

**NOTICE AND CALL OF A SPECIAL MEETING:  
San Simeon Community Services  
Board of Directors Special Meeting**



I, Gwen Kellas, Chairperson of the San Simeon Community Services District Board of Directors, hereby call a Special Meeting of the Board of Directors, pursuant to California Government Code Section 54956. The Special Meeting will be held Friday: June 4, 2021 at 4:00 pm.

**Internet Meeting Location**

Pursuant to Governor Gavin Newsom's Executive Order N-29-20 dated March 17, 2020 and the San Luis Obispo County Local Emergency Order and Regulation regarding COVID-19 dated March 18, 2020, this meeting shall occur as a virtual teleconference using the Zoom app.

**Join Zoom Meeting**

<https://us02web.zoom.us/j/9270537206?pwd=RDNNcTErb2E1TmswRG51WGNEZVJLQT09>

**Meeting ID:** 927 053 7206

**Password:** 114376

One tap mobile

+1 669 900 9128, 9270537206# US (San Jose)

+1 346 248 7799, 9270537206# US (Houston)

The following commands can be entered via DTMF tones using your **phone's** dial pad while in a **Zoom meeting**: \*6 - Toggle mute/unmute. \*9 - **Raise hand**.

**Time:** [June 4, 2021 4:00 PM Pacific Time](#)

**NOTE:** On the day of the meeting, the virtual meeting room will be open beginning at 3:30 PM. If you are unable to access the virtual meeting please contact Cortney Murguia at (805) 927-4778 prior to the 4:00 PM meeting start time and staff can assist you in accessing the meeting. Should you have any questions related to the information on this agenda or if you wish to submit public comment in the written format you can email Cortney Murguia at [admin@sansimeoncsd.org](mailto:admin@sansimeoncsd.org). Members of the public can also contact the District office at (805) 927-4778 or (805) 400-7399 with any questions or concerns related to this agenda or accessing the meeting.

**The purpose of the Special Meeting is to discuss or transact the following business:**

**1. OPEN SESSION: 4:00 PM**

**A. Roll Call**

**2. PUBLIC COMMENT:**

This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Agenda Item #3. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes.

**3. BUSINESS ACTION ITEM:**

**A. Discussion regarding the District's response to letter from San Luis Obispo County Public Works dated May 6, 2021 requesting additional information about District project that was funded by Proposition 84 and information about Proposition 1 grant award funding.**

**4. ADJOURNMENT**

If requested, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. To make a request for a disability-related modification or accommodation, contact the District Administrator at 805-927-4778.



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## BUSINESS ACTION ITEM STAFF REPORT

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**Item 3.A. Discussion regarding the District's response to letter from San Luis Obispo County Public Works dated May 6, 2021 requesting additional information about District project that was funded by Proposition 84 and information about Proposition 1 grant award funding.**

### SUMMARY:

Attached to the staff report is the May 6, 2021 letter from John Diodati, Interim Director of Public Works for the County of San Luis Obispo. District Council has prepared a response letter on behalf of the District.

Staff is suggesting that the Board may wish to authorize Chairperson Kellas to respond to the May 6, 2021 County Proposition 84 and Proposition 1 grant inquiry letter.

Enc: May 6, 2021 letter from John Diodati  
Draft version of the response letter prepared on behalf of Chairperson Kellas  
Draft version of the response letter prepared by District Council  
Support documentation exhibits 1 -6

Letter dated May 6, 2021 Proposition 84 and Proposition 1  
Grant inquiry letter from John Diodati, Interim Director of  
Public Works for the County of San Luis Obispo



**COUNTY OF SAN LUIS OBISPO**  
**Department of Public Works**  
*John Diodati, Interim Director*

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May 6, 2021

Gwen Kellas  
Chair, Board of Directors  
San Simeon Community Services District  
111 Pico Avenue  
San Simeon, CA 93452  
[GKellas@sansimeoncsd.org](mailto:GKellas@sansimeoncsd.org)

SENT VIA EMAIL

**Subject:** Follow-up regarding Deficient Response to Information Requests regarding: Notification of Public Complaint regarding a Project under the Proposition 84 Integrated Regional Water Management Implementation Grant Program (Grant Agreement No. 4600011487) (DWR Notification); Notification of a Public Complaint regarding a Project under the Proposition 1 Integrated Regional Water Management Disadvantaged Community Involvement Grant Program (Grant Agreement No. 4600012296) (RWMF Notification); Proposition 1, Round 1 Integrated Regional Water Management Implementation Grant Program

Dear Chairperson Kellas:

This letter is in follow-up to the San Luis Obispo County Flood Control and Water Conservation District's (Flood Control District) letter dated December 21, 2020 requesting specific information from the San Simeon Community Services District (SSCSD) regarding the above-identified Notifications, the response dated January 20, 2021 from the SSCSD's counsel, Mr. Jeffrey Minnery, and lack of subsequent additional documents provided by the SSCSD. More specifically, this letter includes a general assessment of Mr. Minnery's response followed by a chart enumerating each prior request and the sufficiency of the documents/information produced to date. Based on the Flood Control District's assessment and as directed in more detail below, a complete narrative response and the previously requested documents must be furnished **as soon as possible but no later than June 11**. The Flood Control District has an obligation to timely respond to DWR and the RWMF, and its response will be based on the materials furnished by the SSCSD on or before the above deadline.

The correspondence from Mr. Minnery dated January 20, 2021 does not constitute the written response to the claims raised in either the DWR Notification or the RWMF Notification requested by the Flood Control District. By way of summary, with respect to the former, the Flood Control District requested "[a] detailed written response to the two (2) claims mentioned in the

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DWR Notification, including the SSCSD's position regarding whether the manner in which it contracted with Phoenix Civil Engineering in connection with the Well Head Treatment Project complied with Standard Condition D.13) [...] and whether the Well Head Treatment Project was constructed entirely on SSCSD property" and stated that "[t]he written response should be supported by a *legal analysis of applicable statutes, including but not limited to, Government Code Section 4529.12 [...]*" (emphasis added). Similarly with respect to the latter, the Flood Control District requested "[a] detailed written response to the claim raised in the RWMF Notification, including SSCSD's position regarding whether the manner in which it contracted with Phoenix Civil Engineering in connection with the Reservoir Expansion Project complied with Standard Condition D.13)" and stated that "[t]he written response should be supported by a *legal analysis of applicable statutes, including but not limited to, Government Code Section 4259.12 [sic] [...]*" (emphasis added). With respect to both Notifications, the Flood Control District's letter also included an enumerated list of information to be provided in the response.

The Flood Control District notes that as a general matter, the response to the claims related to Standard Condition D.13) are both inaccurate and conclusory. For example, Mr. Minnery states that "the complaint fails for lack of specificity," because it fails to cite a law or regulation that was violated and because it incorrectly asserts that competitive bidding is required. However, as noted above and notwithstanding the absence of any sort of "specificity" requirements, the request does specifically refer to (and requests an analysis of the applicability of) Government Code Section 4529.12. In addition, Standard Condition D.13) does not refer just to competitive bidding but rather to "applicable laws and regulations regarding securing competitive bids *and undertaking competitive negotiations*" (emphasis added). The Flood Control District also notes that it understands the SSCSD's position that no SSCSD director nor any staff member has or had a financial or business relationship with Phoenix Civil Engineering. However, no legal analysis has been provided indicating that this is dispositive or sufficient for purposes of assessing compliance with Standard Condition D.13) or with the SSCSD's procurement policy.

