170.00	44397	BL LIFT STN SCADA SERVICE
			Copy of docu	ment @ugd gt 6733.07	.00	6733.07	44399 44398-A	WATERLINE RELOCATIONS WATERLINE RELOCATIONS DES
			Check Total:	21839.92	.00	21839.92		

### NIPOMO COMMUNITY SERVICES DISTRICT WARRANTS AUGUST 22, 2008

# AGENDA ITEM D-1 AUGUST 27, 2008 PAGE TWO

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	
015428	08/27/08	CHE01	CHEVRON & TEXACO BUSINESS	1529.40	.00	1529.40	6/30/08	
015429	08/27/08	EBY01	EBY, ED	100.00	.00	100.00		Contract of Contraction
015430	08/27/08	ELE02	ELEMENTS	50.00	.00	50.00	3377.57	
015431	08/27/08	FGL01	FGL ENVIRONMENTAL	266.60	.00	266.60	807482A	
				478.80 56.00	.00	478.80	807489A	TOWN WWTF LAB
				2871.00	.00	56.00 2871.00	807722A 807723A	
015431	08/27/08	FGL01	FGL ENVIRONMENTAL	283.22	.00	283.22	807724A	TOWN WWTF LAB
				884.40 481.79	.00	884.40 481.79	807792A 807793A	BL WELL SAMPLES BEVINGTON WELL SAMPLES
				1103.85	.00	1103.85	807794A	WELL SAMPLES - VIA CON &
				1128.85 884.65	.00	1128.85 884.65	807795A 807796A	SUNDALE/KNOLLWOOD SAMPLES WELL SAMPLES - OLY & CHUR
				81.00	.00	81.00	808021A	BL WWTF LAB
				1312.00 454.00	.00	1312.00 454.00	808022A 808023B	SALT MINIMIZATION PLAN GW SALTS MINIMIZATION INF/EF
				187.00	.00	187.00	808200B	TOWN WWTF LAB
	×			81.00	.00	81.00	808244A	BLWWTF LAB
			Check Total:	10554.16	.00	10554.16		
015432	08/27/08	FIR02	FIRST AMERICAN TITLE	360.00	.00	360.00	718100901	PRELIM TITLE-PIONEER EASE
015433	08/27/08	FOU01	FOUR IMPRINT, INC.	1017.36	.00	1017.36	1327034	CANVAS TOTE BAGS
015434	08/27/08	FUG01	FUGRO WEST, INC.	25125.00 802.50	.00	25125.00 802.50	3596002 3596003	SOUTHLAND WWTF DISCHARGE GROUNDWATER MODELING SOUT
			Check Total:	25927.50	.00	25927.50		
015435	08/27/08	GWA01	GWA INC	85.00	.00	85.00	640201	ADD PASS CODE
015436	08/27/08	HAR02	HARRISON, JAMES	100.00	.00	100.00	082708	REG BD MEETING 082708
015437	08/27/08	IND01	INDUSTRIAL MEDICAL GROUP	280.00	.00	280.00	080608	PRE-EMPLOYMENT PHYSICALS
015438	08/27/08	LIN02	LINC DELIVERY	198.00	.00	198.00	1698	LAB DELIVERIES
015439	08/27/08	MAC01	MACH SECURITY SOLUTIONS	13720.58	.00	13720.58	5125	CYBERLOCK SYSTEM/KEYS-SEC
015440	08/27/08	MAR02	MARLOWE & COMPANY	4500.00	.00	4500.00	08-268-08	SERVICE THROUGH JULY 2008
015441	08/27/08	MAR03	MARIOS REMODELING AND GEN	2500.00	.00	2500.00	A80822	REMODEL AREA FOR LAB
015442	08/27/08	NEX01	NEXTEL COMMUNICATIONS	333.06	.00	333.06	87314-081	CELL PHONES
015443	08/27/08	NIPO5	NIPOMO CHAMBER OF COMMERC	25.00	.00	25.00	101108	OCTOBER FESTIVAL APPLICAT
015444	08/27/08	OFF01	OFFICE DEPOT	107.65 486.84	.00	486.84	438941920 440047130	OFFICE SUPPLIES SUPPLIES
			Check Total:	594.49	.00	594.49		
015445	08/27/08	P0001	POOR RICHARD'S PRESS	779.52 656.46	.00	779.52 656.46	194039 194169	REBATE POSTCARD PRINTING BILL INSERTS
			Check Total:	1435.98	.00	1435.98		
015446	08/27/08	QUI01	QUILL CORPORATION	137.92	.00	137.92	6640271	SUPPLIES
				56.13 31.61	.00	56.13 31.61	9271185 9276638	SUPPLIES SUPPLIES
			Check Total:	225.66	.00	225.66		
015447	08/27/08	RBA01	R BAKER, INC	5403.16 21599.10	.00		0807-3222 0807-3223	RAMP FOR SEWER POND CLEAN SEWER PONDS
			Check Total:	27002.26	.00	27002.26		
015448	08/27/08	SAI01	SAIC	6983.70	.00	6983.70	593508	NMMA TECH GROUP MEETINGS

### NIPOMO COMMUNITY SERVICES DISTRICT WARRANTS AUGUST 22, 2008

# AGENDA ITEM D-1 AUGUST 27, 2008 PAGE THREE

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	ayment Information Description
015448	08/27/08	SAI01	SAIC	1258.10	.00	1258.10	910023	CONSULTATION
			Check Total:	8241.80	.00	8241.80		
015449	08/27/08	SAN09	SAN LUIS MAILING SERVICE	108.33 620.55	.00	108.33 620.55	33343A 33343B	MAILING LATE NOTICES POSTAGE FOR BILLS
			Check Total:	728.88	.00	728.88		
015450	08/27/08	SHI01	SHIPSEY & SEITZ, INC	4347.50	.00	4347.50	071508	LEGAL SERVICES
015451	08/27/08	SPM01	SP MAINTENANCE SERVICES	58.95 96.55	.00	58.95 96.55	24131 24160	BLDG MAINTENANCE TELEPHONE EQUIP VENT
			Check Total:	155.50	.00	155.50		
015452	08/27/08	TAF01	TAFT ELECTRIC	290.58 242.15 484.30	.00	290.58 242.15 484.30	30382U 30382V 30382W	MAINT AT OPER CENTER VIA CONCHA WELL MAINT VIA CONCHA WELL MAINT
			Check Total:	1017.03	.00	1017.03		
015453	08/27/08	TGP01	TGP WEST, INC.	1251.99	.00	1251.99	6003	SUNDALE MAINT
015454	08/27/08	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	082708	REG BD MEETING 082708
015455	08/27/08	USA01	USA BLUEBOOK	340.02	.00	340.02	650055	LAB SUPPLIES
015456	08/27/08	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	082708	REG BD MEETING 082708
015457	08/27/08	WIN01	WINN, MICHAEL	100.00	.00	100.00	082708	REG BD MEETING 082708

### NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 43 - Years of Service 1965 - 2008

### DRAFT MINUTES AUGUST 13, 2008 AT 9AM

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS
MICHAEL WINN, PRESIDENT
JAMES HARRISON, VICE PRESIDENT
CLIFFORD TROTTER, DIRECTOR
LARRY VIERHEILIG, DIRECTOR
ED EBY, DIRECTOR

PRINCIPAL STAFF
BRUCE BUEL, GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR/AGM
DONNA JOHNSON, BOARD SECRETARY
JON SEITZ, GENERAL COUNSEL
PETER SEVCIK, DISTRICT ENGINEER

Mission Statement: The Nipomo Community Services District's mission is to provide the community with reliable, quality and cost-effective services.

Vision Statement: The Nipomo Community Services District's vision is to manage the resources and future growth of the community.

#### 00:00:00

### A. CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order at 9:00 a.m. and led the flag salute.

### B. ROLL CALL

At Roll Call, all directors were present.

### C. PRESENTATIONS AND PUBLIC COMMENT

### C-1) COMMANDER BRIAN HASCALL OF SLO COUNTY SHERIFF'S OFFICE

Commander Brian Hascall of the San Luis Obispo County Sheriff's Office gave an update of the Sheriff's activities on the Nipomo Mesa.

On August 12, 2008, there was an assault on a woman. The perpetrator came through an unlocked window.

Two gang members (Soares and Sebastian) were arrested on August 7, 2008.

Graffiti is on the increase, mostly in Oceano. Thefts from unlocked vehicles have been more frequent during the summer months.

The Board thanked Commander Hascall for the report.

