

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BB*  
DATE: JUNE 5, 2009



### 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 5/27/09 Regular and 6/3/09 Special Meeting
- D-3) AUTHORIZE EXECUTION OF AGREEMENT WITH MGE UNDERGROUND TO  
PERFORM POTHOLING SERVICES FOR WATERLINE INTERTIE PROJECT  
[RECOMMEND APPROVAL]

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2009\CONSENT AGENDA\CONSENT 06-10-09.DOC

TO: BOARD OF DIRECTORS  
 FROM: BRUCE BUEL  
 DATE: JUNE 5, 2009

**AGENDA ITEM  
 D-1  
 JUNE 10, 2009**

**TOTAL COMPUTER  
 CHECKS  
 \$241,257.05**

**HAND WRITTEN CHECKS**

05-27-09	19919	DEPT OF HEALTH SERV	70.00
06-01-09	19920	CALIF HIGHWAY PATROL	10.00
06-03-09	19921	J HARRISON	100.00
06-03-09	19922	L VIERHEILIG	100.00
06-03-09	19923	E EBY	100.00
06-03-09	19924	M WINN	100.00
06-05-09	19925	M WINN	100.00
06-05-09	19926	L VIERHEILIG	100.00

VOID - 19803, 16508, 16546

**COMPUTER GENERATED CHECKS**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
16567	05/29/09	EMP01	EMPLOYMENT DEVELOP DEPT	A90526	05/26/09	STATE INCOME TAX	05-09	955.26 955.26
16568	05/29/09	MID01	RABOBANK-PAYROLL TAX DEPOS	A90526	05/26/09	COMBINED CHECK	05-09	3730.67 3730.67
16569	05/29/09	MID02	RABOBANK-DIRECT DEPOSIT	A90526	05/26/09	NET PAY	05-09	24662.07 24662.07
16570	05/29/09	PER01	PERS RETIREMENT	A90526	05/26/09	PERS PAYROLL REMITTANCE	05-09	7617.00 7617.00
16571	05/29/09	STA01	ING-PERS 457 DEFERRED COMP	A90526	05/26/09	457 DEFERRED COMP	05-09	1125.00 1125.00
016572	06/10/09	ABA01	ABALONE COAST BACTERIOLOG	105.00	.00	105.00	09-967	BL WWTF LAB
				20.00	.00	20.00	09-1050	BL WWTF LAB
				20.00	.00	20.00	09-1058	BL WWTF LAB
				175.00	.00	175.00	09-1059	BL WWTF LAB
				176.00	.00	176.00	09-1067	TOWN WWTF LAB
				20.00	.00	20.00	09-1068	BL WWTF LAB
				20.00	.00	20.00	09-1077	BL WWTF LAB
				20.00	.00	20.00	09-1089	BL WWTF LAB
				20.00	.00	20.00	09-1105	BL WWTF LAB
				175.00	.00	175.00	09-1106	WATER SAMPLES
			Check Total.....:	751.00	.00	751.00		
016573	06/10/09	ADV01	ADVANTAGE ANSWERING PLUS	164.66	.00	164.66	104291	PAGING SERVICE
016574	06/10/09	AEC01	AECOM USA INC	4607.30	.00	4607.30	4055709	WATER SYS REG
				453.60	.00	453.60	7055505	SOLAR POWER EVAL
				11200.95	.00	11200.95	7055634	SEWER MAIN
				502.20	.00	502.20	7055636	PCI CO 06-0225 KENGEL
				44755.36	.00	44755.36	7055668	WATERLINE INTERTIE DESIGN
				920.70	.00	920.70	7055636A	PCI GLOBAL PREMIER
			Check Total.....:	62440.11	.00	62440.11		
016575	06/10/09	AIR01	AIR POLLUTION CONTROL	1899.82	.00	1899.82	12290	SUNDALE WELL PERMIT
016576	06/10/09	ALX01	ALEXANDER'S CONTRACT SERV	2214.35	.00	2214.35	052809	METER READS
016577	06/10/09	AME02	AMERICAN INDUSTRIAL SUPPL	892.53	.00	892.53	196887	SUPPLIES TOWN WWTF
				18.27	.00	18.27	197079	SUPPLIES
			Check Total.....:	910.80	.00	910.80		
016578	06/10/09	AME03	AMERI PRIDE	113.28	.00	113.28	F779052	UNIFORMS ETC
				113.28	.00	113.28	F784466	UNIFORMS ETC
			Check Total.....:	226.56	.00	226.56		
016579	06/10/09	ATT01	AT&T/MCI	148.62	.00	148.62	640684	PHONE
				30.97	.00	30.97	640936	PHONE
				147.79	.00	147.79	641006	PHONE
			Check Total.....:	327.38	.00	327.38		
016580	06/10/09	AWW02	AMERICAN WATER WORKS ASSO	498.00	.00	498.00	113490	STANDARDS ON CD
016581	06/10/09	BAN01	THE BANK OF NEW YORK	2194.20	.00	2194.20	252140989	COP BOND ADMINISTRATION
016582	06/10/09	BHI01	BHI MANAGEMENT CONSULTING	1250.25	.00	1250.25	09-33	STRATEGIC PLANNING
016583	06/10/09	CAP01	CAPMARK FINANCE INC	13000.00	.00	13000.00	051909	DEBT SERVICE EUREKA 01024
016584	06/10/09	CHE01	CHEVRON & TEXACO BUSINESS	1516.38	.00	1516.38	052809	GASOLINE
016585	06/10/09	COA01	COASTLINE EQUIPMENT	834.64	.00	834.64	4913096	CASE TRACTOR REPAIRS