With respect to the claim related to property ownership and the SSCSD's legal right to construct the Well Head Treatment Project, Mr. Minnery states that the claim is premature and is "under review" by the SSCSD with "additional follow-up" needed. However, the Flood Control District has received only one additional and unexplained document subsequent to Mr. Minnery's letter. Thus, the necessary follow-up has not been completed notwithstanding that the Flood Control District's request was made over four (4) months ago and notwithstanding that the Flood Control District has reason to believe that the SSCSD Board of Directors has publicly considered ways to respond to the claim multiple times since our initial letter. Based on the latter, the SSCSD's response should also contain an updated narrative on its position regarding the property ownership complaint and its approach to resolving the issue with the Hearst Corporation.



In addition to the above summary, the Flood Control District has created a chart organized by grant agreement identifying the previously requested information with an analysis of the sufficiency of the SSCSD's response in the pages that follow. Based on the deficiencies summarized above and those identified below, we again ask that consistent with contractual requirements, the SSCSD provide a complete written response in the form originally requested but updated based on recent developments **as soon as possible but no later than June 11**. This is the final request. After June 11, the Flood Control District will send a final response to DWR and the RWMF regarding the claims, including a discussion of any insufficient responses to our original request and reiterated in this letter.

Proposition 84 IRWM Grant Program, Agreement. No. 4600011487

<b>Original Request by Flood Control District (see letter dated 12/21/2020 for details)</b>	<b>Response by SSCSD</b>	<b>Flood Control District Comments on Response</b>
Written response to complaint with Legal Analysis of compliance with Standard Condition D.13) and applicable statutes	Incomplete (see above)	Provide legal analysis, including, without limitation, analysis of Government Code Section 4529.12
Documentation of process in selection of Phoenix Civil Engineering	Not provided	Provide documentation per SSCSD procurement policy, including, without limitation, analysis of compliance with SSCSD Policy 4042.11 (if in effect at time)
Documentation of approval of Phoenix Civil Engineering to perform work	Provided	
Copy of SSCSD current procurement policy	Incomplete	Provide effective date(s) of policies provided by SSCSD and any additional responsive policy
Copy of SSCSD procurement policy at the time of process and approval of Phoenix Civil Engineering	Incomplete	Provide effective date(s) of policies provided by SSCSD and any additional responsive policy
Survey showing the location of Project	Incomplete	Did not show project area
Easement or other legal instrument in effect at the time of construction of the project	Not provided	Provide documents, narrative and/or legal analysis regarding the status of the project location and property ownership
Easement or other legal instrument currently in effect for the project	Not provided	
Information regarding when any member of SSCSD Board or staff became aware of the possibility that the project may not be on SSCSD owned land	Not provided	

**County of San Luis Obispo Department of Public Works**

County Gov't Center, Room 206 | San Luis Obispo, CA 93408 | (P) 805-781-5252 | (F) 805-781-1229

pwd@co.slo.ca.us | slocounty.ca.gov

Proposition 1 IRWM Disadvantaged Community Involvement Grant Program,  
Agreement. No. 4600012296

<b>Original Request by Flood Control District (see letter dated 12/21/2020 for details)</b>	<b>Response by SSCSD</b>	<b>Flood Control District Comments on Response</b>
Written response to complaint with Legal Analysis of compliance with Standard Condition D.13) and applicable statutes	Incomplete (see above)	Provide legal analysis, including, without limitation, analysis of Government Code Section 4529.12
Documentation of process in selection of Phoenix Civil Engineering	Not provided	Provide documentation per SSCSD procurement policy, including, without limitation, analysis of compliance with SSCSD Policy 4042.11 (if in effect at time)
Documentation of approval of Phoenix Civil Engineering to perform work	Provided	
Copy of SSCSD current procurement policy	Incomplete	Provide effective date(s) of policies provided by SSCSD and any additional responsive policy
Copy of SSCSD procurement policy at the time of process and approval of Phoenix Civil Engineering	Incomplete	Provide effective date(s) of policies provided by SSCSD and any additional responsive policy

Proposition 1, Round 1 IRWM Grant Program

<b>Original Request by Flood Control District (see letter dated 12/21/2020 for details)</b>	<b>Response by CSD</b>	<b>Flood Control District Comments on Response</b>
2019 IRWM Plan proof of adoption	Previously Provided	
Certified environmental document with state clearinghouse ID		
No Legal challenges letter	Not provided	Provide status, schedule and steps to complete incomplete grant-required documentation
Land Use Permit from County	Not provided	
Grading Permit from County	Not provided	
Any other applicable permit(s) for project	Not provided	
Proof of right to construct and operate project (i.e. easement)	Not provided	
Project Monitoring Plan	Not provided	
Other funding secured	Not provided	
Explanation of status, schedule and steps to complete incomplete documents	Not provided	

**County of San Luis Obispo Department of Public Works**

*Status of the Prop 1, Round 1 IRWM Grant*

Because of the above open investigations (as well as due to the outstanding deliverables noted both in our prior letter and above), the "Reservoir Expansion Project, Phase 1 - Distribution System" project will be identified as a "placeholder" project in the not yet finalized Proposition 1, Round 1 Grant Agreement (Agreement). A placeholder project is a project that is not included in the Agreement as a reimbursable project but one that retains its status as "awarded." It is anticipated that such status will remain in place while the claims in question are reviewed by the Flood Control District, RWMF and DWR. If the SSCSD's responses to the claims are deemed satisfactory and the SSCSD is otherwise in compliance with the grant requirements/has submitted the necessary deliverables, the Agreement could be amended to include the project as a reimbursable project.

Notwithstanding the above, please be advised that the project cannot remain an "awarded" but not currently reimbursable project indefinitely both for technical reasons (the term of the Agreement) and practical reasons (e.g., commencement of subsequent grant cycles). If not before, the Flood Control District and/or DWR will consider whether it should seek a change in the status of the project when DWR releases the draft Guidelines for the Proposition 1, Round 2 IRWM Grant (expected in summer 2021). A "change in the status" could include but is not limited to: including the project in the grant agreement as a normal, reimbursable project; extension of the placeholder status; or loss of the grant award.

Please contact Brendan Clark, (805) 788-2316 or [bclark@co.slo.ca.us](mailto:bclark@co.slo.ca.us), with any questions and to provide the requested information.

