

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: OCTOBER 17, 2008



NCSD SUPERINTENDENT REPORT

ITEM

NCSD Superintendent Tina Grietens re Utility Dept. update [NO ACTION REQUESTED].

BACKGROUND

Tina Grietens is scheduled to summarize the attached outline.

RECOMMENDATION

Staff recommends that your Honorable Board receive the presentations and ask questions as appropriate.

ATTACHMENTS

- Utility Operations Update

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NIPOMO COMMUNITY

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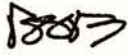
TO: BRUCE BUEL, GENERAL MANAGER

FROM: TINA GRIETENS, UTILITY SUPERINTENDENT TG

DATE: OCTOBER 15, 2008

SUBJECT: UTILITY DIVISION UPDATE

- **Southland Wastewater Plant**
Review of Facility Master Plan for preparation of final document
- **Southland Utility Yard**
General utility yard clean up, repair of southern perimeter fencing
Remodel of new lab area in progress
Chain link fencing installation scheduled for this week
- **Maintenance**
Repair of damaged fencing and installation of security signage at District Facilities
Staff met with Consultant to provide input on Preventative Maintenance Program for District Facilities
- **Collection system**
Cleaned sewer line at Blacklake Golf Course
Transducer installation and backup alarm implementation at lift stations nearly complete
Review of lift station panel design with District Engineer and Cannon
Continuing work with District Engineer and Cannon to eliminate telemetry problems
- **Wells**
Sundale Well is back online
Blacklake Wells #3, #4 are off intermittently to control production/consumption inequity
- **Distribution System**
SLO County continues bridge work on Haystack Creek on Tefft and Thompson Streets. The 8" water line is being replaced on Thompson, and is scheduled to be back in service this week
Fire hydrants in low pressure areas have been painted, other areas in progress
- **Personnel**
Training new personnel on wells, lift stations and customer service duties
Two operators participated in the wastewater certification exam on October 4th
- **Compliance**
Monitored laboratory results, assisted District Engineer with compliance reports to regulatory agencies
- **Other**
Working with District Engineer on Willow Road Extension Project
Scheduled to tour Biolac system in Ventura October 27th.
Passed Grade 3 Water Distribution Examination
Assisted with inspection of Tract 1747
Working with District Engineer on SCADA system upgrade

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: OCTOBER 17, 2008



WIP UPDATE

ITEM

Update on Waterline Intertie Project Final Design by Mike Nunley of Boyle Engineering [NO ACTION REQUESTED].

BACKGROUND

Attached is a monthly report from Boyle.

RECOMMENDATION

Staff recommends that your Honorable Board receive the presentations and ask questions as appropriate.

ATTACHMENTS

- Monthly Report

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Boyle Engineering
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T 805.542.9840 F 805.542.9990 www.boyle.aecom.com

Memorandum

Date: October 15, 2008
To: Bruce Buel, General Manager – Nipomo Community Services District
From: Michael K. Nunley, PE
Subject: Waterline Intertie Project – Design Phase
Status Report

Distribution: Peter Sevcik, PE

The Project Team has completed the following work items this month:

1. At the Board meeting on September 24, Boyle presented alternatives for reducing system pressures on the Mesa, primarily in the residential areas bounded by Southland, Orchard, and Frontage Road. The option selected by the District is a new, dedicated water main across Highway 101 from Grande to Darby Lane, along Darby Lane, and north along Oakglen Avenue to Tefft Avenue. The District authorized Boyle for an additional \$132,798 (for total revised design budget of \$1,053,628) to perform surveying, geotechnical services, and design for these pipelines.