### C-2) BATTALION CHIEF BILL FISHER OF CAL FIRE

In Battalion Chief Bill Fisher's absence, Captain Felix Camacho gave the update of Cal Fire activities on the Nipomo Mesa.

Nipomo Station 20 had a total of 106 calls: 16 fires, 10 vehicle accidents, 53 medical aids and 27 various other calls.

Mesa Station 22 had a total of 55 calls: 4 fires, 5 vehicle accidents, 30 medical aids and 16 other calls.

There were three structure fires. The occupants of the fire in the travel trailer were able to escape uninjured. Captain Camacho reminded the audience to test smoke alarms monthly and replace the batteries at least once a year.

This area is in the middle of fire season. The firefighters from Nipomo have returned after 30 straight days of battling the lightening strike fires.

### C-2) BATTALION CHIEF BILL FISHER OF CAL FIRE (CONTINUED)

Defensible space around houses needs to have a 30-100 foot clearance.

It is tentatively scheduled to have a chipping event in the Suey Canyon area early in September.

The construction of the Nipomo Fire Station is on schedule. Completion is expected in March, 2009.

Volunteer workers have been trained on rope rescue.

The Board thanked Captain Camacho for his report.

### C-3) JAN DI LEO OF SLO COUNTY PARKS

Update re: Community Park Revision Environmental Review

Ms. Jan DiLeo presented an update on the Nipomo Community Park Master Plan. The County is planning to prepare an environmental impact report on the Master Plan. She stated she had met with two Nipomo groups concerned with a community center in the park. They looked at several possible options to be included. A hand-out was provided to the public titled "Preliminary Community Center Input".

Ms. DiLeo thanked the participants for making this a public process. She stated she hopes this will unify the community. The Board asked a few questions about possible sites for the park. The Board discussed the map provided by Ms. DiLeo.

The Board thanked Ms. DiLeo for her report.

### C-4) DISTRICT ENGINEER PETER SEVCIK

Update re: District Engineer Activities

District Engineer Peter Sevcik gave an update of recent activities. He reviewed the outline in the Board packet and answered questions from the Board.

Southland WWTF Upgrade
Water and Sewer Master Plan Implementation
Santa Maria Waterline Intertie Project
Waterline Relocation for County Drainage Project

Safety Program Monthly compliance reports Development review

Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his report.

### C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST Receive Announcements from Directors Items of District & Community Interest

### Director Vierheilig

US Fish and Wildlife Service is looking to list about 30,500 acres for critical habitat for an endangered plant (thistle) from Arroyo Grande Creek to Santa Ynez. They are looking for comments on the listing. Their website is FWS.gov/Ventura for more information. Comments need to be in by October 6, 2008.

### Director Eby

The LAFCo's August 21, 2008 meeting has been canceled. Next meeting will be held Sept. 18<sup>th</sup>.

Piano concert to be held at the Dana Adobe September 21, 2008, 3-6:00 p.m. He has tickets for \$18.50.

### C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST (CONT.)

### Director Winn

- San Luis Obispo County Board of Supervisors met August 12, 2008. One significant item on the agenda was a proposal to transfer critical operations from the Planning Commission to a staff member or the all-staff Subdivision Review Board.
- Planning Commission has the following issues in process:
  - o Inclusionary Housing,
  - o Santa Margarita Ranch ag subdivision cluster housing,
  - Framework Document
- August 21, 2008, Nipomo Mesa Management Association (Technical Group) will be discussing drought triggers.
- August 26, 2008, Board of Supervisors will consider the proposed Perrett detachment north of the Santa Maria River.
- August 13, 2008, Pismo meeting discussing the use of the Oceano Dunes by the offroad vehicle business. From the years 2000 to 2007, there have been 18 people killed on the dunes and over 300 injuries reported per year. There have been four vehicular deaths thus far this year.
- As vehicles drive back and forth on the Dunes, the crust is broken down on the
  dunes and particulate matter is released into the atmosphere. Nipomo is the only
  community that is taxed on the amount of particulate matter blown (possibly from the
  recreational vehicles) into Nipomo. The Air Pollution Control District fees possibly
  could be paid by the people participating in that kind of activity.

### C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Kathy Kubiak, President of Olde Towne Nipomo Association, spoke to the Board regarding the proposed Jim O. Miller Park, proposed for the parcel of land owned by the County. The process is in limbo now because of changes in the Park Department and General Services. Ms. Kubiak asked the Board to appoint an emissary to lobby the Board of Supervisors.

<u>Jim Tefft</u>, Nipomo resident, congratulated and thanked Directors Eby and Winn for the Board position and all the work accomplished by this Board. He asked the Board to continue efforts for the proposed Jim O. Miller Park. The Olde Towne Design and Circulation Plan was approved in 1999. He volunteered the group's services in the efforts to complete the project. He thanked the Board.

Bruce Buel, General Manager, stated the latest correspondence with the County was concerning the property west of the Nipomo Community Services District building. County staff has requested documentation of our easements and encumbrances on that property. The District has contracted with the Wallace Group to locate the easements, including the area around the sewer lift station. The investigation should be complete by the end of August and the information given to SLO County General Services.

### Additional item for agenda

Staff asked to add an item to the agenda. A situation arose after the agenda notice period and there was a need for action before the next meeting. The owner of a farming operation south of the Southland wastewater facility has applied for a permit to apply ethyl bromide on the farm. The farming operation must have permission from the adjoining properties considered as the outer zone.

### Additional item for agenda (continued)

Staff asked the Board for findings that this item arose after the notice period for this meeting and that there is a need for NCSD Board action at this meeting since the applicant wants to apply the chemical on Friday, August 15, 2008.

Jon Seitz, District Legal Counsel, explained that staff is not asking for action on the item at this time but to request to put the item on the agenda for discussion.

Upon motion by Director Vierheilig and seconded by Director Trotter, the Board agreed to add an item to the agenda pursuant to the findings that this item arose after the notice period for this meeting and that there is a need for NCSD Board action at this meeting. There was no public comment. Vote 4-1, with Director Winn voting no.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Trotter, Harrison, and Eby	Director Winn	None

Mr. Buel stated that the item would be considered as E-7. AUTHORIZE APPROVAL OF PERMISSION FOR SUCCESS VALLEY PRODUCE TO APPLY METHYL BROMIDE.

### 01:08:00

### D. CONSENT AGENDA

Bruce Buel, General Manager, made some corrections to the Minutes of the July 23, 2008 meeting. Director Harrison requested that Items D-3 and D-4 be pulled for separate consideration.

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES
  Approve Minutes of 7/23/08 Regular Meeting
- D-3) CANCEL REMAINDER OF AGREEMENT WITH MARLOWE AND COMPANY FOR LOBBYING SERVICES
- D-4) RESOLUTION INCREASING DAILY LIMIT EXPOSURE OF AUTOMATIC CLEARING HOUSE (ACH) FOR DEBIT AND CREDIT TRANSACTIONS FOR BILLING AND PAYROLL VIA RABOBANK

Upon motion by Director Eby and seconded by Director Harrison, the Board unanimously approved Item D-1 and D-2 of the Consent Agenda, as amended. There was no public comment. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Eby, Harrison, Trotter, Vierheilig and Winn	None	None

### ITEMS FOR SEPARATE CONSIDERATION

D-3 CANCEL REMAINDER OF LOBBY AGREEMENT WITH MARLOWE AND COMPANY FOR LOBBYING SERVICES

Director Harrison asked if it was a good idea to hire the lobbying service in the first place, why is it not now; and will the District continue the lobbying efforts after the first of the year?

- D. CONSENT AGENDA (CONTINUED)
  - D-3) CANCEL REMAINDER OF LOBBY AGREEMENT WITH MARLOWE AND COMPANY FOR LOBBYING SERVICES (CONTINUED)

Bruce Buel, General Manager, explained that the efforts need to be continued. Canceling the contract now will cause a period that the District is not represented. The Board discussed the matter. Director Trotter commented that, in his experience, it is important to have a consistent presence in Washington.

Upon motion by Director Vierheilig and second by Director Eby, the Board agreed to terminate the agreement with Marlowe and Company and directed staff to send notification of such. There was no public comment. Vote 4-1, with Director Harrison voting no.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Eby, Trotter, and Winn	Director Harrison	None

D-4) RESOLUTION INCREASING DAILY LIMIT EXPOSURE OF AUTOMATIC CLEARING HOUSE (ACH) FOR DEBIT AND CREDIT TRANSACTIONS FOR BILLING AND PAYROLL VIA RABOBANK

Bruce Buel, General Manager, explained that the District currently uses the Automatic Clearing House feature offered by Rabobank. The current daily limit is \$60,000.00. It has been recommended to increase the limit to \$120,000 to allow for "Auto Pay" for customer accounts, payroll, and payroll taxes.