Sincerely,



JOHN DIODATI  
Interim Director

c: Bruce Gibson, District 2 Supervisor  
Carmel Brown, Department of Water Resources  
Tim Carson, Regional Water Management Foundation  
Rita Neal, County Counsel  
Brendan Clark, County Staff  
Charles Grace, San Simeon CSD General Manager  
Jeff Minnery, San Simeon CSD District Counsel

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Draft version of the response letter prepared on  
behalf of Chairperson Kellas

## San Simeon Community Services District



111 Pico Avenue, San Simeon, California 93452  
(805) 927-4778 Fax (805) 927-0399

Chairperson Kellas, Director de la Rosa,  
Director Maurer, Director Carson, Director Giacoletti

June 3, 2021

Subject: Response to your information requests dated December 21, 2020, and May 6, 2021, regarding complaints on Grant Agreement No. 4600011487 and Grant Agreement No. 4600012296 and project information relating to grant awarded under Proposition 1, Round 1 of the Integrated Regional Water Management Program.

Mr. Diodati:

This correspondence is in response to your requests for information dated December 21, 2020, and May 6, 2021, regarding the above-referenced items. This response is also intended to address the November 4, 2020 notification that you received from the California Department of Water Resources ("DWR") and the information request your department received from the Regional Water Management Foundation ("RWMF") dated November 10, 2020. We have included a response from our District Legal Counsel which we anticipate will satisfy your requests.

Sincerely,

Gwen Kellas, Chairperson  
San Simeon Community Services District

Draft version of the response letter prepared by  
District Council dated June 4, 2021

# ADAMSKI MOROSKI MADDEN CUMBERLAND & GREEN LLP

ATTORNEYS AT LAW

Post Office Box 3835 • San Luis Obispo, California 93403-3835  
T 805-543-0990 • F 805-543-0980 • [www.ammcglaw.com](http://www.ammcglaw.com)

June 4, 2021

Via Electronic Mail

John Diodati, Interim Director, Department of Public Works  
County of San Luis Obispo  
San Luis Obispo County Government Center, Room 206  
San Luis Obispo, CA 93408  
Email: [jdiodati@co.slo.ca.us](mailto:jdiodati@co.slo.ca.us)

Subject: Response to your information requests dated December 21, 2020, and May 6, 2021, regarding complaints on Grant Agreement No. 4600011487 and Grant Agreement No. 4600012296 and project information relating to grant awarded under Proposition 1, Round 1 of the Integrated Regional Water Management Program.

Dear Mr. Diodati:

We represent the San Simeon Community Services District (“District”), and this correspondence is in response to your requests for information dated December 21, 2020, and May 6, 2021, regarding the above-referenced items. This response is also intended to address the November 4, 2020 notification that you received from the California Department of Water Resources (“DWR”) and the information request your department received from the Regional Water Management Foundation (“RWMF”) dated November 10, 2020. We have organized this response in coordination with your May 6, 2021, correspondence for easy reference to the documents and information requested.

## **Proposition 84 IRWM Grant Program, Agreement No. 4600011487**

<b>Original Request by Flood Control District (see letter dated 12/21/2020 for details)</b>	<b>Response by SSCSD</b>	<b>Flood Control District Comments on Response</b>
<b>Request No. 1.</b> Written response to complaint with Legal Analysis of compliance with Standard Condition D.13 and applicable statutes	See Narrative Response to Request No. 1	Provide legal analysis, including, without limitation, analysis of Government Code Section 4529.12
<b>Request No. 2.</b> Documentation of process in selection of Phoenix Civil Engineering	See Document Response to Request Nos. 2 and 3	Provide documentation per SSCSD procurement policy, including, without limitation,

		analysis of compliance with SSCSD Policy 4042.11 (if in effect at time)
<b>Request No. 3.</b> Documentation of approval of Phoenix Civil Engineering to perform work	Provided	n/a
<b>Request No. 4.</b> Copy of SSCSD current procurement policy and any additional policies	See Document Response to Request No. 4	Provide effective date(s) of policies provided by SSCSD and any additional responsive policy
<b>Request No. 5.</b> Copy of SSCSD procurement policy at the time of process and approval of Phoenix Civil Engineering and any additional policies	See Document Response to Request No. 5	Provide effective date(s) of policies provided by SSCSD and any additional responsive policy
<b>Request No. 6.</b> Survey showing the location of Project	See Document Response to Request No. 6	Did not show project area
<b>Request No. 7.</b> Easement or other legal instrument in effect at the time of construction of the project	See Narrative and Document Response to Request Nos. 7 - 9	Provide documents, narrative and/or legal analysis regarding the status of the project location and property ownership
<b>Request No. 8.</b> Easement or other legal instrument currently in effect for the project	See Narrative and Document Response to Request Nos. 7 - 9	
<b>Request No. 9.</b> Information regarding when any member of SSCSD Board or staff became aware of the possibility that the project may not be on SSCSD-owned land	See Narrative and Document Response to Request Nos. 7 - 9	

**Narrative Response to Request No. 1**

Government Code section 4529.12 was added to the government code through Proposition 35, "The Fair Competition and Taxpayer Savings Initiative," which was approved by voters in 2000.

California Government Code section 4529.12 requires “[a]ll architectural and engineering services [to be] procured pursuant to a fair, competitive selection process.”

Prior to Proposition 35, the selection of firms to perform architectural and engineering services was governed primarily by California Government Code section 4526 which states that “selection. . . shall be on the basis of demonstrated competence and on the professional qualification necessary for the satisfactory performance of the services required.” The later provisions of this section of the Government Code (Gov. Code, §§ 4526.5-4529.5) go on to describe what is referred to as the Qualification Based Selection (“QBS”) process.

The QBS process requires discussions with no less than three firms regarding anticipated concepts and methods for proposed services. See Gov. Code, § 4527(a). It is only after the selection of a firm has been made, that prices can be discussed with the firms. See Gov. Code, § 4528(a). The QBS process is not a traditional competitive bidding process, but a means to use some “market forces” while still basing the decision on qualifications, not price. Local agencies “may undertake [these] procedures.” *Id.* at 4527(b) and 4528(b). The State and its agencies are required to follow that QBS procedure, but it is not mandatory for local agencies, such as the District.

In 2007, the California Supreme Court considered whether Proposition 35 (Gov. Code, § 4526.12) repealed or superseded the QBS process. See *Professional Engineers in California Government v. Kempton, et al.* (2007) 40 Cal.4th 1016. In *Kempton*, a group of engineers sued the State of California and argued that Government Code section 4529.12’s “fair, competitive selection process” language mandated competitive bidding of professional services and effectively repealed California’s pre-Proposition 35 QBS process. The California Supreme Court disagreed. The Supreme Court explained that California’s QBS process “is a competitive process and ‘while cost may be a less salient consideration in the qualifications-based selection procedure than in a competitive bidding process, it is a consideration nevertheless.’” *Id.* at 1049.

Following *Kempton*, holding that traditional competitive bidding is not mandatory, and the discretionary language in Government Code sections 4527 and 4528, local agencies are required (if they are not strictly following the QBS process) to develop their own procurement procedures. The procedure should be a fair, competitive selection process, that prohibits conflicts of interest and other unlawful activity.