The proposal also included a budget amendment for Fugro to drill deeper borings and collect samples in anticipation of a future replacement of the Frontage Road Trunk Main.
2. We received a draft Streambed Alteration Agreement from CDFG for borings in the river. Fugro signed the document and is waiting for a signature from CDFG in order to schedule this work. If it is received this week, the work could commence in the next 2 weeks. As soon as the agreement is in hand, and Fugro can reschedule these borings, we will provide a schedule update to the District that incorporates time required for additional survey and soils work (see Item 1 above) and delays due to the permit.
3. Geotechnical field work began along the project alignment (all areas outside the river) on October 13. Boyle, Padre, and Fugro staff met on October 9 to walk the HDD alignment and place stakes near the proposed borings in the vicinity of the river.
4. All Right of Entry agreements for accessing properties along the project alignment have been received.

5. The overall project budget has been revised to reflect the additional engineering and construction services for the new pipeline reaches described in Item 1 above. In addition, pipeline unit costs for the Master Planned pipeline reaches (provided in the 2007 Master Plan Update) have been increased slightly to resemble current costs for installing pipelines in County paved roads. The revised budget is attached for your review.

Yours Sincerely



Michael K. Nunley, PE

Enclosures: Design Budget and Invoice Summary
Project Budget Summary

Item	Description	Budgeted Amount May 2008 PER	Updated Amount 14-Oct-08
1	Mobilization	\$580,000	\$580,000
2	Blosser Extension (18-in)	\$1,247,000	\$1,247,000
3	Pump Station No. 1 turnout & meter (Blosser Rd)	\$61,000	\$61,000
4	River Crossing (24-in HDD)	\$6,135,000	\$6,135,000
5	24-in Pipeline to Joshua	\$656,000	\$656,000
6	Reservoir (0.5-MG)	\$1,361,000	\$1,361,000
7	Pump Station No. 2	\$603,000	\$603,000
8	Pressure Regulators (200 homes)	\$30,000	--
9	Pressure Reducing Valve Stations	\$18,000	\$72,000
10	Chloramination (Joshua & 5 wellheads)	\$707,000	\$707,000
11	Upgrade Southland to 12-in	\$799,500 (1)	\$780,000 (7)
12	Upgrade Frontage to 12-in	\$1,101,300 (1)	\$880,000 (7)
13	Upgrade Orchard to 12-in	\$509,000	\$1,040,000 (8)
14	Upgrade Division to 10-in between Allegre and Meridian (6)	\$53,000	--
15	Oakglen Avenue 12-in main (5)	--	\$420,000
16	Darby Lane 12-in main (5)	--	\$100,000
17	HWY 101 Bore & Jack (5)	--	\$132,000
18	Isolation Valves (5)	--	\$12,000
Construction Subtotal		\$13,860,800	\$14,786,000
19	Contingency	\$3,643,000	\$3,696,500 (9)
20	Property Acquisition	-- (4)	--
21	Design-Phase Engineering		\$877,791 (5)
22	Office Engineering during construction		\$175,837
23	Construction Management (3)	\$2,428,000 (2)	\$1,507,170
24	Environmental Mitigation	-- (4)	--
25	Environmental Monitoring	-- (4)	--
PROJECT TOTAL (Rounded to 1000)		\$19,932,000 (4)	\$21,044,000

Notes:

ENR CCI: March 2008 = 8109

- (1) Costs are from the December 2007 Water and Sewer Master Plan (Cannon).
- (2) Engineering and Construction Management were originally presented as a "lump sum" amount
- (3) Includes material testing and construction staking
- (4) Excludes property acquisition, environmental mitigation, and monitoring
- (5) These work items were added to relieve high pressures on Mesa as an alternative to service pressure regulating valves (See Tech Memo 9). One PRV station at Maria Vista was required initially. Four are recommended for revised project.
- (6) Based on review of record drawings, this pipeline is already a 10-in main
- (7) Initial estimate incorporated Master Plan project costs. Revised estimate includes higher unit costs to reflect paving 1 traffic lane, per County standards
- (8) Updated unit costs include higher costs to reflect paving 1 traffic lane, per County standards
- (9) Contingency was modified to 25% which is more appropriate for concept design phase.