Upon motion by Director Trotter and seconded by Director Eby, the Board unanimously adopted Resolution 2008-1098. There was no public comment. Vote 5-0.

RESOLUTION NO. 2008-1098
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT INCREASING DAILY LIMIT EXPOSURE AUTOMATIC CLEARING HOUSE (ACH) ORIGINATION FOR DEBIT AND CREDIT TRANSACTIONS FOR BILLING AND PAYROLL VIA RABOBANK

YES VOTES	NO VOTES	ABSENT
Directors Trotter, Eby, Vierheilig, Harrison, and Winn	None	None

### E. ADMINISTRATIVE ITEMS

E-1) AUTHORIZE NEGOTIATION OF AGREEMENT WITH CANNON ASSOCIATES FOR DESIGN OF THE FIRST PHASE OF THE WATER MAINS IN THE PROPOSED WILLOW ROAD EXTENSION OR TAKE ALTERNATE ACTION

Bruce Buel, General Manager, gave the Board, and made available to the public, a list of the firms that responded to the Willow Road Waterline Design and Construction Management Proposal. The Board discussed what services would be provided for the proposed \$124,300. The Scope of Services includes project management, preliminary engineering, design and construction document, bid support, construction engineering services from Misty Glen to Hetrick. Seven firms submitted proposals.

There was no public comment. Upon motion by Director Vierheilig and seconded by Director Eby, the Board unanimously authorized staff to issue a task order to Cannon Associates for ratification at the August 27, 2008 meeting in the not-to-exceed amount of \$124,300. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Eby, Harrison, Trotter, and Winn	None	None

01:26:31

The Board took a break at 10:42 a.m. and resumed the meeting at 10:56 a.m.

E-2) NOT USED

Item E-3 was moved to be considered after Item E-6.

NOTE: AGENDA ITEMS E-4 THROUGH E-6 ARE NOT EXPECTED TO START BEFORE 10:30AM

01:43:22

### E-4) RECEIVE REPORT FROM FINANCE AND AUDIT COMMITTEE AND CONSIDER OPTIONS FOR PROVIDING WATER SERVICE TO BLACKLAKE

Bruce Buel, General Manager, stated that the Board, on July 23, 2008, referred the development of a scope of work and options for providing water service to Blacklake that avoid negative rate impacts on Town water customers to the Finance and Audit Committee. He noted that the minutes to the August 5th meeting of the Finance and Audit Committee are in the packet and a draft of the minutes of the August 11, 2008 Committee meeting was forwarded to the Board and made available at the present meeting. Director Trotter stated that it is not practical or desired by the Blacklake community that the system remains a stand-alone system. Director Eby stated that when the Reed Study was prepared several years ago, the rates were set to boost the reserves of the Town Division and the Blacklake Division to a certain level. At that point, the reserves for Blacklake were much lower than the Town Division's reserves. He asked if the two were not combined, what would be the rates of the two; and if the two were combined, what would the rates be given the same ground rules having the same percentage of reserves. He stated that the only purpose of doing the stand-alone analysis is to get a baseline, just as a comparison. The "big" Reed proposal would probably answer that question but would the "small" proposal? Mr. Buel stated that the "big" study would answer quite a few questions such as what the costs would be if Blacklake is unwilling to pay for any merger. The "small" study could possibly answer the question of the "tip point" that would insure that neither division would be subsidizing the other division, in terms of rates. Director Vierheilig explained that the Finance Committee looked at the funded replacement fund and tried to get them to the same percentage levels with the exception of water reserves. District policy is 50% but sometimes the Town Division's reserves were over 100% for O & M expenses.

The following members of the public spoke:

Mark Westfall, NCSD resident, complemented the committee for its very good working relationship established. He stated that when the initial proposal of \$1692, there was no mention of the effect on the Town Division rates. He also stated that the Blacklake Division brings tangible assets to the Town Division such as excess water from the wells.

<u>Curt Curtis</u>, NCSD resident, stated that the group and the committee discussed that the Blacklake Division is built out and will not need many upgrades in the future. The capacity fees could cover the Misty Glen connection.

<u>Pat Eby</u>, NCSD resident, stated that there was great communication in both committee meetings. She requested that the numbers on the proposal be validated. It was felt that all three options seem to be viable and can be defended. A study is not needed. If one of the three options is chosen, she stated she would not lead a Prop 218 Protest. She suggested looking at how much the Town Division would pay if Blacklake is not part of a combined system.

E-4) RECEIVE REPORT FROM FINANCE AND AUDIT COMMITTEE AND CONSIDER OPTIONS FOR PROVIDING WATER SERVICE TO BLACKLAKE (continued)

Bill Nelson, NCSD resident, also complimented the committee for action taken at the meetings. He stated that it would be a win-win situation if the two systems were merged. The Town system will win by having a more reliable system and a slightly lower rate because there would be more customers in the system. Nipomo Community Services District will win because there will be a less complicated system to maintain (no hydropneumatic tank). Blacklake will win because it will have higher pressures in the pipes and be able to meet State fire flow and maximum daily demand requirements using the pressure by the quad tanks. He stated that he thinks the biggest complaint seems to be the idea that the capacity fees collected before the systems were merged is not fair to Blacklake and would like the District to consider that.

Director Trotter stated that he was disappointed that the two committees did not recommend a specific Blacklake "Buy-in" plan. The committee quit too soon.

The Board discussed the amount of water from the Blacklake wells and the use of the water. The Board discussed with Mr. Reed about reducing the costs of the proposed study. The Board discussed to use the various numbers (determined by Bob Reed, with certain items taken away by Vierheilig and, Pat Eby and find out how they affect the Town Division and the Blacklake Division.

Upon motion of Director Harrison and seconded by Director Vierheilig, the Board unanimously agreed to hire The Reed Group with a not-to-exceed amount of \$17,500 to find out what the rates would be for both divisions if they are not consolidated, what they would be combined and what the buy-in costs would be to have no negative impact on either division using current numbers. Both divisions will pay for the study at 85%-15%. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Vierheilig, Eby, Trotter, and Winn	None	None

The Board took a break at 11:57 a.m. and resumed at 12:04 p.m.

02:44:24

E-5) RECEIVE PRESENTATION FROM RATE CONSULTANT RE POTENTIAL INCREASES IN TOWN WATER CAPACITY CHARGES FOR NEW DEVELOPMENT'S SHARE OF WATERLINE INTERTIE PROJECT AND SET ADOPTION HEARING

Bruce Buel, General Manager, explained that an analysis of the capacity charges for the Town water system and for supplemental water was requested by the Board.

Bob Reed of The Reed Group, Inc., prepared the analysis in a report entitled "Capacity Charges for Town Water System and for Supplemental Water". He presented a series of slides:

- Water Capacity Charges
  - Town water system distribution system buy-in capacity charge
  - Supplemental water capacity charge
    - Santa Maria MOU water supply
    - Nipomo waterline intertie project
    - Desalinization project

- E-5) RECEIVE PRESENTATION FROM RATE CONSULTANT RE POTENTIAL INCREASES IN TOWN WATER CAPACITY CHARGES FOR NEW DEVELOPMENT'S SHARE OF WATERLINE INTERTIE PROJECT AND SET ADOPTION HEARING (continued)
  - Town Buy-In Capacity Charge
    - New customers "buy-in" to the capacity in the existing water distribution system: Value of existing system / No. of existing customers
    - Calculation include depreciated replacement cost of existing assets, capital reserves, and adjustments for outstanding debt
    - Calculation excludes water supply facilities
  - Buy-In Capacity Charge Schedule
  - Supplemental Water Capacity Charge
    - O New customers pay for supplemental water capacity:

      Cost of System Expansion / No. of new customers
    - Calculation includes estimated cost of future supplemental water supply projects
  - "No Impact" Supply Mix -
    - 44% of groundwater and 56% supplemental water results in no net impact to groundwater basin
  - Supplemental Water Projects
    - o Santa Maria MOU and Nipomo Intertie Pipeline
    - o Up to 3000 AF annually
    - o \$1,250 per AF for water (O&M and capital)
    - o \$31.7 million for Intertie Pipeline and related improvements
  - Desalinization Project
    - o Up to 6,300 AF annually
    - o \$88.6 million for desalinization plant
  - Current and Future Demand
  - Supplemental Water Needs
  - Supplemental Water Capacity Charge
  - Supplemental Water Capacity Charge Schedule

There was no public comment. The Board discussed portions of the report. Upon motion by Director Eby and seconded by Director Vierheilig, the Board unanimously agreed to set a hearing for September 10, 2008, and directed staff to make the report available to the public, Home Builders Association, environmental groups, and the County's Economic Advisory Council. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Eby, Vierheilig, Harrison, Trotter, and Winn	None	None

03:33:05

E-6) RECEIVE PRESENTATION FROM RATE CONSULTANT RE POTENTIAL INCREASES IN BLACKLAKE SEWER USER FEES AND FORWARD PROPOSAL TO BLACKLAKE AREA OVERSIGHT ADVISORY COMMITTEE FOR COMMENT

Bruce Buel, General Manager, provided an overview of the report from The Reed Group, Inc. entitled "Blacklake Sewer System Financial Plan and User Rates".