The District’s policy in effect at the time of selecting Phoenix Civil Engineering allowed the District to hire consultants, such as engineers, based on the consultant’s experience and qualifications. District Policy No. 4042.12 required consultants to provide cost estimates to be used in the selection process, but the District was not required to hire the “lowest bidder.” This policy was followed in the procuring of Phoenix Civil Engineering for both the Wellhead Treatment Project and the Reservoir Expansion/ Water Plan Update.<sup>1</sup> The District’s conflict of interest policy (District Policy No. 1020) also

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<sup>1</sup> With regard to public construction projects, the District’s policy (District Policy No. 4042.11) is governed by the Uniform Public Construction Cost Accounting Procedures which does require a formal bid procedure for projects valued at over \$175,000. Contracting for professional services, such as engineering services, falls outside of the UPCCAP.

prohibits designated employees (i.e. the General Manager) from making, participating in making, or in any way attempting to use his/ her official position to influence, a government decision (i.e. awarding a services contract) when the decision would have a material financial effect on that employee's real property, business interest, source of income, etc. District Policy 5050.50 further requires Directors of the Board to "abstain from participating in consideration of any item involving a personal or financial conflict of interest." Regarding the procurement of Phoenix Engineering, the District, its staff, and Board members have always complied with this policy.

Essentially, District Policy 4042 is divided into two sections: the first section (Policy No. 4042.11) is applicable to construction projects which is governed by the UPCCAP; and the second section (Policy No. 4042.12) is applicable to the hiring of consultants for professional services, such as engineering services. The District did not follow the procedure described in District Policy No. 4042.11 because District Policy 4042.11 does not apply to the procurement of consulting contracts for engineering design services.<sup>2</sup>

The District obtained a proposal for engineering services, for both the Wellhead Treatment Project and the Reservoir Expansion Project from a professional civil engineer with 20 years of experience. Phoenix Civil Engineering's proposals, presentations at the relevant Board meetings, and professional reputation demonstrated the company's competence and qualifications for being able to provide the engineering services that the District needed for its water projects.

The proposals included rate sheets and overall cost estimates for the services, which, based on District staff and Board members' experience, demonstrated that the requested services were being procured at a competitive rate, but more importantly by a qualified and capable engineer. In addition, as is the practice with many local agencies, in making its recommendation to the Board to contract with Phoenix Engineering, District staff referred to its file of rate sheets from various engineering companies. The rate sheets also demonstrated the competitiveness of the proposal from Phoenix Engineering and gave the District confidence it had negotiated a contract with a highly experienced engineer at very reasonable rates.<sup>3</sup> In compliance with its own conflict of interest policy (and Government Code § 4529.12), no Board members or District staff had a financial or business relationship with Phoenix Civil Engineering at the time of contracting for these services, or at any time. Accordingly, the District

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<sup>2</sup> Admittedly, the language of Policy No. 4042.11 is somewhat ambiguous because it uses the word "engineering," however, Policy No. 4042.11 applies only to "public projects" as defined by Public Contract Code section 22002(c) and not to the procurement of professional consultants, like engineers. Policy No. 4042.11 further requires contractors to submit "bids" and are to be selected based on the lowest qualified bid. Yet, to require engineering services to be selected based on the lowest bid is in contravention to the general principle that professionals need to be selected based on their qualifications and experience, not on cost. Therefore, to interpret SSCSD Policy No. 4042.11 to apply to the procurement of professional services would lead to the illogical requirement of requiring engineering services to be selected based on the lowest bidder.

<sup>3</sup> The DWR Proposition 1 Round 1 Grant Template in Standard Condition D.11 (Competitive Bidding And Procurements) recognizes that an agency may follow its own written policy in awarding contracts. Should the agency not have a written policy, the Grant Template refers the applicant to follow the General Services' State Contracting Manual, which cites to Government Code section 4526, permitting the selection of professional services based upon "demonstrated competence and on the professional qualifications" of the company.

procurement process in hiring Phoenix Engineering complied with “all applicable laws and regulations regarding securing competitive bids” as was required by Standard Condition D.13.

Some historical context is particularly important regarding the award to Phoenix Civil Engineering for the Wellhead Treatment Project. Although the grant agreement with the County was not effectuated until 2016, the contract with Phoenix Civil Engineering had been procured in 2014. In January of 2014, the Governor declared a state of emergency due to record dry conditions. In or around May of 2014, all of California, including San Simeon, was under “severe drought” or a higher level. In response to that state of emergency, the District implemented a Stage 3 water shortage pursuant to its Water Conservation Plan. See District Resolution No. 13-362, adopted April 9, 2014. (The District went immediately to a Stage 3 water shortage, where normally a local agency would go to Stage 1 and then Stage 2. This demonstrates the sudden and unexpected nature of the water shortage and the imminent danger it posed to the District’s drinking water.) California’s drought was having a particularly negative impact on the District’s drinking water system in that it experienced high levels of Chloride, which exceeded California’s mandated secondary drinking water standards. See California Code of Regulations, Title 22 Secondary Drinking Water Standards and SLO County Response Materials for 2015 – 2017 regarding Chloride monitoring levels.

District staff researched whether trucking in water was feasible. It was not. District staff looked at trailer-mounted, rented water treatment units; however, the cost of renting would have exceeded or come close to the cost of purchase. Given a lack of other feasible alternatives, an immediate water treatment unit was needed to ensure safe drinking water for the community of San Simeon. The County was aware of the District’s drinking water challenges and worked together with District staff through the development, permitting, construction, and grant application process. Despite the emergency water shortage and immediate need to reduce the chloride levels in the drinking water, the District sought a proposal from a reputable civil engineering firm, evaluated its proposal at a public meeting, and ensured its rates were competitive with other firms. In non-emergency situations, a more protracted evaluation and selection procedure may have been appropriate.

Particularly for the Reservoir Expansion Project, it was important to the District that it had worked with Phoenix Civil Engineering in the past, and therefore, knew it was contracting with an engineer that understood its unique needs as a disadvantaged community and knew the company was familiar with its complex water engineering challenges. The District also believed it would be most cost effective for the District to work with an engineer that already understood its water system. The District received an updated rate sheet from Phoenix at the time of the Reservoir Expansion Project and saw that its rates had only increased slightly over the years. In 2019, the District implemented a more formal procurement procedure for professional services. Nonetheless, the District’s process for selecting Phoenix Civil Engineering was always in compliance with the law, Standard Condition D.13, and District policies.

### **Document Response to Request Nos. 2 and 3**

Attachment one (1) includes responsive documents regarding the process of selecting Phoenix Civil Engineering.



1. Effective April 9, 2014; Resolution 13-362 implementing Stage Three Water Shortage.
2. September 23, 2014 Phoenix Civil Engineering Potable Water Treatment Design Proposal.
3. October 8, 2014 District Agenda (Item 6.C.) Consideration of Phoenix Design Proposal.
4. October 8, 2014 District Board Meeting Minutes/Approval of Phoenix Wellhead Treatment Design Proposal (Item 6.C.) and Board motion to authorize purchase of Wellhead Treatment Unit (Item E).
5. District engineering company rate sheets.
6. April 8, 2015 District Board Meeting Agenda adopting Resolution 15-371 Water Shortage Emergency (Item 6.C.).
7. April 8, 2015 District Resolution 15-371 implementing Stage-Three Water Shortage.
8. California Code of Regulations, Title 22 Secondary Drinking Water Standards.
9. SLO County Response Materials for 2015 – 2017 regarding San Simeon CSD Chloride monitoring levels.