Copy of document found at www.NoNewWipTax.com

**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS JUNE 5, 2009**

**AGENDA ITEM  
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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
016586	06/10/09	COR01	CORBIN WILLITS SYSTEMS	750.83	.00	750.83	A905151	BILLING PROGRAM MONTHLY S
016587	06/10/09	CWE01	CWEA	132.00	.00	132.00	MOTLEY 09	MEMBERSHIP - MOTLEY
016588	06/10/09	DES01	DESIGN PROS	426.65	.00	426.65	180	BROCHURES
				337.64	.00	337.64	181	BROCHURES
016588	06/10/09	DES01	DESIGN PROS	426.65	.00	426.65	192	BROCHURES
			Check Total.....:	1190.94	.00	1190.94		
016589	06/10/09	DWI01	DWIGHT'S AUTOMOTIVE	128.40	.00	128.40	41195	04 FORD SERVICE
				62.15	.00	62.15	41202	04 FORD SERVICE
				80.84	.00	80.84	41203	06 FORD SERVICE
			Check Total.....:	271.39	.00	271.39		
016590	06/10/09	EBY01	EBY, ED	100.00	.00	100.00	061009	REG BD MEETING 061009
016591	06/10/09	EDW01	JONATHAN EDWARDS	107.22	.00	107.22	060209	BOOTS
016592	06/10/09	FAR01	FARM SUPPLY COMPANY	1638.53	.00	1638.53	060109	SUPPLIES
016593	06/10/09	FAR02	FAR WEST EXPRESS	24.00	.00	24.00	E16280+	DELIVERY OF BILLS
016594	06/10/09	FGL01	FGL ENVIRONMENTAL	710.00	.00	710.00	901730A	WATER SAMPLES
				81.00	.00	81.00	904376A	BL WWTF LAB
				81.00	.00	81.00	904665A	BL WWTF LAB
			Check Total.....:	872.00	.00	872.00		
016595	06/10/09	GAS02	GAS COMPANY, THE	27.80	.00	27.80	052609	OFFICE HEAT
				10.70	.00	10.70	052809	SHOP HEAT
			Check Total.....:	38.50	.00	38.50		
016596	06/10/09	GIL01	GLM, INC.	320.00	.00	320.00	052909	LANDSCAPE MAINTENANCE
016597	06/10/09	GRA06	GRAPHICS BY ERICK	1463.91	.00	1463.91	19424	NEWSLETTER
016598	06/10/09	GRO01	GROENIGER & CO	118.63	.00	118.63	11008871	SUPPLIES
				105.16	.00	105.16	11009088	SUPPLIES
			Check Total.....:	223.79	.00	223.79		
016599	06/10/09	GWA01	GWA INC	85.00	.00	85.00	90502062	ALARM MONITORING
				53.00	.00	53.00	905006401	ALARM MONITORING
				85.00	.00	85.00	905021071	ALARM MONITORING
			Check Total.....:	223.00	.00	223.00		
016600	06/10/09	HAC01	HACH COMPANY	177.24	.00	177.24	6248742	LAB SUPPLIES
016601	06/10/09	HAR02	HARRISON, JAMES	100.00	.00	100.00	061009	REG BD MEETING 061009
016602	06/10/09	HOM01	HOME MOTORS	527.30	.00	527.30	TQS255639	04 CHEVY MAINTENANCE
016603	06/10/09	JAC01	JACK'S REPAIR & SALES	28.18	.00	28.18	558264	REPAIR
016604	06/10/09	KOE01	KOEHLER PLUMBING, INC	75.00	.00	75.00	3619	BACK FLOW DEVICE TEST
016605	06/10/09	LAF01	LAFCO	3500.00	.00	3500.00	060409	PARK POWER APP FEE
016606	06/10/09	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	45021	LANDSCAPE MAINT TR 2409
				161.88	.00	161.88	45221	REPAIR IRRIGATION TR 2409
			Check Total.....:	375.88	.00	375.88		
016607	06/10/09	MCG01	MCGRAW HILL CONSTRUCTION	41.95	.00	41.95	0509	SUBSCRIPTION TO ENG MAG

**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS JUNE 5, 2009**

**AGENDA ITEM  
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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
016608	06/10/09	MSL01	M S LEBRUN ENVIRONMENTAL	1750.00	.00	1750.00	WELL #1	WELL MONITORING PROTOCOL
016609	06/10/09	NIC01	NICKSON'S MACHINE SHOP	85.00	.00	85.00	77412	LIFT STN MAINT
				127.50	.00	127.50	77415	LIFT STN MAINT
			Check Total.....	212.50	.00	212.50		
016610	06/10/09	OFF01	OFFICE DEPOT	145.87	.00	145.87	475431950	SUPPLIES
				-21.59	.00	-21.59	475566290C	CREDIT ON RETURNED ITEM
			Check Total.....	124.28	.00	124.28		
016611	06/10/09	PGE01	P G & E	45519.92	.00	45519.92	051909	ELECTRICITY 4449664603-3
016612	06/10/09	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	188	MAY JANITORIAL SERVIE
016613	06/10/09	REL01	RELIABLE OFFICE SUPPLIES	268.08	.00	268.08	BLS03500	SUPPLIES
016614	06/10/09	RIC01	RICHARDS, WATSON, GERSHON	576.72	.00	576.72	164872	WATER RIGHTS ADJUDICATION
016615	06/10/09	RIS01	RISK MANAGEMENT SOLUTIONS	108.25	.00	108.25	31275	SANITARY SEWER OVERFLOW
016616	06/10/09	SAI01	SAIC	10498.02	.00	10498.02	5935-18	NMMA TECH GROUP MEETINGS
				9122.60	.00	9122.60	6630-05	2008 ANNUAL REPORT
				431.25	.00	431.25	9100-33	GENERAL CONSULTATION
			Check Total.....	20051.87	.00	20051.87		
016617	06/10/09	SAN04	SANTA MARIA TIMES	169.40	.00	169.40	580192	SOLID WASTE NOTICE
				271.25	.00	271.25	580193	LNDSCP ASSMNT NOTICE
				45.50	.00	45.50	580207	BL VILLAGE NOTICE
			Check Total.....	486.15	.00	486.15		
016618	06/10/09	SAN09	SAN LUIS MAILING SERVICE	1251.59	.00	1251.59	40213	MAIL DIST NEWSLETTER
016619	06/10/09	SLO08	SAN LUIS OBISPO COUNTY	324.80	.00	324.80	20090334	ENCROACHMENT PERMIT KNOTT
016620	06/10/09	SOU01	SOUTH COUNTY SANITARY	34.92	.00	34.92	2570866	TRASH COLLECTION
				169.12	.00	169.12	2572344	OLDE TOWNE TRASH COLLECTI
			Check Total.....	204.04	.00	204.04		
016621	06/10/09	SOU03	SOUTH COUNTY SANITARY	451.98	.00	451.98	MAY	SOLID WASTE LIENS
016622	06/10/09	SPA01	SPANGO VOICE COMM	268.44	.00	268.44	337	PHONE MAINT
016623	06/10/09	STA08	STAPLES	727.47	.00	727.47	5518002	SUPPLIES
016624	06/10/09	TEL01	TELEDYNE	6715.72	.00	6715.72	890299	LAB EQUIPMENT
016625	06/10/09	USB01	US BANK TRUST	49.18	.00	49.18	052209A	SUPPLIES
				169.37	.00	169.37	052209B	BL & TOWN WWTf SUPPLIES
				113.12	.00	113.12	052209C	BD MEETING SUPPLIES
				41.27	.00	41.27	052209D	OFFICE SUPPLIES
				346.80	.00	346.80	052209E	TRAVEL TO PALM SPRINGS SE
				44.76	.00	44.76	052209F	FUEL
				349.95	.00	349.95	052209G	CONSERVATION
				152.24	.00	152.24	052209H	SOLID WASTE TOUR
			Check Total.....	1266.69	.00	1266.69		
016626	06/10/09	VER01	VERIZON	36.49	.00	36.49	051909	BL PHONE
016627	06/10/09	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	061009	REG BD MEETING 061009
016628	06/10/09	WIN01	WINN, MICHAEL	100.00	.00	100.00	061009	REG BD MEETING 061009
016629	06/10/09	WOE01	WOESTE ELECRIC INC	16093.40	.00	16093.40	5559	SUNDALE WELL
016630	06/10/09	WOO01	DOUGLAS WOOD & ASSOCIATES	5147.93	.00	5147.93	6-1-09 #2	SOUTHLAND WWTf UPGRADE
016631	06/10/09	\M006	MUNIZ EXCAVATING INC,	320.92	.00	320.92	000A90601	MQ CUSTOMER REFUND FOR MU