Bob Reed, of The Reed Group, Inc., reviewed the slide presentation:

- Current Situation
  - o The Blacklake sewer system continues to be in a weak financial condition
    - Previously recommended rate increases were not adopted
    - Current operating expenses and transfers exceed revenues, and the balance in the Operating Fund is only about \$15,000

- E-6) RECEIVE PRESENTATION FROM RATE CONSULTANT RE POTENTIAL INCREASES IN BLACKLAKE SEWER USER FEES AND FORWARD PROPOSAL TO BLACKLAKE AREA OVERSIGHT ADVISORY COMMITTEE FOR COMMENT (CONTINUED)
  - The Funded Replacement Fund has a negative balance of \$143,000
  - Revenues and Expenses
  - Financial Plan Assumptions
  - Capital Project Funding
  - Blacklake Sewer Loan Surcharge
  - Proposed Overall Blacklake Sewer Rate Increases
  - Proposed Blacklake Sewer Rates
  - Alternative Blacklake Sewer Rates
  - Next Steps
    - Incorporate any revisions based on Board/staff direction and comments
    - Meeting (conf. call) with Blacklake representatives
    - Board meeting September 10<sup>th</sup>
    - Mail notice of proposed rates
    - Public hearing November 12<sup>th</sup>
    - ♦ Implement in January 2009

The Board discussed needing the findings that multi-family and single-family rates should be the same.

The following members of the public spoke:

<u>Bill Nelson</u>, NCSD resident, stated that he supports staff's recommendation to talk with the Blacklake community. There have been substantial increases in District expenses, such as the addition of a District Engineer, Utility Superintendent and utility workers. The Replacement Fund includes the Golf Course trunk line rehab in 2010. The rehab was originally suggested in 2007, at a cost of \$90,000. The Board should increase that amount by 3% per year. He suggested that staff look at a lift station in Blacklake that needs rehabbing, at an approx cost of \$50,000.

<u>Curt Curtis</u>, NCSD resident – stated that he will be happy to work with the folks in Blacklake to help present the facts.

The Board discussed the G & A percentage for the Blacklake sewer. Unexpected expenditures need to be kept in mind.

President Winn appointed Director Trotter and himself as an ad hoc committee to make a presentation to the Blacklake Master Association.

04:19:06

E-7) TO AUTHORIZE ADDITIONAL APPROVAL OF PERMISSION FOR SUCCESS VALLEY PRODUCE TO APPLY METHYL BROMIDE

<u>Ed Higashi</u>, from Success Valley Produce, explained that the company has a strawberry farm on Orchard Road in Nipomo and is planning to fumigate with Methel Bromide, Saturday, August 16, 2008. There is a 36-hour re-entry interval. He asked that the District's workers not enter the area (which is a buffer zone) for 12 hours nor to work in the area for a 24-hour period.

E-7) TO AUTHORIZE ADDITIONAL APPROVAL OF PERMISSION FOR SUCCESS VALLEY PRODUCE TO APPLY METHYL BROMIDE (CONTINUED)

The Board asked questions. Mr. Higashi stated that some of the written materials requested by the Board were out in his vehicle. The Board took a break at 1:53 p.m. in order for Mr. Higashi to retrieve the written materials. The Board returned at 2:04 p.m. Copies were distributed to the Board.

The Board discussed the notices of application. Jon Seitz, District Legal Counsel, explained that the Board may grant a license for one time only for this applicant; the District is not establishing a precedence for the applicant or the surrounding properties; the license will extend from August 15 to August 22, 2008; and the applicant will provide to the District all notices of application. In the future, any similar applicant should give notice at least 21 days in advance.

Upon motion by Director Harrison and seconded by Director Eby, the Board approved a one-time license to the applicant with all the conditions cited by Mr. Seitz. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Eby, Vierheilig, Trotter, and Winn	None	None

The Board went to Closed Session next.

### 04:50:27

### CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following to be discussed in Closed Session.

- CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES).
- CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSD (CASE NO. CV 040877), MARIA VISTA VS. NCSD (CASE NO. CV 061079), AND MARIA VISTA VS. LINDA VISTA FARMS, NCSD ET AL. (CASE NO. CV 040150);
- 3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; MARIA VISTA ESTATES VS. NCSD ET AL. (CASE NO. ND07-10362RR IN UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT, NORTHERN DIVISION)
- 4. PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957 GENERAL MANAGER ANNUAL REVIEW
- J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

### K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 2:20 p.m. Director Trotter left the meeting.

### L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 3:16 p.m. Jon Seitz, District Legal Counsel, announced that the Board heard an update on Items 1 through 3, but took no reportable action. Item 4 – The Board conducted the review of the General Manager. Due to the absence of Director Trotter, the Board continued the item until a full Board meets to finalize the review.

### 04:53:08

### E-3) AUTHORIZE SUBMISSION OF VOTE FOR OPEN CSDA BOARD SEAT

Bruce Buel, General Manager, described the candidates for the open seat to the California Special District's Association Board. The Board discussed the different candidates.

Upon motion by Director Eby and seconded by Director Harrison, the Board unanimously authorized the General Manager to cast a vote on behalf of Nipomo Community Services District for candidate Tim Ruiz. Vote 4-0, with Director Trotter absent.

YES VOTES	NO VOTES	ABSENT		
Directors Eby, Harrison, Vierheilig, and Winn	None	Director Trotter		

### 04:56:57

#### F. MANAGER'S REPORT

Bruce Buel, General Manager, added to the report presented in the Board packet:

Rick Richard will be coming to work for the District in the maintenance department Monday, August 18, 2008. Both new employees, Messrs. Richard and Davison, will be introduced at the next meeting.

The Board of Supervisors will be holding a hearing next Tuesday, August 19, 2008, regarding retrofit on resale regulations.

The Perret detachment proposal will be considered at the Board of Supervisors meeting, August 26, 2008.

The Board had a few questions and thanked Mr. Buel for the report.

### 04:59:40

### G. COMMITTEE REPORT

- 7/21/08 Water Conservation Committee Meeting
- 2. 8/4/08 Southland WWTF Upgrade Project Meeting
- 3. 8/5/08 Finance and Audit Committee Meeting

The Committee Reports are as presented in the Board packet. The minutes to the August 11, 2008 Finance and Audit Committee meeting will be in the next meeting's packet.

Director Eby stated that the Supplemental Water Committee reviewed the construction management proposals at their August 11, 2008 meeting.

### H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORT

### Director Vierheilia

The members of the Olde Towne Nipomo Association are looking for a representative to talk with the Board of Supervisors concerning the Jim O. Miller Park. Director Winn stated that he will be meeting with Supervisor Achadjian Friday, August, 15, 2008.

### H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORT

### Director Eby

- He stated that he read the minutes of the January 23, 2008 meeting concerning the Boyle Report about the disposal of effluent from Wastewater Treatment Facility. The Mesa site was not completely ruled out.
- Cambria had a 3-year drought in the 1800's, lost all their cows and has never been the same. He compiled some information about other 3-year droughts in this area. He would like the Board to realize the consumptive use now is greater than in the past. What the District was able to get away with in the past, will be a lot different with the greater consumptive use today.