Project Budget Summary

Engineering Services for NCSD - SWP Design

Nipomo CSD

	Total Budget	Amount Previously Invoiced	Current Invoice Amount	% of Budget Earned to date
Task Group 1 - Concept Design Report	\$313,192.00	\$31,023.00	\$26,722.08	18.44%
Task Group 2 - Permitting	\$26,557.00	\$6,333.86	\$1,517.96	29.57%
Task Group 3 - Construction Documents	\$311,982.00	\$702.00	\$3,240.00	1.26%
Task Group 4 - Project Management	\$43,520.00	\$11,178.55	\$1,930.50	30.12%
Task Group 5 - Assistance During Bids	\$48,942.00	\$0.00	\$0.00	0.00%
Task Group 6 - Office Engineering During Construction (5 Bid Packages)	\$175,837.00	\$0.00	\$0.00	0.00%
Total	\$920,030.00	\$49,237.41	\$33,410.54	8.98%

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: OCTOBER 17, 2008



2008 STATE LEGISLATION UPDATE

ITEM

NCSD General Manager Bruce Buel update re 2008 State Legislation adopted and rejected [NO ACTION REQUESTED].

BACKGROUND

Attached are summaries of bills passed of interest to NCSD. AB2270 was vetoed.

RECOMMENDATION

Staff recommends that your Honorable Board receive the presentations and ask questions as appropriate.

ATTACHMENTS

- Summaries of Bills of Interest Passed

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2008 Major Accomplishments

Passage of AB 642 (Wolk)

CSDA strongly supported this bill, which gives districts that provide water and wastewater services the authority to use design-build contracting for these facilities, under specific requirements.

Status: Engrossing and Enrolling

Passage of SB 1124 (Senate Local Government Committee)

CSDA pushed for a deadline extension for securitized limited obligation notes (SLONs), from December 2009 to December 2014. Districts can use SLONs to borrow up to \$2 million without a vote of the people.

Status: Signed

Passage of SB 1191 (Alquist)

CSDA sponsored SB 1191 to authorize community services districts (CSDs) to provide broadband Internet service to their community, under specific requirements. Many CSDs provide services in underserved and rural areas of the state where it is not economically feasible for a private entity to come.

Status: Signed

Passage of SB 1458 (Senate Local Government Committee)

CSDA was part of the working group that revised the County Service Area law, streamlining and updating the code sections. SB 1458 deletes the old law and implements the new one.

Status: Signed

Passage of SB 1699 (Wiggins)

CSDA strongly supported this bill, which expands design-build contracting authority to the Sonoma Valley Health Care District, making them the third special district to be given this authority.

Status: Engrossing and Enrolling

Passage of AB 1844 (Hernandez) and SB 1123 (Wiggins)

CSDA was part of a working group that worked closely with the Public Employee Post-Employment Benefits Commission about local government issues in regards to other post-employment benefits and helped commission staff gather important data from our members.

Status: Engrossing and Enrolling

Special Districts Legislative Day

The 2008 Special Districts Legislative Day, CSDA's annual legislative conference, was again, a successful event. The voices of special district representatives were clearly heard by legislators and other decision-makers in the state. There was a strong program for attendees, featuring

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speakers such as: *Sacramento Bee* columnist Dan Walters, Senate Local Government Committee Chair Gloria Negrete McLeod, Assembly Member Kevin Jeffries, Marianne O'Malley from the Legislative Analyst's Office, CSDA legislative advocate Ralph Heim, and more. We look forward to a two-day event in 2009.

Eminent domain: Defeat of Prop 98 and passage of Prop 99

CSDA joined the Californians for Eminent Domain Reform coalition to pass sensible eminent domain reform. CSDA contributed time and money to pass Proposition 99 and to oppose Proposition 98, an extreme measure that would have curtailed environmental law, infrastructure projects, and local governments' ability to operate.

Eminent domain pamphlet: CSDA joined other local government associations to create a pamphlet on eminent domain proceedings and homeowners' rights during this process. This document is required by state law to be made available to members of the public by local governments using eminent domain.