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 44 - Years of Service 1965 - 2009*

## DRAFT MINUTES

**MAY 27, 2009 AT 9AM**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

D2

### **BOARD of DIRECTORS**

JAMES HARRISON, **PRESIDENT**  
LARRY VIERHEILIG, **VICE PRESIDENT**  
MICHAEL WINN, **DIRECTOR**  
ED EBY, **DIRECTOR**

### **PRINCIPAL STAFF**

BRUCE BUEL, **GENERAL MANAGER**  
LISA BOGNUDA, **ASST. GENERAL MANAGER**  
DONNA JOHNSON, **BOARD SECRETARY**  
JON SEITZ, **GENERAL COUNSEL**  
PETER SEVCIK, **DISTRICT ENGINEER**

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

00:00:00

#### A. CALL TO ORDER AND FLAG SALUTE

President Harrison called the May 27, 2009, Regular Board meeting to order at 9:00 a.m. and led the flag salute.

#### B. ROLL CALL

At Roll Call, the following directors were present:

Directors Eby, Winn, Vierheilig and Harrison

Note: Bruce Buel, General Manager, was not in attendance due to illness.

#### C. PRESENTATIONS AND PUBLIC COMMENT

C-1) MIKE DI MILO OF SCIENCE DISCOVERY (@ Approximately 11:30AM)  
Update re: FY2008-09 Water Conservation Education Program  
(This item was tabled until approximately 11:30 a.m.)

C-2) NCSD UTILITY SUPERINTENDENT TINA GRIETENS  
Update re: Utility Division Activities in April 2009  
Ms. Grietens, Utility Superintendent, reviewed the information provided in the Board report. Ms. Grietens answered questions from the Board.

C-3) NCSD WATER CONSERVATION SPECIALIST CELESTE WHITLOW  
Update re: Water Conservation Program Activities in April 2009  
Ms. Whitlow, Water Conservation Specialist, reviewed the information provided in the Board report. Ms. Whitlow answered questions from the Board.

C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST  
Receive Announcements from Directors Items of District & Community Interest  
Director Vierheilig

June 6, 2009 – Native Garden workday

Director Eby

Reported that a mountain lion has been sighted in the area

Director Harrison

May 28, 2009 – Fire Safe Council Meeting at 10:00 a.m.

June 3, 2009 – Special Board Meeting to interview candidates

Director Winn

May 28, 2009 – Planning Commission Meeting

June 1, 2009 – NMMA 10:00 a.m. to 2:00 p.m.

**MINUTES SUBJECT TO BOARD APPROVAL**

Nipomo Community Services District  
REGULAR MEETING  
DRAFT MINUTES

C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST  
(CONTINUED)

- June 3, 2009 – WRAC Meeting at 1:30 p.m. at San Luis Obispo Library will discuss ag clusters and the Paso Robles Basin Resource Capacity Study
- June 4, 2009 - COORT (Coastal Advisory Group) meeting
- June 4, 2009 – Katcho will be chairing a meeting with the water suppliers at 11:00 a.m.
- June 9, 2009 – Board of Supervisors will discuss ag clusters
- June 26, 2009 – CEQA workshop in Paso Robles

C-5) PUBLIC COMMENT ON ITEMS NOT ON AGENDA  
There was no public comment.

00:47:26

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING  
Approve Minutes of 5/13/09 Regular and 5/20/09 Special Meeting
- D-3) AMEND LEGAL SERVICES AGREEMENT WITH SHIPSEY AND SEITZ
- D-4) NOT USED
- D-5) ADOPT SUPPORT POSITION FOR AB1366 PASSAGE
- D-6) RETAIN UTILITY COST MANAGEMENT TO INVESTIGATE POTENTIAL OVERPAYMENT OF DISTRICT ELECTRIC BILLS
- D-7) ADOPT OPPOSE POSITION TO GOVERNOR'S PROPOSAL TO SUSPEND PROPOSITION 1A OF 2004 RE LOCAL GOVERNMENT PROPERTY TAXES

Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously approved the Consent Agenda. There was no public comment. Vote 4-0.

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

E. ADMINISTRATIVE ITEMS

E-1) AUTHORIZE SUBMITTAL OF APPLICATION TO LAFCO TO ACTIVATE LIMITED PARKS AUTHORITY AND INITIATE PROPERTY OWNER OUTREACH PROGRAM

Peter Sevcik, District Engineer, and Jon Seitz, District Legal Counsel, reviewed corrections to the Staff Report, Financing Plan and proposed Resolutions:

- The estimated cost is \$922,075 and not \$992,075
- Code Section 61110 should not have a comma
- The word currently should be inserted in the Whereas that states the District does not currently desire to own or operate the Nipomo Community Park, currently owned and operated by the County of San Luis Obispo
- All reference to the Jim O. Miller Park should be removed and the words "proposed park located at the corner of West Tefft and Carrillo (herein referred to as "the Park") or the Park be inserted.
- The Board of Directors stated the financing plan should include a listing of any pledged funds from donations, sponsorships or service clubs.

**MINUTES SUBJECT TO BOARD APPROVAL**

**Nipomo Community Services District  
REGULAR MEETING  
DRAFT MINUTES**

E-1) AUTHORIZE SUBMITTAL OF APPLICATION TO LAFCO TO ACTIVATE LIMITED PARKS AUTHORITY AND INITIATE PROPERTY OWNER OUTREACH PROGRAM  
(CONTINUED)

Upon motion of Director Vierheilg and seconded by Director Winn, the Board of Directors unanimously approved the Financing Plan as corrected. There was no public comment. Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilg Winn, Eby, and Harrison	None	None

Upon motion of Director Vierheilg and seconded by Director Eby, the motion was to approve the Resolution with the corrections above. Director Winn stated he could not support the motion unless the word "limited" was stricken from the title. Director Vierheilg agreed to modify the motion to include the word "limited" be stricken from the title. Director Eby did not agree and withdrew his second of the motion. Director Winn seconded the motion as amended by Director Vierheilg. The Board of Directors unanimously approved Resolution 2009-1143. There was no public comment. Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilg Winn, Eby, and Harrison	None	None

**RESOLUTION NO. 2009-1143  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO  
INITIATE PROCEEDINGS FOR ACTIVATION OF PARKS AUTHORITY**

Staff recommendations #3, #5, #6 ad #7 were considered as one motion:

- #3 – Direct Staff to mail information on the Proposal and the Zone of Benefit to the 417 properties in the proposed zone of benefit
- #5 – Set a Hearing for July 8, 2009 to consider Formation of the Zone of Benefit
- #6 – Direct Staff to publish the notices required for the July 8, 2009 Hearing and invite all 417 property owners to the Hearing
- #7 – Adopt the attached Resolution initiating the Formation of the Zone of Benefit