### **Director Winn**

- He would like to have staff ask Commander Hascall if he has comments on the protection of the avocados in Mr. Perrett's orchard. Mr. Perrett suggests there is not enough law enforcement.
- In the detachment what is the plan for crop protection? Ask County Planning to tell the Board how the Williamson Act contracts can be terminated.
- He stated that it is not too late to be thinking about creek clearance permits. The CCC does not get clearance permits. Even though we do not have drainage powers, the District needs to coordinate with the County for waste removal. Who can get the creek clearance accomplished?
- He stated that the City of Santa Maria may not sell us supplemental water beyond the initial 3,000 afy if we oppose the Perrett detachment.
- He would like staff to confirm that there will actually be an October Festival. Director Harrison stated that the information he received confirmed it.
- The Conservation Sub-Committee continues to meet. He would like more focus on the big institutional water users.
- The pipeline under the river may be smaller and may affect rates.

#### **ADJOURN**

President Winn adjourned the meeting at 3:47 p.m.

- > THE NEXT REGULAR BOARD MEETING IS AUGUST 27, 2008. TENTATIVELY SCHEDULED ITEMS INCLUDE:
  - Southland WWTF Upgrade Project
  - o Honey Grove Subdivision Reimbursement Request Hearing

TO:

BOARD OF DIRECTORS

FROM:

BRUCE BUEL B873

DATE:

AUGUST 22, 2008

D-3
AUGUST 27, 2008

### ADOPT RESOLUTION ADDING POLICY REGARDING LATERAL TRANSFERS TO PERSONNEL POLICY

### ITEM

Adopt Resolution adding policy regarding lateral transfers to Personnel Policy [RECOMMEND ADOPTION].

### BACKGROUND

The Personnel Policy, Section 3030 – Compensation, addresses compensation related to a promotion. The Personnel Policy does not address compensation related to a lateral transfer.

There may be a disparity in pay on a lateral transfer if the transfer is not in the same pay classification. This policy would allow the employee to transfer to the new classification with no loss of pay. Section 3030 (6) is proposed to address this issue.

### RECOMMENDATION

Staff recommends that your Honorable Board adopt the attached Resolution

### **ATTACHMENTS**

Resolution 2008-lateral transfers with Exhibit A

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### NIPOMO COMMUNITY SERVICES DISTRICT RESOLUTION NO. 2008-LATERAL TRANSFERS

## A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING THE DISTRICT PERSONNEL POLICY, SECTION 3030, TO ADD POLICY REGARDING LATERAL TRANSFERS

WHEREAS, the Nipomo Community Services District (herein "District") Board of Directors (herein "Board") is a local governmental agency formed and authorized to provide services within its jurisdiction, pursuant to Section 61000 et seq. of the California Government Code; and

WHEREAS, pursuant to District Resolution 2007-1018, the District Board of Directors adopted the NCSD Personnel Policies and Procedures; and

WHEREAS, the District Board of Directors desires to amend Section 3030 – Compensation of the Personnel Policy to add a policy regarding lateral transfers; and

**NOW, THEREFORE,** the Board of Directors of the Nipomo Community Services District does hereby resolve, declare, determine and order as follows:

Exhibit "A", attached hereto, is hereby incorporated by this reference and is adopted as Section 3030 of the District's Personnel Policies and Procedures.

On the motion of Director, seconded wit:	by Director, and on the following roll call vote, to
AYES: NOES: ABSENT: CONFLICTS:	
the foregoing resolution is hereby passed, a Nipomo Community Services District this 27	approved and adopted by the Board of Directors of the 7 <sup>th</sup> day of August, 2008.
	Michael Winn, President Nipomo Community Services District
ATTEST:	APPROVED AS TO FORM:

### NIPOMO COMMUNITY SERVICES DISTRICT RESOLUTION NO. 2008-LATERAL TRANSFERS

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT PERSONNEL POLICY, SECTION 3030, TO ADD POLICY REGARDING LATERAL TRANSFERS

### Exhibit "A"

### 3030 - COMPENSATION

- This policy shall apply to all District employees.
  - A. New Employees All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided elsewhere herein.
  - B. Advanced Step Hiring If the General Manager finds that qualified applicants have greater experience or competencies than required at the first step of the salary range, he/she may request the Board of Directors to authorize an appointment at an advanced step of the salary range.
- 2. Increase in compensation other than Cost of Living Adjustments
  - A. Employees may qualify for advancement, based on performance as defined in Section 3070, to the second step after the completion of the introductory period upon recommendation of the Supervisor and approval by the General Manager.
  - B. Employees may qualify for advancement, based on performance as defined in Section 3070, to the third step after completion of one year at the second step upon recommendation of the Supervisor and approval of the General Manager.
  - C. Employees may qualify for advancement, based on performance as defined in Section 3070, to the fourth step after completion of one year in the third step upon recommendation of the Supervisor and approval of the General Manager.
  - D. Employees may qualify for advancement, based on performance as defined in Section 3070, to the fifth step after completion of one year in the fourth step upon recommendation of the Supervisor and approval of the General Manager.
  - E. A report verifying above satisfactory performance, as defined in Section 3070, of each employee recommended for advancement shall be submitted to the General Manager prior to final action on such recommendation.
- 3. For the purpose of determining eligibility for step advancement, the anniversary date shall be as follows:
  - A. For employees entering the District service whom are appointed to a regular position at the first step, the anniversary date shall be the day following the completion of 12 months of service at such step.

#### NIPOMO COMMUNITY SERVICES DISTRICT RESOLUTION NO. 2008-LATERAL TRANSFERS

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT PERSONNEL POLICY, SECTION 3030, TO ADD POLICY REGARDING LATERAL TRANSFERS

#### **EXHIBIT A**

- B. For employees entering the District who are appointed to a regular position at a step other than the first step, the anniversary date shall be the day following the completion of 12 months of service at such step.
- 4. Cost of Living Adjustments Annually, the Board may consider a Cost of Living Adjustment (COLA). If the COLA is approved, the step plan will be adjusted accordingly, thus keeping the plan current. Therefore, an employee may receive both a Cost of Living Adjustment and an increase in compensation pursuant to Section 3030(2) in any given year until the employee reaches Step 5. Upon reaching Step 5, the only salary adjustments an employee will receive will be Board-approved Cost of Living Adjustments.
- 5. Promotion Employees promoted to a position with a higher salary range shall be placed on the step of the range allocated to the new classification which would grant such employee an increase in pay, provided, however, the increase may exceed five percent at the discretion of the General Manager, and that such increase shall not exceed the top step of the range allocated to the new classification. Such action shall require the General Manager to establish a new anniversary date in accordance with the following criteria:
  - A. For employees who are promoted to a permanent position and placed at the first step of the salary range, the anniversary date shall be the date following the completion of 12 months of service at such step.
  - B. For employees who are promoted to a permanent position and placed at a step other than the first step, the anniversary date shall be the day following the completion of 12 months of service at such step.
- Lateral Transfer- When employee agrees to transfer to a different position or classification with similar responsibilities as his/her existing position, the affected employee shall be placed at a salary range within the new classification that is most consistent with the employee's existing salary range not to exceed Step 5 unless employee is eligible for longevity pay.
- 5. 7. Incentive Pay For Utility Operators who successfully achieve Water or Wastewater Grade certificates over and above those required for the position while employed with the District will be entitled to receive a one time incentive pay of \$500.00 for each certificate obtained.

TO:

**BOARD OF DIRECTORS** 

FROM:

BRUCE BUEL 138078

DATE:

**AUGUST 22, 2008** 

AGENDA ITEM
D-4
AUGUST 27, 2008

### CANCEL 11/4/08 NCSD BOARD MEMBER ELECTION

### ITEM

Request SLO County to not hold 11/4/08 NCSD Election [ADOPT RESOLUTION].

### **BACKGROUND**

Attached is a draft resolution that would cancel the 11/4/08 NCSD Board Member Election.

### RECOMMENDATION

Staff recommends that your Honorable Board adopt the attached resolution and direct staff to forward a final copy to SLO County.

### **ATTACHMENTS**

Draft resolution

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### NIPOMO COMMUNITY SERVICES DISTRICT RESOLUTION NO. 2008-XXX

# A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN LUIS OBISPO TO NOT INCLUDE NCSD IN THE GENERAL DISTRICT ELECTION TO BE HELD ON NOVEMBER 4, 2008

WHEREAS, the Board of Directors of the Nipomo Community Services District, on June 25, 2008 adopted resolution 2008-1091 calling a District Election to be held on November 4, 2008, for the purpose of the election of two members of the Board of Directors for full terms of four years, and

WHEREAS, only two candidates were nominated to fill the two open terms, and

WHEREAS, the Board of Directors of the Nipomo Community Services District desires to request the San Luis Obispo County Board of Supervisors to not include NCSD in the General Election with the Statewide General Election to be held on the same date.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DOES HEREBY REQUEST THAT NCSD NOT BE INCLUDED IN THE GENERAL ELECTION.