#### **Document Response to Request No. 4**

Attachment two (2) includes responsive documents regarding the District's current procurement policies.

1. Effective April 11, 2012; District Resolution 12-348 election to subject District to the Uniform Public Construction Cost Accounting Procedures.
2. Effective April 11, 2012; Ordinance No. 111 providing informal bidding procedures under the Uniform Public Construction Cost Accounting Act.
3. Effective June 11, 2014; District Resolution 14-363 election to subject District to the Uniform Public Construction Cost Accounting Procedures ("UPCCAP").
4. Effective May 13, 2019; District Current District Procurement Policy 19.00.

#### **Document Response to Request No. 5**

Attachment three (3) includes responsive documents regarding the District's current procurement policies.

1. Effective 2004; District Policy 4042 "Employment of Outside Contractors and Consultants".
2. Effective April 11, 2012; District Resolution 12-348 election to subject District to the Uniform Public Construction Cost Accounting Procedures.
3. Effective April 11, 2012; Ordinance No. 111 providing informal bidding procedures under the Uniform Public Construction Cost Accounting Act.
4. Effective June 11, 2014; District Resolution 14-363 election to subject District to the Uniform Public Construction Cost Accounting Procedures.

#### **Document Response to Request No. 6**

Attachment four (4) includes responsive documents regarding surveys and information related to the location of the Potable Water Wellhead Treatment Project.

1. July 29, 2016 Record Drawing of Potable Water Wellhead Treatment Project.
2. 2007 Twin Cities Surveying, Inc. Sewer and Easement Survey.
3. August 18, 2020 Wallace Group Summary of Location of the District Facilities.

### **Narrative Response to Request Nos. 7 – 9**

Prior to the design and construction of the Potable Water Wellhead Treatment Project, there was no indication that the project was not entirely within District property. The District relied, in part, on the existing fence line, which was installed by the adjacent property owner, Hearst Holdings Inc. (“Hearst”), many years prior. Since the time of the fence installation, the District had and has maintained the property on its side of the fence and the project was constructed at least ten (10) feet from the fence line. The fence appears to be located within an abandoned county road that divides the District property from its adjacent neighbor. On May 7, 2015, the District received an email from the County of San Luis Obispo acknowledging a completed Land Use Permit Application and fee waiver. See May 7, 2015 email to Charles Grace. The County’s email states, “construction can begin.” Prior to construction, however, the District reviewed and relied upon an *Opinion of Legal Counsel* relative to the right-of-way, wherein counsel determined that the District has “the necessary rights-of-way for the construction, operation, and maintenance of its facilities in their present or proposed location.” See August 19, 2015 USDA Opinion of Counsel.

In or about December 2018, the District Chairperson received an email from a citizen challenging the District’s location of the facility. See December 12, 2018 email to then District Chairperson McGuire. This was the first time the District’s rightful use of the property was questioned. In July 2020, Hearst concluded that the District’s Wellhead Project encroached on its property based upon a survey report by the Wallace Group. See August 18, 2020 Wallace Group Survey Report. As an immediate measure to address the issue, the District and Hearst entered into an Encroachment License Agreement in October 2020 to ensure no disruption to the facility operation. The encroachment agreement remains in effect today.

Since October 2020, the District has continued to examine additional information regarding the alleged encroachment of its facility. On February 25, 2021, the District reviewed correspondence from the law firm of Ogden & Fricks LLP related to the alleged encroachment. The attorney correspondence and subject analysis contend that the County’s abandonment of the county road left the two adjacent property owners (Hearst and the District) with fee title interest in one half each of the abandoned right-of-way. See February 25, 2021 Ogden & Fricks LLP letter. Based on continued questions as to property rights related to the abandoned road, the District has approached Hearst with a permanent license agreement that would extinguish, if and when, the District establishes that it holds fee title interest in the subject property. The District continues to work with Hearst on this issues and District efforts in this regard remain ongoing.

**Document Response to Request Nos. 7 – 9**

Attachment five (5) includes responsive documents regarding the easements and other legal instruments in effect at the time of construction of the project and currently, in addition to an email notifying the District Chairperson of potential encroachment on Hearst property.

1. August 19, 2015 Opinion of Counsel Relative To Right-of-Way.
2. May 15, 1933 Abandonment of County Road Right-of-Way (Road V-SLO-56-B).
3. February 28, 1958 Grant Deed from Southall to Rancho San Simeon Acres.
4. June 9, 1972 Easement Agreement and Deed from Hearst to San Simeon Acres CSD for construction, replacement, and removal of water reservoir and water pipeline (Section 4).
5. May 7, 2015 email from the County of San Luis Obispo acknowledging a completed Land Use Permit Application and Fee Waiver.
6. October 26, 2020 Encroachment License Agreement between Hearst and District.
7. Recent photos of fence line on or about abandoned county road between Hearst and District properties.
8. December 18, 2018 email notifying District Chairperson of potential encroachment.
9. February 25, 2021 letter from Ogden & Fricks LLP regarding encroachment allegation.

**Proposition 1 IRWM Disadvantaged Community Involvement Grant Program,**  
**Agreement No. 4600012296**

<b>Original Request by Flood Control District (see letter dated 12/21/2020 for details)</b>	<b>Response by SSCSD</b>	<b>Flood Control District Comments on Response</b>
<b>Request No. 10.</b> Written response to complaint with Legal Analysis of compliance with Standard Condition D.13 and applicable statutes	See Narrative Response to Request No. 1	Provide legal analysis, including, without limitation, analysis of Government Code Section 4529.12
<b>Request No. 11.</b> Documentation of process in selection of Phoenix Civil Engineering	See Document Response to Request No. 11	Provide documentation per SSCSD procurement policy, including, without limitation, analysis of compliance with SSCSD Policy 4042.11 (if in effect at time)
<b>Request No. 12.</b> Documentation of approval of Phoenix Civil Engineering to perform work	Provided	n/a

<b>Request No. 13.</b> Copy of SSCSD current procurement policy	See Document Response to Request No. 4	Provide effective date(s) of policies provided by SSCSD and any additional responsive policy
<b>Request No. 14.</b> Copy of SSCSD procurement policy at the time of process and approval of Phoenix Civil Engineering	See Document Response to Request No. 14	Provide effective date(s) of policies provided by SSCSD and any additional responsive policy

**Document Response to Request No. 11**

Attachment six (6) includes responsive documents regarding the process in selecting Phoenix Civil Engineering.

1. June 7, 2018 Potable Water Reservoir Design Proposal from Phoenix Engineering.
2. June 13, 2018 District Agenda (Item 6.E.) Consideration of Potable Water Reservoir Engineering Design from Phoenix Engineering.
3. June 13, 2018 Meeting Minutes (Item 6.E.) Board approval of agreement regarding Potable Water Reservoir Engineering Design.