Upon motion of Director Winn and seconded by Director Vierheilg, the Board of Directors unanimously approved staff recommendations #3, #5, #6 and #7 with the removal of reference to "Miller Park" and inserted "the Park". There was no public comment. Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Winn, Vierheilg Eby, and Harrison	None	None

**RESOLUTION NO. 2009-1144  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
INITIATING PROCEEDINGS TO ESTABLISH THE ZONE OF  
BENEFIT FOR THE OPERATION AND MAINTENANCE OF THE PROPOSED PARK**

*The Board took a break at 10:50 a.m. and resumed the meeting at 11:00 a.m.*

**MINUTES SUBJECT TO BOARD APPROVAL**

01:50:00

E-2) AUTHORIZE SUBMITTAL OF APPLICATION TO LAFCO TO ACTIVATE GRAFFITI ABATEMENT AUTHORITY

The Board of Directors discussed this item. Upon motion of Director Eby and seconded by Director Winn, the Board of Directors unanimously agreed to send this item back to Staff. The Board of Directors requests that Staff invite the Sheriff to make a presentation to the Board of Directors, obtain a copy of the Oceano Community Services District model and update the financing plan as required based on the new findings. There was no public comment. Vote 4-0.

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

C-1) MIKE DI MILO OF SCIENCE DISCOVERY (@ Approximately 11:30AM)  
Update re: FY2008-09 Water Conservation Education Program

Mr. DiMilo gave the Board of Directors an update on his Education Program in the Nipomo Elementary Schools. Director Winn suggested that he make a presentation to the Lucia Mar Unified School District Board of Directors. There was no public comment. No action was required.

E-3) DETERMINE VOTE POSITION ON COUNTY VECTOR CONTROL ASSESSMENT AND AUTHORIZE SUBMITTAL

The Board of Directors discussed the pros and cons of voting "yes", "no" or not submitting a vote.

Upon motion of Director Eby and seconded by Director Vierheilig, the motion was to submit a "No" vote. There was no public comment. Vote 2-2.

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

Upon motion of Director Harrison and seconded by Winn, the motion was to submit a "Yes" vote. There was no public comment. Vote 2-2.

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

Upon motion of Director Eby and seconded by Director Winn, the motion was to not respond to the ballot. There was no public comment. Vote 3-1.

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

The Board considered Closed Session next.

**MINUTES SUBJECT TO BOARD APPROVAL**



Nipomo Community Services District  
REGULAR MEETING  
DRAFT MINUTES

02:43:54

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following to be considered in Closed Session:

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. 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)
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; NCSD VS. COUNTY OF SAN LUIS OBISPO, ET AL (CASE NO. CV090010)
4. ANNUAL PERFORMANCE REVIEW OF DISTRICT LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54957

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:00 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:00 p.m.

Jon Seitz, District Legal Counsel, reported the following:

The Board heard updates on Items 1, 2 and 3 listed above. There was no reportable action on these items. Item #4 was continued until the next regular Board Meeting. Vote 4-0.

02:46:00

E-4) APPROVE TURF REPLACEMENT PROGRAM

Celeste Whitlow, Water Conservation Specialist, presented the program to the Board of Directors and the Board of Directors asked questions. The Board of Directors recommended that reference to "turf substitute" be removed and that the reference to the plants listed in the "California Invasive Plant Council" be replaced with the reference to the plants listed by San Luis Obispo County.

Upon motion of Director Vierheilg and seconded by Director Winn, the Board of Directors unanimously approved the Turf-Replacement Program with the changes recommended above and a maximum budget of \$4,800 and a cap of \$500 per account. There was no public comment. Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilg, Winn, Eby and Harrison	None	None

**MINUTES SUBJECT TO BOARD APPROVAL**

03:33:14

## E-5) REVIEW CURRENT INVESTMENT POLICY AND DETERMINE FUTURE USAGE OF LAIF

Lisa Bognuda, Finance Director, presented the Staff Report and the Board of Directors discussed the safety and liquidity of funds invested in Local Agency Investment Fund (LAIF).

The Board of Directors directed Staff to research if there are any investments that are 100% backed by the US Government that are liquid. There was no public comment.

04:02:15

## E-6) RECEIVE UPDATE FROM WATER CONSERVATION COMMITTEE ON DEVELOPMENT OF EMERGENCY WATER SHORTAGE REGULATIONS

Jon Seitz, District Legal Counsel, presented the most recent version of the draft emergency water shortage regulations which includes comments from the Water Conservation Committee. The Board of Directors asked many questions of Staff.

*At 3:00 p.m. President Harrison called for a five minute break.*

The Board of Directors recommended the following corrections to the draft:

- The title be changed to "Partial Regulations for Emergency Water Shortage"
- The word "purveyor" be removed and the word "water company" be inserted
- Stage II include suspension of the issuance of Intent-to-Serve Letters
- Leave in the Enforcement Section, but note that is for NCSD only
- Leave in Section 3.24.100, Exceptions
- Correct the typographical errors on pages 2, 4 and 7

Jon Seitz, District Legal Counsel, will present the draft with above corrections and recommendations to the NMMA on Monday, June 1, 2009.

05:04:51

## E-7) ESTABLISH POSITION ON SLO COUNTY PUBLIC WORKS PROPOSAL QUIT CLAIM PROPERTIES IN SANTA MARIA RIVER CHANNEL TO SANTA BARBARA COUNTY

Peter Sevcik, District Engineer, presented GIS Mapping of the parcels in question and stated that NCSD may need easements on some of these parcels for the waterline intertie project. The Board of Directors identified the following four parcels 090-291-037, 090-331-014, 090-341-032 and 092-231-017 as parcels of direct interest to NCSD.

Upon motion of Director Winn and seconded by Director Vierheilg, the Board of Directors unanimously directed Staff to write a letter to the Planning Department with copies to Public Works and Supervisor Achadjian to include the following points:

- Express NCSD's concerns
- Request that NCSD be notified of all proposed actions
- Request that NCSD be given the opportunity to state concerns
- Request that any mining rights be retained by SLO County

**MINUTES SUBJECT TO BOARD APPROVAL**

Nipomo Community Services District  
REGULAR MEETING  
DRAFT MINUTES

E-7) ESTABLISH POSITION ON SLO COUNTY PUBLIC WORKS PROPOSAL QUIT CLAIM PROPERTIES IN SANTA MARIA RIVER CHANNEL TO SANTA BARBARA COUNTY (CONTINUED)

There was no public comment. Vote 4-0.

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

05:30:00

F. MANAGER'S REPORT

The report is as submitted. Director Eby requested that a schedule for the waterline intertie assessment district be included in the packet with a "no sooner than" schedule. There were no public comments.

G. COMMITTEE REPORT

- 1. May 18, 2009 Infrastructure Project Committee Meeting  
The report is as submitted. There were no public comments.