On the motion by Director, second following roll call vote, to wit:	ed by Director, and on the				
AYES: NOES: ABSENT: ABSTAIN:					
the foregoing resolution is hereby adopted this 27 <sup>th</sup> day of August, 2008.					
	Michael Winn, President				
	Nipomo Community Services District				
ATTEST:	APPROVED AS TO FORM:				
Donna K. Johnson	Jon S. Seitz				
Secretary to the Board	General Counsel				

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TO:

BOARD OF DIRECTORS

FROM:

BRUCE BUEL BARY

DATE:

AUGUST 19, 2008

AGENDA ITEM
D-5
AUGUST 27, 2008

### WILLOW ROAD WATERLINE EXTENSION PROJECT PHASE 1 CANNON ASSOCIATES DESIGN SERVICES TASK ORDER

### **ITEM**

Ratify execution of task order with Cannon Associates to perform design and construction services for Willow Road Waterline Extension Project Phase 1 [RECOMMEND APPROVAL].

### **BACKGROUND**

At the August 13, 2008 Board meeting, the Board authorized staff to negotiate an agreement with Cannon Associates for design and construction services for the Willow Road Waterline Extension Project Phase 1. Cannon recommended that the Scope of Work be expanded to include the portion of new waterline in Pomeroy recommended in the Water and Sewer Master Plan that will be within the County's project area as indicated on the attached project overview map. The additional work involves the design of approximately 1000 feet of 12 inch diameter waterline and construction services related to the installation of the new waterline.

Cannon's proposed budget to perform this additional is \$15,800. The revised total for design and construction services for the Willow Road Waterline Extension Project Phase 1 is \$140,100. Attached is a copy the Task Order.

The FY08-09 Budget includes \$150,000 in the Town Water Capacity Charge Fund (Fund #700) for the design of the Willow Road Waterline Extension Project Phase 1. Based on the County's current schedule for bidding the project and starting construction, additional funding will be required in FY08-09 when the construction bids are awarded.

### RECOMMENDATION

Staff recommends that your Honorable Board ratify execution of the task order with Cannon Associates to perform design and construction services for the Willow Road Waterline Extension Project Phase 1 for a not-to-exceed amount of \$140,100.

### **ATTACHMENTS**

- Project Overview Map
- Task Order

### **LEGEND**

NEW WATERLINE OPTIONAL WATERLINE EXISTING WATERLINE RIGHT-OF-WAY



kersfield, CA San Luis Obispa, CA Sonto Moria, C 61.328,6280 805,544,7407 805,928,7363

FIGURE 1 - UPDATED

WILLOW ROAD WATERLINE ALIGNMENT PHASE I

### ATTACHMENT #1 To EXHIBIT "A"

### To ENGINEERING SERVICES AGREEMENT Between NIPOMO COMMUNITY SERVICES DISTRICT and CANNON ASSOCIATES

### Dated August 27, 2008

"REQUEST FOR SERVICES - TASK ORDER # 003 -08

### **AUTHORIZATION FOR SERVICES:**

At the request of Nipomo Community Services District, CANNON ASSOCIATES is to provide Engineering assistance to the Board of Directors and staff of the District as noted hereafter. The terms and conditions of the Agreement for Professional Engineering Services, dated May 2. 2005, are incorporated herein by this reference. The scope of services requested along with the schedule and fees for said services are set forth below as follows:

SCOPE OF SERVICES REQUESTED (Additional information may be attached as an Exhibit.):

Design and construction management for Willow Road Water Extension Project, Phase 1, in accordance with attached scope of work.

TIME FOR PERFORMANCE (Additional information may be attached as an Exhibit.):

Complete by August 31, 2009 in accordance with attached schedule.

KEY PERSONNEL (Additional information may be attached as an Exhibit.):

See attached listing.

ENGINEERING FEES (Additional information may be attached as an Exhibit.):

The Engineering fees for these services are based on T&M with a not to exceed expenditure limit of \$140,100.

O COMMUNITY SERVICES DISTRICT CANNON ASSOCIATES

Bruce Bue

Title: General Manager

Approved By: Michael Cannon Date

Title: Principal

T:\DISTRICT PROJECTS\ENGINEERING\CANNON\TASK ORDERS\2008\TO 08-003 WILLOW ROAD DESIGN,DOC

Scope of Services

#### PROJECT MANAGEMENT SERVICES

Effective consultation and coordination between all parties involved is essential for the successful completion of this project. We are committed to regular communication with District and the County in order to guarantee efficient flow of information and consistent project direction. "Communicate, communicate, communicate" is a rule we live and work by here at Cannon.

Project management services will include regular reports, meetings, and presentations to the Board. Specifically, we will perform the following tasks on a monthly basis, throughout the duration of design:

- Task i Prepare and submit monthly progress reports. These reports will include a progress to date summary for the major design tasks, and an estimate of remaining tasks and duration prior to completion. We will submit these reports via email, but will be appropriate for formal distribution if needed.
- Task ii Meet with District staff. Each meeting will offer a key interaction opportunity for the
  representatives of the District to review progress, look at plans, and direct the project. Furthermore,
  should project issues arise midstream, these meetings will allow for the immediate resolution of such
  issues. Meetings allow all parties a chance to voice concerns, propose suggestions, and walk away
  with an understanding of the resolution.

### PRELIMINARY ENGINEERING SERVICES

- Task 1 Project Kick-off Meeting. We will orchestrate and attend a Project Kick-off Meeting with
  appropriate personnel from the District. This meeting agenda will focus on project understanding,
  team involvement, project constraints, and the anticipation of design development impediments. This
  meeting will also include a project introduction, review of background information and project scope,
  and an overview of the project schedule. This meeting represents a key opportunity for
  representatives from the District to steer the consultant team and further clarify critical elements of the
  project scope.
- Task 2 Coordination Meeting with County. We will orchestrate and attend a coordination meeting with the appropriate personnel from the County of San Luis Obispo. The purpose of this meeting will be to confirm schedule and phasing of the County's project, establish preferred communication methods between the County design staff and our design staff, determine milestones for design review and coordination, secure a hard copy of their geotechnical report and electronic copies of their topographic survey and roadway improvement plans. This meeting will establish guidelines for ongoing coordination between the District's waterline project and the County's roadway project.
- Task 3 Assist District in Securing Right-of-Entry Agreements. In accordance with applicable
  provisions of the California Civil code, we will prepare proper notification letters to impacted property
  owners within the project limits in order for us to perform the necessary preliminary engineering
  services, including the field survey and geotechnical investigations. These letters will be provided to
  the District for mailing on District's letterhead for proper distribution to the landowners.
- Task 4 Supplemental Geotechnical Evaluation. We will coordinate with the County to obtain the
  geotechnical evaluation used for their design of the proposed roadway. We will review this report to
  determine if it addresses the design considerations needed to properly install the waterlines:
  recommendations for pipe bedding and backfill requirements, thrust blocks, suitability of existing soils
  for use in subsequent trench backfill, shoring and bracing, and depth to groundwater (if applicable). If
  the geotechnical information is lacking sufficient detail, we will provide an additional scope of work to
  provide these services.

### Willow Road Waterline Extension Project, Phase 1

### Scope of Services

- Task 5 Supplemental Topographic Survey and Utility Research. We will coordinate with the County to obtain the topographic survey used for their design of the proposed roadway. We will review the survey to determine if it contains the level of detail needed to prepare design plans for the proposed pipeline. Details we will look for include but are not limited to basis of bearing, benchmark, boundary information (proposed and existing), and existing utility information. If the topographic survey is lacking sufficient detail, we will provide an additional scope of work to provide these services.
  - Additionally, we will conduct utility research with the public and private utility providers who have existing facilities within the proposed project areas and obtain record drawings and as-built information. Potential utility conflicts and/or relocation requirements will be identified and evaluated as needed to minimize unexpected design modifications or construction delays. We will compile and review the documents for inclusion into the electronic base map to use in preliminary design and related tasks defined below.
- Task 6 Preliminary Design Drawings. With the topographic survey, record data boundary information, utility research and geotechnical evaluation from the previous tasks, we will prepare a Preliminary design package for your review and comment. The purpose of the Preliminary design package will be to resolve critical issues along each run of pipe prior to proceeding with final design. The Preliminary Design Drawings will include sufficient information to verify that the overall design concept will meet both the needs of the District and the County. Ten sets of the conceptual drawings will be provided in full size (24" x 36"). Additionally, we will submit these drawings to the County for their review and invite them to attend a Preliminary Design Submittal Review Meeting.
- Task 7 Preliminary Design Submittal Review Meeting. Upon your review of the Preliminary Design Drawings, we will attend a meeting with the District staff to review and discuss the submittal. The County will be invited for coordination purposes. This meeting will allow opportunity for detailed discussion on project issues at the 30% design level. We will receive direction from staff on requested revisions to incorporate prior to the next phase of review.