**Document Response to Request No. 14**

Attachment seven (7) includes responsive documents regarding the process in selecting Phoenix Civil Engineering.

1. Effective 2004; District Policy 4042 "Employment of Outside Contractors and Consultants".
2. Effective April 11, 2012; District Resolution 12-348 election to subject District to the Uniform Public Construction Cost Accounting Procedures.
3. Effective April 11, 2012; Ordinance No. 111 providing informal bidding procedures under the Uniform Public Construction Cost Accounting Act.
4. Effective June 11, 2014; District Resolution 14-363 election to subject District to the Uniform Public Construction Cost Accounting Procedures.
5. June 13, 2018 District Agenda (Item 6.E.) Consideration of Potable Water Reservoir Engineering Design from Phoenix Engineering.
6. June 13, 2018 Meeting Minutes (Item 6.E.) Board approval of agreement regarding Potable Water Reservoir Engineering Design.

**Proposition 1, Round 1 IRWM Grant Program**

Original Request by Flood Control District (see letter dated 12/21/2020 for details)	Response by SSCSD	Flood Control District Comments on Response
<b>Request No. 15.</b> 2019 IRWM Plan proof of adoption	Previously provided	
<b>Request No. 16.</b> Certified environmental documents with state clearinghouse ID		
<b>Request No. 17.</b> No Legal challenges letter	See Narrative and Document Response to Request Nos. 17 - 24	Provide status, schedule and steps to complete incomplete grant-required documentation.
<b>Request No. 18.</b> Land Use Permit from County	Not provided	
<b>Request No. 19.</b> Grading Permit from County	Not provided	
<b>Request No. 20.</b> Any other applicable permit(s) for project	Not provided	
<b>Request No. 21.</b> Proof of right to construct and operate project (i.e. easement)	Not provided	
<b>Request No. 22.</b> Project Monitoring Plan	Not provided	
<b>Request No. 23.</b> Other funding secured	Not provided	
<b>Request No. 24.</b> Explanation of status, schedule and steps to complete incomplete documents	Not provided	

### **Narrative Response to Request No. 17 – 24**

The proposed Proposition 1, Round 1 IWRM Grant (“Water Tank Grant”) is intended to assist the District in financing an infrastructure improvement project including the installation of two new water storage tanks at 400,000 gallons each (“Community Water Tank Project”). The proposed new water tanks would provide increased water storage capacity which is intended to help increase water stored for firefighting and help satisfy fire flow concerns discussed in the 2018 District Water System Master Plan (“Master Plan”). As identified in the Master Plan, the existing potable water storage volume is far below what is required for fire suppression needs. The purpose of the proposed project is to help bring the community water storage capacity up to meet fire suppression requirements.

In or about August 2019, the District completed an Initial Study and Mitigated Negative Declaration (“Study and Declaration”) for the Community Water Tank Project. On October 9, 2019, the District Board of Directors reviewed, analyzed, and considered the Study and Declaration and adopted Resolution No. 19-414 determining that “there is no substantial evidence supporting a fair argument that the Project will have a significant effect on the environment.” There have been no legal challenges to the Study and Declaration or any other aspect of the proposed project.

The State Water Resources Control Board Division of Drinking Water (“DDW”) will be the permitting authority for the proposed project. At this time, no permits of any kind have been obtained because the project is not ready for construction as funding has not been secured. Other than the Water Tank Grant, no other funding source is available or secured at this time. A Mitigation Monitoring and Reporting Program is provided in Section 7 (p. 56) of the Study and Declaration.

The status, schedule, and steps to complete requested but incomplete documents are unknown pending a funding agreement for the Community Water Project.

### **Document Response to Request No. 17 – 24**

Attachment eight (8) includes responsive documents regarding the process in selecting Phoenix Civil Engineering.

1. Initial Study and Mitigated Negative Declaration Section 7 (Mitigation Monitoring and Reporting Program).
2. October 9, 2019 Resolution No. 19-414 adopting Initial Study and Mitigated Negative Declaration.
3. No Legal Challenges Letter.

With this correspondence, it is the District’s intent to provide a complete response to (1) the County’s requests for information dated December 21, 2020, and May 6, 2021; (2) the issues raised in

John Diodati, Interim Director, Department of Public Works  
County of San Luis Obispo  
June 4, 2021  
Page 12

the November 4, 2020, notification that you received from the California Department of Water Resources (“DWR”); and (3) the information request your department received from the Regional Water Management Foundation (“RWMF”) dated November 10, 2020. Please contact us with any further inquiries regarding the information provided. The IRWM and other water resource grants are absolutely crucial to the District’s ability to provide safe and reliable water to its community.

Very truly yours,

ADAMSKI MOROSKI MADDEN  
CUMBERLAND & GREEN LLP

JEFFREY A. MINNERY

Enclosures

Cc: Brendan Clark, SLO County, Supervising Water Resources Engineer, [BClark@co.slo.ca.us](mailto:BClark@co.slo.ca.us)  
Charles Grace, General Manager (Grace Environmental Services), San Simeon CSD,  
[cgrace@graceenviro.com](mailto:cgrace@graceenviro.com)  
Gwen Kellas, Chairperson, San Simeon CSD, [gkellas@sansimeoncsd.org](mailto:gkellas@sansimeoncsd.org)

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**ATTACHMENT 1**



Proposition 84 IRWM Grant Program. Agreement No. 4600011487

Request No. 2	Documentation of process in selection of Phoenix Civil Engineering	Not Provided	Provide documentation per SSCSD procurement policy, including, without limitation, analysis of compliance with SSCSD Policy 4042.11 (if in effect at time)
Request No. 3	Documentation of Approval of Phoenix Civil Engineering to Perform work		

1. Effective April 9, 2014 Resolution 13-362 implementing Stage Three Water Shortage.
2. September 23, 2014 Phoenix Civil Engineering Potable Water Treatment Design Proposal.
3. October 8, 2014 District Agenda (Item 6.C.) Consideration of Phoenix Design Proposal.
4. October 8, 2014 District Board Meeting Minutes/Approval of Phoenix Wellhead Treatment Design Proposal (Item 6.C.) and Board motion to authorize purchase of Wellhead Treatment Unit (Item E).
5. District engineering company rate sheets.
6. April 8, 2015 District Board Meeting Agenda adopting Resolution 15-371 Water Shortage Emergency (Item 6.C.).
7. April 8, 2015 District Resolution 15-371 implementing Stage-Three Water Shortage.
8. California Code of Regulations, Title 22 Secondary Drinking Water Standards.
9. SLO County Response Materials for 2015 – 2017 regarding San Simeon CSD Chloride monitoring levels.