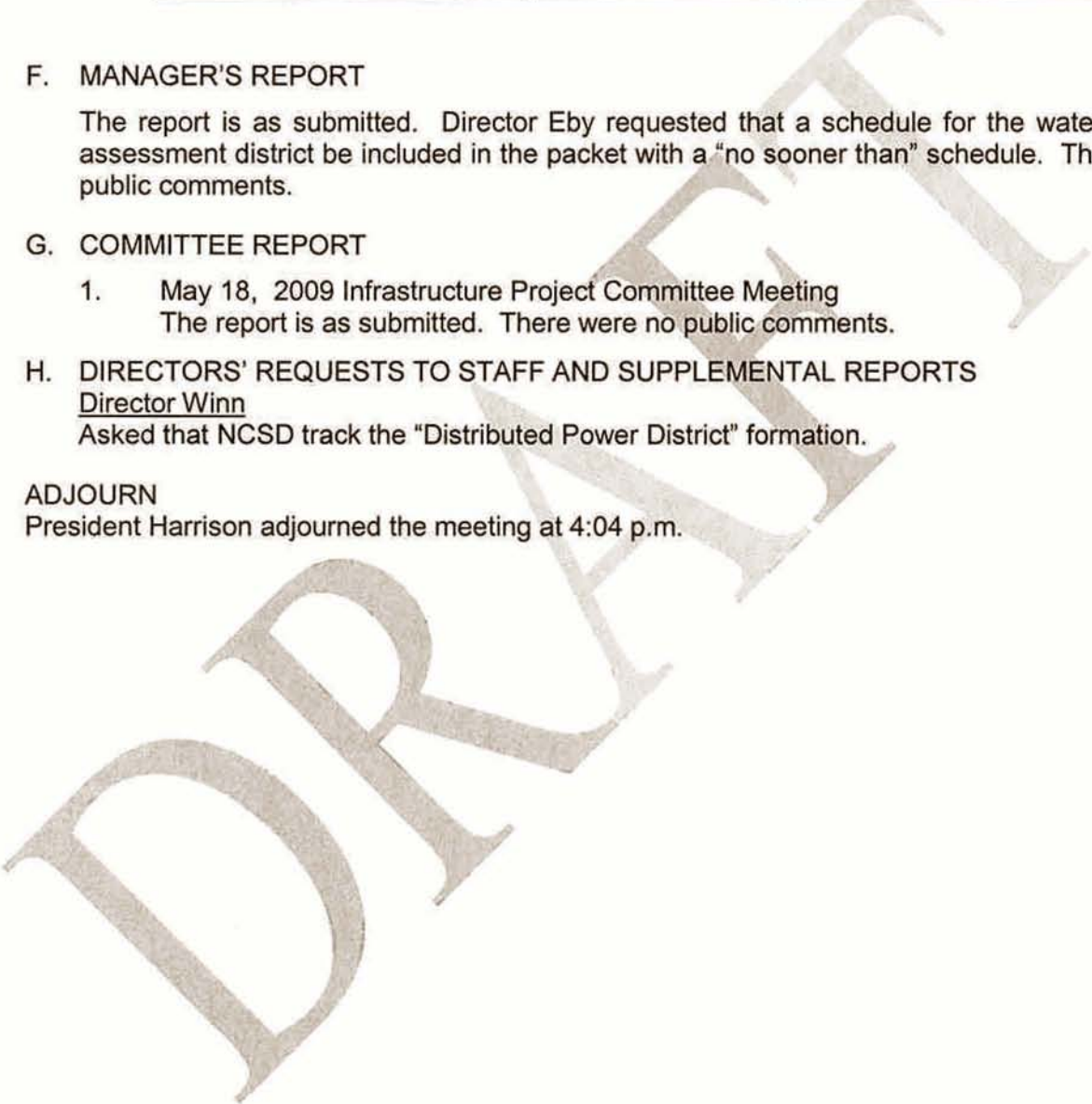
H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

Asked that NCSD track the "Distributed Power District" formation.

ADJOURN

President Harrison adjourned the meeting at 4:04 p.m.



**MINUTES SUBJECT TO BOARD APPROVAL**

# NIPOMO COMMUNITY SERVICES DISTRICT

Wednesday, June 3, 2009

9:00 A. M.

## SPECIAL MEETING DRAFT MINUTES

### BOARD of DIRECTORS

JAMES HARRISON, PRESIDENT  
LARRY VIERHEILIG, VICE PRESIDENT  
ED EBY, DIRECTOR  
MICHAEL WINN, DIRECTOR

### PRINCIPAL STAFF

BRUCE BUEL, GENERAL MANAGER  
LISA BOGNUDA, ASSIST. GENERAL MANAGER  
DONNA JOHNSON, BOARD SECRETARY  
JON SEITZ, GENERAL COUNSEL  
PETER SEVCIK, DISTRICT ENGINEER

### MEETING LOCATION

District Board Room  
148 S. Wilson Street  
Nipomo, California

Public Comment will be received on Agenda Items

00:00:00

#### A. CALL TO ORDER, ROLL CALL, AND FLAG SALUTE

At Roll Call, the following directors were present:  
Director Winn, Eby, Vierheilig, and Harrison.

00:00:45

#### B. INTERVIEW PROSPECTIVE CANDIDATES TO FILL VACANT DIRECTOR SEAT BOARD ACTION REQUESTED: Set Item re: Selection to June 10, 2009 Agenda

Bruce Buel, General Manager, explained that with the resignation of Director Cliff Trotter, the Board may appoint a director to complete Mr. Trotter's term of office. The term expires December of 2010.

Candidates who had submitted a letter of interest to the District were in the audience. The Board agreed to interview the candidates in the order that the letters were received at the District. As Mr. Nelson was asked to come to the podium for the interview, the other candidates left the room.

Bill Nelson was the first to be interviewed. Mr. Nelson responded to the questions asked by the Board.

Mr. Nelson left the boardroom and Mr. Thompson arrived. Ernest Thompson addressed the Board and said he withdrew his application.

Richard Mobraaten was the last candidate to be interviewed. Mr. Mobraaten responded to the questions asked by the Board.

The Board discussed the candidates and the candidates returned to the room. The Board thanked Mr. Nelson and Mr. Mobraaten and told the candidates that Mr. Thompson had withdrawn his application.

It was announced that selection will be made June 10, 2009, at the Regular Board Meeting.

**NIPOMO COMMUNITY SERVICES DISTRICT**  
**Wednesday, June 3, 2009**  
**SPECIAL MEETING DRAFT MINUTES**

00:48:52

**C. CONSIDER INITIAL BENEFIT ADJUSTMENT FOR INSPECTOR/PREVENTIVE MAINTENANCE SUPERVISOR**

**BOARD ACTION REQUESTED:** Provide direction to Staff

Bruce Buel, General Manager, reviewed the request from an applicant for the Inspector/Preventive Maintenance Supervisor position. He explained that the personnel policies would need to be amended to fulfill the request.

The Board discussed the possibilities.

The following member of the public spoke:

Richard Mobraaten, NCS D resident – stated that the standard job offers 10 days vacation the first year. When someone changes jobs, he should accept the conditions provided to new hires.