### **DESIGN AND CONSTRUCTION DOCUMENT SERVICES**

- Tasks 8 and 9 Prepare and submit design documents, bid specifications and cost estimates (50%/95%): Based on the findings and results of the previous tasks, we will prepare and submit 10 design plan packages at the 50% and 95% approximate completion levels. The design plan packages will include the title sheet, notes sheet, plan and profile sheets, detail sheets, technical specifications and cost estimate necessary to construct the project. Plans will be prepared in accordance with District standards. Technical specifications shall be prepared using District standard boilerplate specifications. We will attend a meeting with the District staff to review and discuss the design submittal for both the 50% and 95% submittals.
- Task 10 Assist in securing permits. We understand that the District is exploring the feasibility of building these improvements in conjunction with the County's Willow Road improvements. Should these projects be worked conjointly, no additional permitting is anticipated. However, in the event that the waterline construction cannot be included with the County's work, we will assist the District in securing the necessary encroachment permits from the County. No other permitting requirements are anticipated at this time.
- Task 11 Prepare and submit design documents, bid specifications and cost estimates (Final).
   Based on the finalized project design issues resolved during the preceding tasks, we will prepare and submit a Final Construction Documents Bid package. This submittal package will contain complete Construction Plans, technical specifications, known permit conditions, and an Opinion of Probable Construction Costs. The final plans will incorporate comments from the District and County reviews of the 95% Design Plan package. (See Appendix B: Sample Work for an example of design plans.)

### Willow Road Waterline Extension Project, Phase 1

### Scope of Services

Bid documents will be prepared in the District's standard format. We will provide electronic copies and 20 hard copy sets of the complete bid package to the District.

#### **BID SUPPORT SERVICES**

- Task 12 –Advertise bidding, interact with bidders, and open bids. We will develop a list of qualified contractors from which to solicit proposals, with the intention of receiving at least four or five responsive bids. We will act as an extension of District staff to advertise the project(s), develop and send bid invitations and schedule and attend a pre-bid site meeting with the interested contractors. We will provide hard copies of the bid documents to qualified bidders and send out Bid Addenda as necessary. During bidding, we will take questions from contractors and issue addenda or respond to RFIs as required. We will assist in proposal evaluation and selection of the contractor.
- Task 13 Provide electronic clearinghouse. The complete set of bid documents, including PDF files
  of all drawings, technical specifications, permits, cost estimates, reports, etc. will be made available to
  qualified bidders via an internet-accessible FTP site.
- Task 14 Present bids/recommendations to the Board for award. We will complete a tabulated bid review matrix of all responsive bids. This matrix will provide an objective review of received bids, to select the best value (lowest cost for services offered) responsive bidder.
- Task 15 Assist the District in resolving bid protests. The bid review matrix provides an objective
  and quantifiable basis for bid selection. Should protests arise, either from bidders or from a third
  party, we will assist the District in preparing a response to the protest(s), based on this objective
  review.
- Task 16 Secure contract submittals. We will coordinate with the successfully selected contractor to acquire necessary contract submittals.

### **CONSTRUCTION ENGINEERING SERVICES**

Construction engineering services will include attendance at pre-construction meetings, construction engineering, site visits and observation, and preparation of record drawings upon completion of construction.

- Task 17 Participate in job walk with construction team(s). We will attend a Pre-Construction
  meeting and job walk with the selected contractor, District staff, and other appropriate agency
  representatives. The meetings will allow an opportunity for thorough review of the project plans,
  compliance requirements, and construction schedule, prior to the start of work.
- Task 18 Provide engineering services during construction. Throughout construction, we will provide on-site engineering coordination. Tasks will include verification of compliance with drawings, specifications and permit conditions, review of contractor submittals, verification of contractor's schedule and progress tracking, and response to RFIs. We will provide a final walkdown of the completed project, as directed by the District. If requested, we will prepare a punch-list and recommendations for corrections and/or completion of remaining work. Utilizing as-built information and project revision documentation provided by the construction contractor, we will prepare and submit project Record Drawings on permanent drawing medium (Mylar film). These plans will be based on the final Construction Documents and incorporated the as-constructed survey data and contractor's red-line comments showing changes made during construction.
- Task 19 Provide Construction management services. We will provide construction management services for this project including interacting with contractors and the County, administer the construction contract, provide progress photos, observation, quality review, daily reports, materials testing, construction staking, final walkdown and project closeout.

### Willow Road Waterline Extension Project, Phase 1

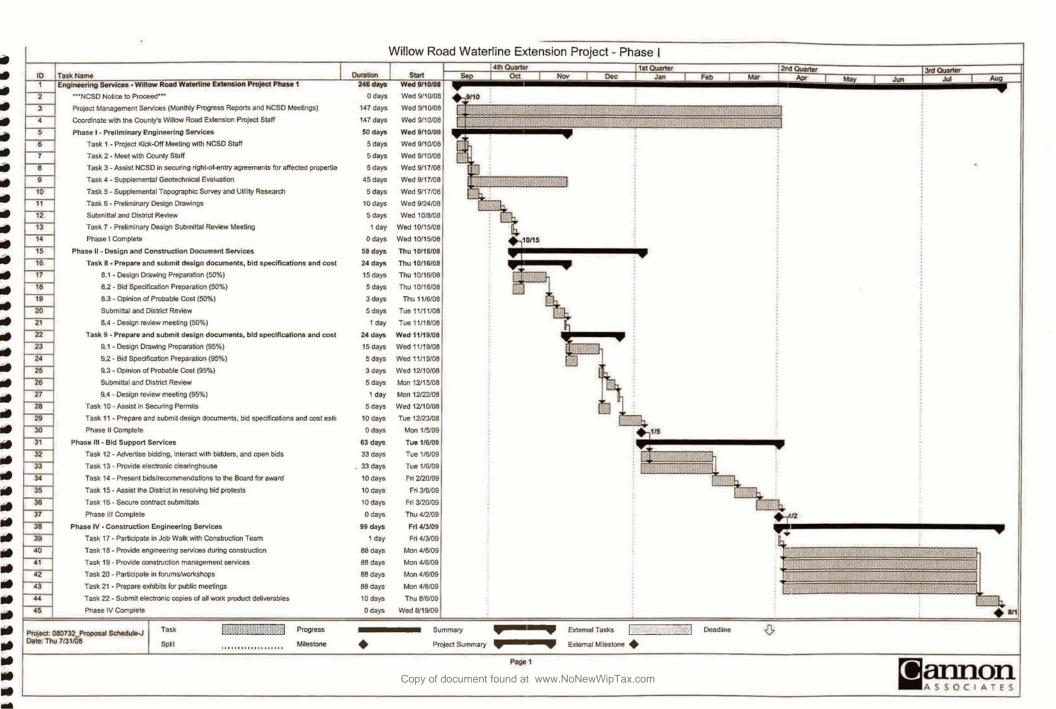
### Scope of Services

- Task 20 Participate in forums/workshops as requested. We have included in our proposed fees
  budget to participate in up to 8 hours of forums and workshops as requested by the District. We will
  prepare a separate proposal should the District require additional time.
- Task 21 Prepare exhibits for public meetings as requested by the District. We have included a
  nominal budget to provide construction drawings or other exhibits for use in public meetings, as
  requested. Additional exhibits requested beyond this budget will be provided on a time and materials
  basis.
- Task 22 Submit electronic copies of all work product deliverables in format acceptable to District.
  We will provide electronic copies of all final project deliverables throughout the course of the project.
  The main deliverables will include but are not limited to: Construction Drawings, Technical Specifications, Opinion of Probable Cost, and Supplementary Topographic Survey and/or Geotechnical report.