Expansion of the Legislative Department

In 2008, CSDA's Legislative Department expanded to include a legislative analyst to provide support in bill research and analysis, reaffirming the association's commitment to representing members at the state capitol.

Influence

CSDA continued its participation in working groups and coalitions to ensure special districts have a strong voice in state and local government decision-making. They include topics and efforts such as:

- Opposition to AB 983, with local government associations and schools
- No on Proposition 7 campaign
- Californians for Eminent Domain Reform coalition
- Public employee relations legislation working group
- Workers' compensation legislation
- Support and drafting of SB 1458 (County Service Area law rewrite)
- Green California Summit advisory committee
- Special District Leadership Foundation

THANK YOU FOR YOUR CONTINUED SUPPORT!



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California Special Districts Association | CSDA Finance Corporation | Special District Risk Management Authority

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Fact Sheet: AB 642 and SB 1699

Assembly Bill 642: Design-build for water facilities

Author: Assembly Member Lois Wolk (D-Davis)

CSDA position: Support **Status:** Engrossing and Enrolling

Summary: This bill would expand authority to use design-building contracting to special districts engaged in water and wastewater services, under certain specifications.

Key provisions:

- Authorizes cities, counties, and special districts to employ design-build contracting for the construction of no more than 20 regional and local wastewater facilities, solid waste management facilities, or water recycling facilities.
- Authorizes all cities in California to employ design-build contracting for the construction of buildings.
- Requires the Legislative Analyst's Office to report to the Legislature about use of the design-build method for such projects.

Senate Bill 1699: Design-build for Sonoma Valley Health Care District

Author: Senator Patricia Wiggins (D-Santa Rosa)

CSDA position: Support **Status:** Engrossing and Enrolling

Summary: This bill would expand the authority of a specific district to use design-build contracting.

Key provisions:

- Authorizes the Sonoma Valley Health Care District to utilize design-build contracting for construction projects of \$2 million or more and maintenance.
- Authorizes projects including construction of buildings and improvements directly related to a hospital or health facility building, which shall be reviewed and inspected according to the standards and requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983.

Comments: Currently, there are only two districts authorized to use design-build contracting—Orange County Sanitation District and Santa Clara Valley Water District. CSDA has traditionally supported efforts to expand the ability to use design-build to more districts. These two bills are small but incremental steps toward that goal.



Fact Sheet: SB 1732

Senate Bill 1732: Brown Act and serial meetings

Author: Senator Gloria Romero (D- Los Angeles)

CSDA position: Watch **Status:** Signed

Summary: Senate Bill 1732 prohibits the use of serial meetings on any item of business that is required by the Ralph M. Brown Act (Brown Act) to be conducted in a public meeting.

Key Provisions:

- States that “meeting” means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference locations as permitted, to hear discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.
- Prohibits a majority of the members of a legislative body from using a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.
- Specifies that the prohibition does not prevent staff of a local agency from engaging in separate conversations or communications outside of a Brown Act meeting with members of a legislative body in order to answer questions or provide information as long as the employee does not reveal comments or position of the other members of the legislative body.
- Prohibits a local agency from discriminating between, or among, members of a legislative body with regard to accessing a writing of the body or of the agency.

Comments: This bill, along with a similar measure SB 964, was a response to a 2006 appellate court decision on *Wolfe v. City of Fremont*, which found that meetings between a city manager and individual city council members for the purpose of discussing a policy issue to be discussed in a future open meeting did not inherently violate the Brown Act's serial meeting prohibition. While CSDA supports open and transparent government, we were concerned with early versions of SB 964 because it was overly broad and restrictive. Later versions of the bill were amended to remove CSDA and other local government's concerns. (SB 964 was eventually vetoed because the governor thought it was too broad.)