Upon motion by Director Eby and seconded by Director Winn, the Board unanimously agreed to deny the request for a variance in the personnel policy. Vote 4-0.

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

**D. ADJOURNMENT**

President Harrison adjourned the meeting at 10:05 a.m.

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BBB*  
DATE: JUNE 4, 2009

**AGENDA ITEM  
D-3  
JUNE 10, 2009**

**POTHOLING FOR WATERLINE INTERTIE PROJECT**

**ITEM**

AUTHORIZE EXECUTION OF AGREEMENT WITH MGE UNDERGROUND TO PERFORM POTHOLING SERVICES FOR WATERLINE INTERTIE PROJECT [RECOMMEND APPROVAL].

**BACKGROUND**

At part of the design process for the Waterline Intertie Project, AECOM, the design consultant, has identified potential utility conflicts in several areas. The existing utilities need to be accurately located using the vacuum excavation method and then the locations need to be surveyed so that the location of the existing utilities can be taken into account in the design of the new water facilities.

In consultation with staff, AECOM requested quotes from four contractors to perform potholing services for the project. All four contractors responded to the request for quotes. The total quote from each contractor was as follows:

<b>CONTRACTOR</b>	<b>COST</b>
MGE	\$19,800
D-Kal	\$22,357
Whitaker	\$24,100
R. Baker	\$54,175

AECOM recommends and staff concurs that the potholing contract should be awarded to the lowest, most responsible bidder, MGE.

AECOM also recommends that Orchard Road and Oakglen Avenue be cored to determine the location of existing concrete paving so that contractors will be able to include the cost for removing the concrete paving with their bid price for Bid Package 2 of the Waterline Intertie Project. MGE provided a cost of \$4100 to perform the concrete coring work.

AECOM has also identified an additional location that needs to be potholed for the design of the Frontage Road Sewer main that is being designed as part of the Waterline Intertie Project. MGE will perform this work at the quoted unit price of \$825.

Thus, AECOM recommends that MGE be awarded the contract for a total cost of \$24,725.

**FISCAL IMPACT**

The adopted FY 08-09 Budget and proposed FY 09-10 Budget include funding for the design of the Waterline Intertie Project. To date, the District has spent approximately \$500,000 on the initial design performed by AECOM. The potholing work will reduce the potential for utility conflicts during construction.

**RECOMMENDATION**

Staff recommends that your Honorable Board award the quote for potholing services for the Waterline Intertie Project to MGE for a total cost of \$24,725.

**ATTACHMENTS**

- AECOM Memorandum dated June 2, 2009

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AECOM  
 1194 Pacific Street, Suite 204  
 San Luis Obispo, CA 93401  
 T 805.542.9840 F 805.542.9990 www.aecom.com

## Memorandum

Date: June 2, 2009  
 To: Peter Sevcik, PE, NCS District Engineer  
 From: Josh Reynolds, PE  
 Subject: Potholing for Waterline Intertie Project

### Initial Potholing Request

In consultation with District Staff, AECOM solicited quotes from four general contractors to perform subsurface utility investigations (potholing) for the Waterline Intertie Project. AECOM prepared plans depicting the location of 24 utilities to be located and requested a price from four contractors to locate the 24 utilities using vacuum excavation. All four contractors responded to the request for quotation. The total quote from each contractor is shown in Table 1.

**Table 1**  
**Results of Potholing Request for Quotation**

Contractor	Total Price
MGE	\$ 19,800
D-Kal	\$ 22,357
Whitaker	\$ 24,100
R. Baker	\$ 54,175

AECOM recommends that Nipomo Community Services District award the potholing contract to the low quote, MGE.

### Additional Work

#### *Location of Concrete Paving Limits*

When Fugro was boring to obtain information to prepare the soils report, they encountered what appears to be concrete paving in two locations. Those locations are Orchard Road north of Division Street, and Oakglen north of Darby Lane. AECOM recommends that the extents of the concrete paving be estimated so that a contractor can include the fee for removing the concrete paving with their bid price for the Waterline Intertie Project's Bid Package 2. AECOM requested a price from MGE for coring the pavement in Orchard and in Oakglen. The work can be performed in conjunction with the potholing work. Based on field inspection of the streets in question and the initial results from Fugro's failed borings, AECOM recommends coring the asphalt on Orchard and Oakglen.



From Fugro's boring attempts it appears there may be concrete paving directly underneath the asphalt pavement on Orchard. Field observations of Orchard's pavement in this area do not help identify the potential extents of the concrete paving (e.g. there are no surface cracking patterns or worn asphalt showing the concrete underneath). Therefore AECOM recommends the District retain MGE to perform four 2-inch cores in Orchard to estimate the limits and the thickness of the concrete pavement in Orchard. On Oakglen it appears that there may be aggregate base or other filler between the layers of asphalt and concrete. Field observations of Oakglen reveal extensive reflective cracking on Oakglen; Darby Lane is a concrete road; and there are record drawings that indicate Oakglen has concrete pavement underneath the asphalt. Since the limits of the concrete paving on Oakglen are better known AECOM is recommending MGE perform two cores in Oakglen, however, the cores will need to be 7-inch diameter because of the layer of soil between the concrete and asphalt.

MGE's price for the cores is shown in Table 2

**Table 2**  
**MGE's Quote for Concrete Coring**

Core Size	Unit Price
2-inch	\$ 650
7-inch	\$ 750

*Additional Potholing*

Since the project now involves the design of the Frontage Road Sewer main up to the existing Southland Wastewater Treatment Facility influent lift station, an additional pothole needs to be performed to locate the 16-inch gas main that parallels the proposed 21-inch sewer alignment. MGE will perform this work at the quoted unit price of \$825 per pothole.

**Recommended Contract**

AECOM recommends MGE be awarded the work as shown in Table 3.

**Table 3**  
**Recommended Project**

Work Description	Quantity	Unit Price	Total
Quoted Potholes	24	\$ 825	\$ 19,800
2-inch Core	4	\$ 650	\$ 2,600
7-inch Core	2	\$ 750	\$ 1,500
Additional Pothole	1	\$ 825	\$ 825
<b>TOTAL</b>			<b>\$ 24,725</b>

- Attachments: MGE Quote for Potholing  
D-Kal Quote for Potholing  
Whitaker Quote for Potholing (3 pages)  
R. Baker Quote for Potholing  
MGE quote for Coring

P.O. Box 4189  
Paso Robles, CA 93447



Lic. A, B, Haz # 765025

Phone: 805-238-3510  
Fax: 805-238-1975

May 5, 2009

## WORK PROPOSAL

ATTENTION: Josh Reynolds

Fax: 542-9990

PROJECT: AECOM -- Nipomo Potholing

BID DATE: 5/08/2009

ITEM	UNIT PRICE
<b>Prevailing Wage Rate</b>	
A. Potholing Services	\$ 825.00 EA
Total Price (24 Potholes)	\$ 19,800.00

### INCLUSIONS:

- USA Tickets
- Traffic Control
- Backfill, re-pave potholes as required

### EXCLUSIONS:

- Surveying
- Permits (encroachment, cal-trans, ect.)
- Removal and replacement of concrete