### POMEROY EXTENSION DESIGN AND CONSTRUCTION SERVICES

Task 23 – Additional design and construction services for Pomeroy Road Waterline Extension. We
will provide additional design and construction services for the extension of approximately 1,000 feet
of new 12-inch waterline in Pomeroy Road. The extents of the new waterline will begin at the revised
Willow/Pomeroy intersection and continue north to the limits of the County's road realignment project.
We will conduct this additional work in accordance with the Project Approach, Scope of Services, and
Timeline specified for the Willow Road Waterline Extension Project, Phase I.

Additional work will be billed on a Time and Materials basis or as an addendum to this proposal with prior written authorization from the District.



### PERSONNEL AND SUB-CONSULTANTS

PERSONNEL AND SUB-CONSUL	IANTS	Printed by the second of the s				
Team Member	Role	Areas of Expertise				
Larry Kraemer, PE Project Manager and Design Team Leader San Luis Obispo, CA	<ul> <li>Project Management, Scheduling, Client Communication</li> <li>Coordination with the County of SLO</li> <li>Technical Specifications</li> <li>Bidding Services</li> <li>Construction Engineering</li> <li>Construction Administration</li> </ul>	21 years experience in municipal engineering for public and private sectors     Senior Engineer for Water Resources, Wastewater, and Transportation projects     Technical direction and design for pipelines, wells, pump stations, lift stations     Construction contract administration and construction management				
Michael F. Cannon, PE Principal-in-Charge and Client Liaison San Luis Obispo, CA	Quality Control     Client Sponsor	Over 24 years experience as a consulting engineer				
Jeff Spannbauer, PE Water System Design San Luis Obispo, CA	ff Spannbauer, PE  • Lead Design Engineer  • Coordination with the County of SLO					
Erin Westmoreland Civil Engineering San Luis Obispo, CA	Design Documents     Prepare Exhibits     Prepare Record Drawings	<ul> <li>modeling technologies</li> <li>5 years of design experience</li> <li>CADD Manager</li> <li>Preparation of plans and specifications for municipal project</li> <li>Experienced in agency coordinatio</li> <li>Drainage analysis</li> </ul>				
Anthony Severy Civil Engineering San Luis Obispo, CA	<ul> <li>Design Documents</li> <li>Prepare Exhibits</li> <li>Prepare Record Drawings</li> </ul>	<ul> <li>2 years of design experience for waterline relocations, sewer lines and manhole repair</li> </ul>				
Lester Carter, Jr., PLS Project Surveyor San Luis Obispo, CA	<ul> <li>30 years experience in land surveying</li> <li>Multi-level coordination between government agencies, construction contractors, and architectural and design consultants</li> <li>Develops GIS services</li> </ul>					

### Willow Road Water Line Extension Project, Phase 1

### Key Personnel

Team Member	Role	Areas of Expertise			
Daniel Hutchinson, PLS Project Surveyor San Luis Obispo, CA	<ul> <li>Review Survey Data</li> <li>Prepare Design-Level Base Map</li> <li>Assist in securing right-of-entry agreements</li> <li>Provide Construction Staking services</li> </ul>	<ul> <li>30 years experience in land surveying</li> <li>Supervises preparation of aerial, topographic and boundary surveys, ALTAs, legal descriptions, and as- built surveys</li> </ul>			
Rebekah Oulton, LEED AP Environmental Coordinator San Luis Obispo, CA	<ul> <li>Prepare permit applications</li> <li>Facilitate communication between agencies</li> <li>Coordinate with consultants as necessary to incorporate permit conditions and mitigation measures into drawings and technical specifications</li> </ul>	<ul> <li>Over five years experience in engineering</li> <li>Permitting and agency coordination for construction and remediation projects</li> <li>LEED Consulting</li> </ul>			
Doug Dunham, PE Geotechnical Engineering Earth Systems Pacific San Luis Obispo, CA	Review soils report     Prepare and submit a supplemental soils report (if needed)	<ul> <li>Over 20 years of experience in the geotechnical field</li> <li>Conducts soils engineering investigations</li> <li>Authors soils engineering reports</li> <li>Supervises testing and inspection personnel during construction phase of projects</li> </ul>			



	Project Manager	Associate Civil Engineer	Civil Engineer II	Administrative Assistant III	Sanior Survey Consultant	Chief Surveyor	Two-Man Survay Graw	Total Hours	Fee Estimate Subtotal	Geotechnical Engineering	Reimbursablo Expenses	Fee Estimate TOTAL
RATES	\$160	\$130	\$100	\$60	\$160	\$150	\$210					
				HOURS								
Project Management Services	8	16		16				40	\$4,320			\$4,320
Coordinate with the County's Willow Road Extension Project Staff	16	32						48	\$6,720			\$6,720
Proliminary Engineering Services												
Task 1, Project Kick-off Meeting with NCSD Staff	3	3						6	\$870			\$870
Task 2. Meet with County Steff	3	3						6	\$870			\$970
Task 3 Assist the District in Securing Right-of-Entry Agreements		6							\$780			\$780
Task 4 Supplemental Geotechnical Evaluation		2						2	\$260			\$260
Task 5. Supplemental Topographic Survey and Utility Research			6					5	\$500			\$500
Task 6. Preliminary Design Drawings		20	60					88	\$9,880			\$9,880
Submittal and District Review											\$200	\$200
Task 7. Preliminary Design Submittal Review Meeting									\$1,180		3200	\$1,160
									21,100		Subtotal	\$25,560
Design and Construction Document Services												
Task 8. Prepare and Submit 50% Design Documents. Bid Specifications, and Cost	16	20	40					76	\$9,180		\$200	\$9,380
Task 9. Prepare and Submit 95% Design Documents, Big Specifications, and Cost	16	20	40					76	\$9,160		\$200	59,360
Task 10, Assist in Securing Permits		12						12	\$1,560			\$1,560
Task 11, Prepare and Submit Final Design Documents, Bid Specifications, and Cost Estimate	20	20	20					60	\$7.800		\$400	\$8,200
	-										Subtotal;	\$28,480
Bid Support Services												_
Task 12, Advertise Sidding, Interact with Bidders, and Open Bids	8	24						32	\$4,400			\$4,400
Task 13. Provide Electronic Clearinghouse		12						12	\$1,560			\$1,560
Task 14. Present Bids/Recommendations to the Board for Award	12	12						24	\$3,480			\$3,480
Task 15. Secure Contract Submittals	8	16						24	\$3,360			\$3,360
The state of the s											Subtotal:	\$12,600
Construction Engineering Services												
Task 17. Participate in Job Walk with Construction Team	4	4							\$1,160			\$1,160
Task 18, Provide Engineering Services During Construction		70	c					76	\$9,700			\$9,700
Task 19, Provide Construction Management Services	60	60			8	16	16	160	\$24,440	\$7,600	\$1,500	\$33,440
Yask 20. Participate in Forums/Workshops		8						8	\$1,040			\$1,040
Task 21. Prepare Exhibits for Public Meetings		8						8	\$1,040			
Task 22. Submit Electronic Copies of All Work Product Deliverables		6	3					9	\$1,080			\$1,080
											Subtotal:	\$46,420
											TOTAL:	\$124,300
Pomeroy Extension												
Task 23: Pomeroy Extension - Design and Construction Services	16	48	48					117	\$14,600	\$1,200		\$15,800

### FEE SCHEDULE

January 2008

### Reimbursable Expenses

In-House Reproduction	
Blueprints	\$ 2.00 per sheet
Sepia Mylars	\$10.00 per sheet
Plots	\$10.00 per sheet
Photocopies	\$ 0.20 per page
Color Copies (8 ½ x 11)	\$ 1.50 per page
Color Copies (11 x 17)	\$ 3.00 per page
Other Reproduction	
Fax	
Shipping (UPS, Fed Ex, etc.)	
Travel by Automobile	\$ 0.56 per mile
Travel - Other Than Automobile	
Per Diem (room and board per person)	
Permit Fees	
Subconsultant Fees	

TO:

**BOARD OF DIRECTORS** 

FROM:

BRUCE BUEL BSA

DATE:

AUGUST 22, 2008

D-6
AUGUST 27, 2008

### INCLUDE FISCAL IMPACT IN ADMINISTRATIVE ITEM BOARD LETTERS

### ITEM

Direct staff to include a fiscal statement to all subsequent Administrative Item Board Letters [RECOMMEND ADOPTION].

### **BACKGROUND**

President Winn had requested that staff include a fiscal statement in all subsequent Administrative Item Board Letters.

### RECOMMENDATION

Staff recommends that your Honorable Board direct staff to include a fiscal statement in all subsequent Administrative Item Board Letters.

### **ATTACHMENTS**

None

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