**RESOLUTION NO. 13-362**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT IMPLEMENTING A  
STAGE THREE WATER SHORTAGE PURSUANT TO THE DISTRICT'S  
WATER CONSERVATION PLAN**

**WHEREAS**, the Board of Directors of the San Simeon Community Services District ("District") has adopted Ordinance No. 114 amending and restating the District's Water Conservation Plan; and

**WHEREAS**, Section 4 of Ordinance No. 114 gives the Board of Directors the authority to implement a Stage Three Water Shortage by way of resolution whenever to do so is necessary to protect the health, safety and general welfare of the public; and

**WHEREAS**, on January 17, 2014, the Governor of the State of California declared a state of emergency (the "Proclamation") due to record dry conditions and concerns over the State's dwindling water supplies. The Proclamation states that "local urban water suppliers and municipalities are called upon to implement their local water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season"; and

**WHEREAS**, the domestic water supply for the District may be inadequate based upon the continued lack of precipitation and the current water levels in the aquifers that provide the domestic water supply for the District, and specifically that water levels in the Pico Creek are such that staff has determined that the available water supply may be insufficient to meet demand; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the San Simeon Community Services District as follows:

1. The above recitals are true and correct and are incorporated herein by this reference.
2. Based upon the existing water conditions, as described above, the Board of Directors hereby finds that the demands and requirements of water consumers cannot be satisfied without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation and fire protection and that, based on this condition and on concerns regarding the anticipated prolonged drought conditions, the Board of Directors hereby declares a Stage Three Water Shortage and hereby implements the Stage Three Water Shortage measures and restrictions, as set forth in Ordinance No. 114, which the Board of Directors finds are necessary to protect the health, safety and general welfare of the public.

3. The District Secretary shall provide notice of the implementation of the Stage Three Water Shortage by special mailing or by notice inserted into the water/sewer bills. Notices will also be posted at the District office, Chamber of Commerce, San Simeon Post Office and the District website.
4. This Resolution shall take effect upon adoption.
5. District staff is hereby directed to continue to monitor and evaluate water and drought conditions on an ongoing basis and report back to the Board of Directors on a monthly basis.

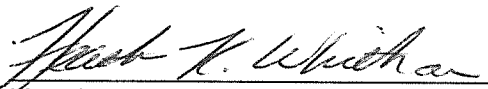
PASSED AND ADOPTED THIS 9<sup>th</sup> day of April, 2014.

  
Ralph McAdams, Chairperson  
Board of Directors

ATTEST:

  
Charles Grace,  
Secretary/General Manager

APPROVED AS TO FORM:

  
Heather K. Whitham  
District Counsel





# Phoenix Civil Engineering, Inc.

4532 Telephone Road, Ste. 113 Ventura, Ca 93003 805.658.6800  
info@phoenixcivil.com www.phoenixcivil.com

Mr. Ralph McAdams  
San Simeon Community Services District  
111 Pico Ave.  
San Simeon, CA 93452

September 23, 2014

EXHIBIT A

ccc  
12/4/14

## San Simeon Community Services District – Potable Water Wellhead Treatment Design Project– Proposal for Engineering Design, Bid and Construction Phase Services

Dear Mr. McAdams-

I am pleased to provide you with this proposal for engineering design, bid and construction phase services associated with the Potable Water Wellhead Treatment Design Project. The water supply for the San Simeon Community Services District is groundwater from Pico Creek. The creek is a perennial stream and groundwater elevations fluctuate based on demand and recharge of the local shallow aquifer. The District frequently experiences periods of water rationing to limit/reduce the influence of ocean intrusion into the basin. A delicate balance is present between the Pico Creek aquifer and the intrusion of saltwater. Below specific groundwater elevations, the District potable water wells begin to experience elevated chloride levels and eventually have to switch to a backup well for short durations. The District is currently analyzing the elevation sensitivity of the aquifer and investigating the possibility of an advanced water treatment system to remove the elevated chloride levels from the community drinking water. This will provide the District with a long range solution by allowing better management of the aquifer in periods of drought or depressed aquifer elevations. Based on my discussions with the General Manager of the District, I have included the following in my proposal:

### Phase 1 - Design Services

- Task 101: Technology Research
- Task 102: Coordination with Equipment Supplier
- Task 103: Plans and Specifications Preparation
- Task 104: Permit Assistance

### Phase 2 - Bid Services

- Task 201: Prebid Meeting
- Task 202: Respond to Requests for Information
- Task 203: Preparation of Addenda
- Task 204: Recommendation of Award

### Phase 3 - Construction Services

- Task 301: Preconstruction Meeting
- Task 302: Submittal Review
- Task 303: Respond to Requests for Information
- Task 304: Project Coordination/Site Observations
- Task 305: Record Drawings

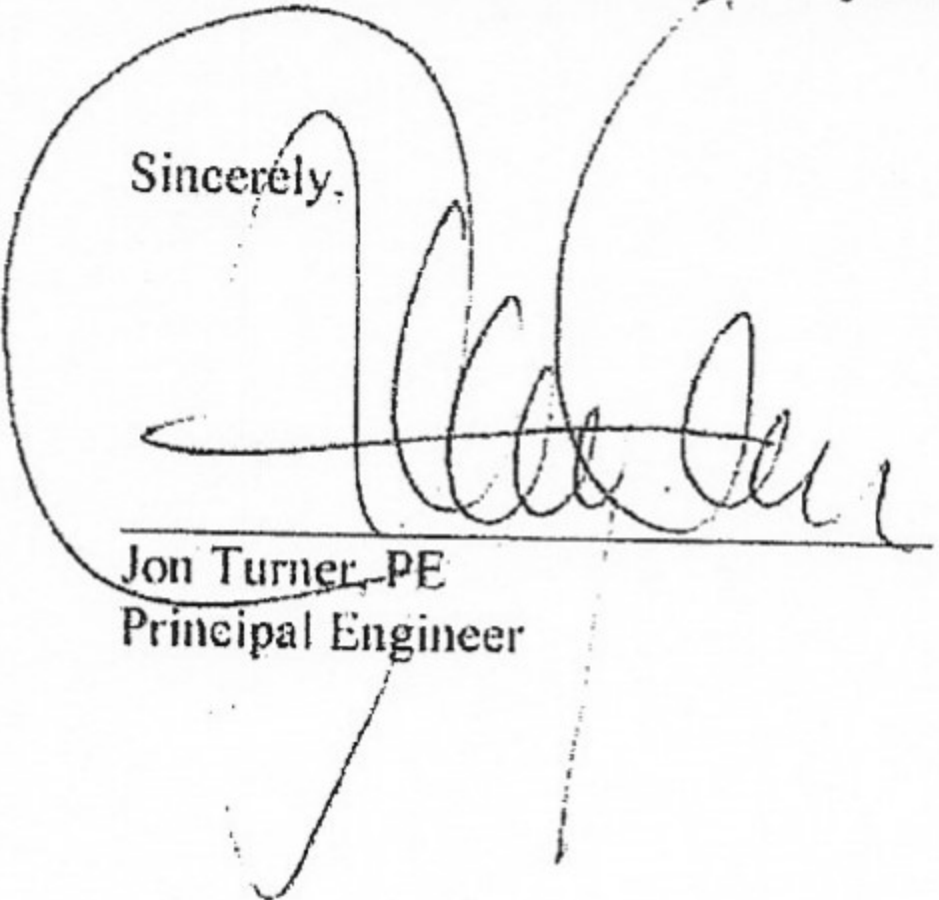



Mr. Ralph McAdams

September 23, 2014

I appreciate the opportunity to submit this proposal to assist you with this project. I have attached a scope of work and our professional services rate sheet along with a fee schedule detailed by task and a project schedule. Please let me know if you have any questions or would like to discuss my proposal.