### REMARKS, QUALIFICATIONS:

- MGE Underground, Inc. to provide potholing services to include: USA, traffic control, log of all potholes located including depth, diameter of pipe, and soil conditions encountered.
- MGE to backfill all potholes and restore pavement as required.
- Engineer to provide survey of all locations to be potholed as requested: including running line of proposed pipeline or location to be potholed if not on running line
- Bonding provided upon request (add 1.5% to total bid price)

Respectfully Submitted,

Accepted by: \_\_\_\_\_  
Signature

Nick Salvucci

Print Name: \_\_\_\_\_

**D-KAL ENGINEERING**

D-KAL ENGINEERING  
P.O. Box 1919  
San Luis Obispo CA 93406

Project: NCSD WATERLINE POTHOL  
Date: May 5, 2009  
Bid #: 009-133

Bid Date: 05/08/09 Bid Time: N/A

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT BID	ITEM BID
#1	72" SD	1.0	EA	\$ 721.00	\$ 721.00
#2	48" SD	1.0	EA	721.00	721.00
#3	6" GAS	1.0	EA	800.00	800.00
#4	12" WATER	1.0	EA	818.00	818.00
#5	FORCE MAIN	1.0	EA	770.00	770.00
#6	3" GAS	1.0	EA	897.00	897.00
#7	3" GAS	1.0	EA	784.00	784.00
#8	6" WATER	1.0	EA	721.00	721.00
#9	HP GAS	1.0	EA	1,072.00	1,072.00
#10	TELEPHONE	1.0	EA	770.00	770.00
#11	SEWER FORCE MAIN	1.0	EA	786.00	786.00
#12	TELEPHONE	1.0	EA	786.00	786.00
#13	4" GAS	1.0	EA	910.00	910.00
#14	HP GAS	1.0	EA	1,070.00	1,070.00
#15	3" GAS	1.0	EA	881.00	881.00
#16	CATV/ATT/PGE	1.0	EA	1,150.00	1,150.00
#17	10" WATER	1.0	EA	826.00	826.00
#18	PGE/CATV/ATT	1.0	EA	980.00	980.00
#19	6" WATER	1.0	EA	834.00	834.00
#20	6" WATER	1.0	EA	834.00	834.00
#21	3" GAS	1.0	EA	897.00	897.00
#22	16" GAS	1.0	EA	992.00	992.00
#23	WATERLINE	1.0	EA	721.00	721.00
#24	2" GAS	1.0	EA	673.00	673.00
#25	MOBILIZATION	1.0	EA	1,943.00	1,943.00
	TOTALS				<u>\$ 22,357.00</u>



May 5<sup>th</sup>, 2009

2752 CONCRETE COURT ■ PASO ROBLES, CA 93446 ■ [www.whitakercontractors.com](http://www.whitakercontractors.com)

TEL (805) 226-4020 ■ FAX (805) 226-4021 ■ [AULM@whitakercontractors.com](mailto:AULM@whitakercontractors.com)

## PROPOSAL & CONTRACT

Submitted To: AECOM  
1194 Pacific Street, Suite 204  
San Luis Obispo, CA 93401  
Attn: Josh Reynolds

Ph. (805) 542-9840 Fax. (805) 542-9990

Project Name: NCS D Waterline Intertie Project Subsurface Utilities Exploration  
Project Location: Santa Maria / Nipomo  
Architect / Engineer: AECOM  
Plans Dated: 2/2009

Dear Mr. Reynolds:

Whitaker Contractors Inc. (WCI) proposes to furnish and install all materials and perform all labor necessary to complete the following per plans and specifications:

### SCOPE OF WORK

Provide vacuum potholing service at twenty-four predetermined locations as shown on the plans, such that AECOM and/or Wallace Group can measure the existing pavement thickness, the distance to the top of said utility, the outside diameter of the utility, and the structural material compositions, all to the extent determinable through a single test hole, approximately 12" diameter.

### INCLUSIONS

Traffic control for our work only, prevailing wage rates, saw cut of existing asphalt, disposal of vacuumed material from test hole, replacement of excavated material with sand backfill & class II base, replacement of asphalt with 3/8" mix and asphalt concrete to match existing.

### EXCLUSIONS

Permits, SWPPP/WPCP, licensing (other than a California business license), repair of unmarked utilities hit during the work, crack/slurry sealing, construction water, temporary cover of holes, coldmix,

### CLARIFICATIONS

WCI assumes this work will be done successively without delays. Standby time /delays will be paid at Caltrans force account rates.

Additional potholing when utility information/subsurface material compositions cannot be determined based on the single test hole will be paid at Caltrans force account rates.

WCI anticipates exposing multiple utilities per day. Wallace Group/AECOM will follow immediately behind the construction team to make any and all utility observations within one half hour of the utility being exposed.

All exposed holes will be backfilled daily. Re-exposing backfilled holes will be paid at Caltrans force account rates.

All of the above work to be completed in a substantial and workmanlike manner according to standard practices for the sum of \$24,100.

Payments to be made on a monthly basis as the work progresses, within 15 days of invoice, to the value of 100% of all work completed. No retention shall be withheld.

Any alteration or deviation from the above specifications involving extra cost of material or labor will only be executed upon written orders for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing. This proposal is valid for 30 days.

Notice – Contractors are required by law to be licensed and regulated by the Contractor's State License Board. Any questions concerning a contractor may be referred to the registrar of the board whose address is: Contractor's State License Board, 1020 N St., Sacramento, CA 95814.

Respectfully submitted,

WHITAKER CONTRACTORS INC.

  
\_\_\_\_\_  
Matt Bousman – Vice President

Date: 5-6-09

ACCEPTANCE

You are hereby authorized to furnish all materials and labor to complete the work mentioned in the above proposal, for which AECOM agrees to pay the amount mentioned above in this proposal, and according to the terms and conditions thereof. (See attached conditions)

ACCEPTED \_\_\_\_\_ Date: \_\_\_\_\_

NOTICE – Under the mechanics' lien law (California Code of Civil Procedures, Section 1181 Et Seq.), any contractor, subcontractor, laborer, supplier or other persons who help improve your property but is not paid for his work or supplies, has a right to enforce a claim against your property. This means that, after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your own contractor in full, if the subcontractor, laborer, or supplier remains unpaid.