SB 1732 started where SB 964 ended. Specifically, SB 1732 includes a provision that addressed the governor's concerns. If signed, SB 1732 would bring the interpretation of the prohibition back to pre-*Wolfe* decision. CSDA did not oppose SB 1732 but carefully watched it throughout the entire process, and believed it important to inform members of the developments.



Fact Sheet: AB 1844 and SB 1123

Assembly Bill 1844: Addressing unfunded OPEB liabilities

Author: Assembly Member Ed Hernandez (D-Baldwin Park)

CSDA position: Support and working group member **Status:** Engrossing and Enrolling

Summary: This bill would implement several recommendations made by the Public Employee Post-Employment Benefits Commission in its final report, released in January 2008.

Key provisions:

- Requires the state controller to report on the financial condition of local public retirement systems within 12 months of receipt of the information.
- Makes it a crime to make false statements or representations in regards to the benefits and applications administered by the Public Employees' Retirement System (PERS), the State Teachers' Retirement System and the 1937 Act county retirement system.
- Authorizes PERS to request information from the Director of the Employment Development Department and from any workers' compensation insurer as part of an investigation.

Senate Bill 1123: Addressing unfunded OPEB liabilities

Author: Senator Patricia Wiggins (D-Santa Rosa)

CSDA position: Support and working group member **Status:** Engrossing and Enrolling

Summary: This bill would implement several recommendations made by the Public Employee Post-Employment Benefits Commission in its final report, released in January 2008.

Key provisions:

- Establishes the California Actuarial Advisory Panel.
- Requires specific procedures when a local government body meets on other post-employment benefits (OPEB).
- Requires that the person at a local agency with the duties of a chief executive officer acknowledge they understand the current and future cost of the retirement or OPEB benefit, as determined by the actuary.

Comments: The Public Employee Post-Employment Benefits Commission was established by an executive order and charged with identifying the extent of unfunded OPEB liabilities, reviewing and analyzing options for addressing them and recommending a plan to the Legislature and governor. CSDA was part of a working group (with the California State Association of Counties, the League of California Cities, the Association of California Water Agencies, the California School Boards Association, and others) that worked closely with the commission about local government issues in regards to OPEB and helped commission staff on gathering important data from our respective members.



Fact Sheet: AB 983

Assembly Bill 983: Public contracts

Author: Assembly Member Fiona Ma (D-San Francisco)

CSDA position: Oppose **Status:** Engrossing and Enrolling

Summary: Assembly Bill 983 would require local public agencies, before entering into a contract for a project, to provide full, complete and accurate plans and specifications and estimates of cost.

Key Provisions:

- Exempts all clearly identified design-build projects or design-build portions.
- Requires any local public entity, before entering into any contract for a project, to provide full, complete, and accurate plans, and specifications, and estimates of cost, giving such direction as would enable any competent mechanic or builder to carry them out.
- Clarifies that this bill shall not be construed to require a contractor to prove an affirmative or intentional misrepresentation or active concealment on the part of the local public agency that provides the plans and specifications.
- Clarifies that this bill shall not be construed to prohibit a local public entity from raising any affirmative defenses available to them.
- Clarifies that this bill does not expand, restrict, or otherwise change the liability or potential liability of a design professional as set forth under current law.

Comments: AB 983 was a gut-and-amend late into the year before its Senate Judiciary hearing.

This bill increases the liability of local agencies that hire design consultants to produce accurate and complete plans and specifications for construction projects by essentially shifting the professional responsibility and liability from design professionals and contractors to local agencies. AB 983 has the potential to greatly increase costs to local public agencies and the public through design delays and litigation on projects. Many special districts and other local public agencies are not staffed with construction experts and rely on the expertise of architects, engineers and other design professionals to ensure the accuracy and completeness of plans and specifications.

CSDA worked with the League of California Cities, Los Angeles Unified School District, the California Association of Sanitation Agencies, and others to oppose this bill. We also sent an amicus letter of support to the California Supreme Court to hear a pending petition for review of a case that is relevant to AB 983. CSDA believes that AB 983 is premature given the current petition before the Supreme Court.