## TERMS AND CONDITIONS

- 1 Certificates of insurance will be issued when requested of Contractor
- 2 The contract, plans and specifications are intended to supplement each other. In case of conflict, however, the specifications shall control the plans, and the provisions of this contract shall control both.
- 3 The contractor shall be excused for any delay in completion of the contract caused by acts of God, acts of the owner or the owner's agent, employee or independent contractor, stormy weather, labor trouble, acts of public utilities, public bodies or inspectors, extra work, failure of the owner to make progress payment promptly, or other contingencies unforeseeable by or beyond the reasonable control of the contractor.
- 4 Should the contractor fail to make any payments required under this paragraph, owner may make such payments on behalf of contractor, and contractor shall on demand reimburse owner for the amount actually paid, but owner shall not by means of assignment or otherwise be entitled to collect any greater amount from contractor than the amount actually paid for labor or material under this paragraph.
- 5 Taxes, assessments and permits are the owner's responsibility.
- 6 Survey, staking and locations of existing utilities to be provided by owner.
- 7 Extra Work. Should the owner, construction lender, architect or engineer, or any public body or inspector direct any modification or addition to the work covered by this contract, the contract price shall be adjusted accordingly.
- 8 Modifications or additions to the work shall be executed only when a Contract Change Order has been signed by both the owner and the contractor. The change in the Contract Price caused by such Contract Change Order shall be as agreed in writing, or if the parties are not in agreement as to the change in Contract Price, then the contractor's actual cost for all labor, equipment, subcontracts and materials, plus a contractor's fee of 20% shall be the change in Contract Price.
- 9 Contractor shall promptly notify the Owner of (a) subsurface or latent physical conditions at the site differing materially from those indicated in this contract, or (b) unknown physical conditions differing materially from those ordinarily encountered and generally recognized as occurring in work of the character provided for in this contract. Any expense incurred due to such conditions shall be paid for by Owner as added work.
- 10 Owner agrees to sign and record a notice of completion within five days after the project is complete and ready for occupancy. If owner fails to so record notice of completion, then owner hereby appoints contractor as owner's agent to sign and record a notice of completion on behalf of owner. This agency is irrevocable and is an agency coupled with an interest.
- 11 Owner will procure at his own expense and before the commencement of any work hereunder, fire insurance with course of construction, vandalism and malicious mischief clauses attached, such insurance to be in a sum at least equal to the contract price with loss, if any, payable to any beneficiary under any deed or trust covering the project, such insurance to name the contractor and his subcontractors as additional insured, and to protect owner, contractor may procure such insurance as agent for and at the expense of owner, but is not required to do so. If the project is destroyed or damaged by an accident, disaster, or calamity, such as fire, storm, flood, landslide, subsidence or earthquake, or by theft or vandalism, any work done by contractor in rebuilding or restoring the project shall be paid for by owner. Contractor shall carry Workmen's Compensation Insurance for the protection of contractor's employees during the progress of work. Owner shall obtain and pay for insurance against injury to his own employees and persons under Owner's direction and persons on the job site at Owner's invitation.
- 12 Escalation. Bid is based on prices for materials, including fuels, at time of bid. Documented increases shall be paid at their direct cost by owner as an extra.
- 13 Contractor shall have the right to stop work if any payment shall not be made timely to contractor under this agreement, contractor may keep the job idle until all payments due are received. Furthermore, the contractor may at his option terminate the contract and the owner shall be liable to the contractor for breach of contract.
- 14 No action of any character arising from or related to this contract, or the performance thereof, shall be commenced by either party against the other more than two years after completion or cessation of work under this contract.
- 15 Upon completion of the work, contractor will remove debris and surplus material created by his operation from owner's property and leave it in a neat and clean condition.
- 16 Neither party may assign this contract without written consent of the other party.
- 17 In the event the parties hereto become involved in litigation arising out of this contract, or the performance or breach thereof, the court in such litigation or in a separate suit, shall award reasonable costs, expenses and attorneys fees to the prevailing party. The court shall not be bound by any court fee schedule, and may in the interest of justice, award the full amount of costs, expenses and attorneys fees incurred in good faith.
- 18 Contractor reserves right to engage subcontractors for any portion of the contracted work.
- 19 In the event the Owner occupies the project or any part thereof before the contractor has received all payment due under this contract, such occupancy shall be a waiver of any and all claims against the contractor.
- 20 The Contract shall be governed by the law of the place where the Project is located. All claims or disputes between the Contractor and the Owner arising out of, or relating to, the Contract Documents or the breach thereof shall be decided by arbitration in accordance with the Construction Industry Arbitration rules of the American Arbitration Association then pertaining unless the parties mutually agree otherwise. Notice of the demand for arbitration shall be filed in writing with the other party to the Owner-Contractor Agreement and with the American Arbitration Association and shall be made within reasonable time after the dispute has arisen. The award rendered by the arbitrators shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.
- 21 To the fullest extent permitted by the law, the Owner shall indemnify and hold harmless the Contractor against all claims, damages, losses, and expenses, including but not limited to attorney's fees arising out of or resulting from the performance of the work, provided that any such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting therefrom, and (2) is caused in whole or in part by any negligent act or omission by the Owner, anyone directly employed by them or anyone for whose acts they may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right of obligation or indemnity which would otherwise exist as to any party or person described in this paragraph. In any and all claims against the Contractor or any of their agents or employees by any employee of the owner, anyone directly or indirectly employed by them, or anyone for whose acts they may be liable, the indemnification obligation under this paragraph shall not be limited in any way by any limitation on the amount or type of damages payable by the Owner.

**R. BAKER, INC.**  
PIPE LINE AND UTILITY CONSTRUCTION  
Post Office Box 419  
Arroyo Grande, California 93421  
Contractors License No. 372751  
Phone 805-489-8711 Fax 805-489-1653  
Email: gregsherer@charter.net

Date: 5/8/2009  
Co: AECOM  
To: Josh Reynolds  
From: Greg Sherer  
Re: NCSD Water line Potholes

Pages 1 of 1

In response to your invitation to bid on the potholing of utilities for the NCSD Waterline Project, we find that we can do this work for the lump sum price of \$54,175.00. This price does not include any permits or fees. As we are a Union Shop, our prices are per prevailing wages.

This cost is based on the Scope of Services found on the front sheet of the plan.

Sincerely,



Greg Sherer  
Estimator

P.O. Box 4189  
Paso Robles, CA 93447



Lic. A, B, Haz # 765025

Phone: 805-238-3510  
Fax: 805-238-1975

May 28, 2009

## WORK PROPOSAL

ATTENTION: Josh Reynolds

Fax: 542-9990

PROJECT: AECOM-Nipomo Potholing

BID DATE: 5/28/2009

ITEM	UNIT PRICE
<b>Prevailing Wage Rate</b>	
A. 2' core drill	\$ 650.00 EA
B. 7' core drill	\$ 750.00 EA

### INCLUSIONS:

- USA Tickets
- Traffic Control
- Backfill, re-pave cores as required

### EXCLUSIONS:

- Surveying
- Permits (encroachment, cal-trans, ect.)
- Replacement of concrete

### REMARKS, QUALIFICATIONS:

- MGE Underground, Inc. to provide potholing services to include: USA, traffic control, log of all potholes located including depth, diameter of pipe, and soil conditions encountered.
- MGE to backfill all potholes and restore pavement as required.
- Engineer to provide survey of all locations to be potholed as requested: including running line of proposed pipeline or location to be potholed if not on running line
- Bonding provided upon request (add 1.5% to total bid price)

Respectfully Submitted,

Nick Salvucci

Accepted by: \_\_\_\_\_  
Signature

Print Name: \_\_\_\_\_