Sincerely,

  
Jon Turner, PE  
Principal Engineer

  
Charles Grace  
General Manager  
SAM SEMEON CSD

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# Scope of Services

## Background/Project Understanding

The water supply for the San Simeon Community Services District is groundwater from Pico Creek. The creek is a perennial stream and groundwater elevations fluctuate based on demand and recharge of the local shallow aquifer. The District frequently experiences periods of water rationing to limit/reduce the influence of ocean intrusion into the basin. A delicate balance is present between the Pico Creek aquifer and the intrusion of saltwater. Below specific groundwater elevations, the District potable water wells begin to experience elevated chloride levels and eventually have to switch to a backup well for short durations. The District is currently analyzing the elevation sensitivity of the aquifer and investigating the possibility of an advanced water treatment system to remove the elevated chloride levels from the community drinking water. This will provide the District with a long range solution by allowing better management of the aquifer in periods of drought or depressed aquifer elevations. Based on my discussions with the General Manager of the District, I have included the following in my proposal:

## **Phase 1 – Design Services**

### Task 101: Technology Research

As part of the initial steps in the project development, research will be performed into viable treatment technologies for the potable water system. Discussions with manufacturers/suppliers will be conducted to determine the appropriate treatment technology to meet the current and future District needs. It is envisioned that several different treatment systems or manufacturers will be identified for consideration.

The following efforts are included in this task:

- Discussions with equipment manufacturers/suppliers.

*Deliverable:* No deliverable is associated with this task. Information collected will be used in Task 102.

### Task 102: Coordination with Equipment Supplier

This task will take the existing water quality information provided by the District and distribute it to the proposed equipment supplier for their design calculations. The treatment product is envisioned to be a skid mounted treatment process that is compact and can be located near the District office where it can intercept the discharge piping system from the well field.

The following efforts are included in this task:

- Coordination with the proposed equipment supplier once the treatment system is identified.

*Deliverable:* No deliverable is associated with this task. Information on the proposed treatment system will be collected and provided to the District staff as an informational item and for input.

### Task 103: Plans and Specifications Preparation

Once Tasks 101 and 102 have been completed, improvement plans incorporating the proposed technology will be prepared. As stated previously, the site is initially identified as the area northeast of the existing District office. This location was selected in discussions with District staff because it is where the well field distribution pipeline enters the system. The skid mounted unit will be incorporated into the plan set and specifications. Specifications for the improvement project will be prepared using the District front end documents supplemented with technical specifications for the improvements outside of the treatment unit.



The following efforts are included in this task:

- Project plans, specifications and Opinion of Probable Construction Cost (OPCC) preparation.

*Deliverable:* Two paper copies and one electronic copy of the 50% plans, specifications and OPCC will be provided to the District for their review. Once the comments are received and incorporated into the plans and specifications, one paper (full size – 22 x 34) and one electronic copy of the final set of plans, as well as a reproducible set of specifications and OPCC will be issued to the District.

**Task 104: Permit Assistance**

This task will work with District staff to identify the necessary permits for the improvement project and provide assistance in obtaining the identified permits. At this point, a County of SLO permit may be needed as well as a State Water Resources Control Board permit. The treatment system may also require an upgraded power service due to the nature of the treatment technology. Coordination with PG&E (local power supplier) as well as preparation of permit paperwork for the upgrade will be handled.

The following efforts are included in this task:

- Coordination with local regulatory agencies regarding the treatment system and necessary permits.
- Completion of identified permit applications for the project.

*Deliverable:* One paper copy and one electronic copy of the completed permit applications will be provided to the District for their files/signatures. Original documents will be sent to the permit agencies.

**Phase 2 – Bid Services**

Once the design is complete, the District will have to advertise, receive bids and award a construction contract to a general construction contractor for the work.

The following efforts are included this phase:

- **Task 201** Provide bid phase support to District staff including a prebid meeting. The meeting will be held at the District offices and the proposed construction site. The prebid meeting will be conducted by Phoenix Civil Engineering staff. A summary of discussion topics and questions to be compiled in an addendum will be provided. It is anticipated that District staff will maintain a list of contract document plan holders for record purposes.
- **Task 202** Respond to contractor's requests for information (RFIs). It is anticipated that up to 4 requests for information will be prepared during the bid phase. The responses will originate from Phoenix Civil Engineering, but will be mailed out from the District. Coordination will be handled by Phoenix Civil Engineering.
- **Task 203** Prepare up to two project addenda incorporating the prebid meeting questions as well as the RFI responses warranting formal clarification. Coordination with the equipment manufacturer on responses will be conducted. The District will mail out the addenda.



- **Task 204** Review the submitted construction bid packages for conformance with the project contract documents. Contact project references that are provided by the low bid contractor and the next low bidder. Compile a recommendation of award for District Board approval. Attendance at a Board meeting with District staff to review the project bids and recommendations is included in this task.

*Deliverable:* Responses to requests for information (RFIs) will be distributed to the plan holders on the District maintained list as well as a copy to the District for its records. District staff will mail out the responses to the RFIs. Preparation of up to two addenda will be performed and the documents will be delivered to the District for delivery to the plan holders. The correspondence will be prepared and transmitted directly to District staff. No correspondence directly with the prospective bidders will be performed unless approved by the District. Copies of all correspondence will be delivered to the District at the completion of the bid phase.

### **Phase 3 – Construction Services**

As part of this task, the construction manager will provide construction management support to the District for the project. This includes construction of the proposed improvements to the water distribution system, the concrete equipment skid pad, waste discharge lines and the electrical service undergrounding. The project specifications indicate that it will take 55 working days (approximately 2.5 months) to complete the project. The schedule is assumed to be as follows:

- Shop drawing review – Three weeks
- Equipment installation – Two weeks
- Piping installation and concrete pad installation – four weeks
- Project final punchlist items – One week

For a total of approximately 11 weeks of construction. It is anticipated that construction management and onsite observation will be provided one day a week during construction activities. During times of minimized construction activity, the construction observation will be handled by District staff.

The construction phase services include review of the project shop drawings. It is estimated that 6 project shop drawing submittals will be provided by the Contractor. For purposes of this proposal it is assumed that one initial review and one subsequent review will be conducted by the construction manager for approval. The construction phase support will also include providing the District with project coordination and communication between the contractor, design firm and District staff. The construction manager will be the primary point of contact and all correspondence will be handled by Phoenix Civil Engineering. In addition, the construction manager will conduct the weekly project progress meetings and prepare the project weekly reports outlining the daily observations, photographs, potential construction changes, and schedule updates. The District supplied construction observer when the construction manager is not onsite will also be required to provide daily observation reports. The construction manager will also review the monthly progress payment requests from the contractor and provide a recommendation and packet to the District in the approved format. If necessary, the construction manager will review any project change order requests from the contractor and provide a recommendation packet to the District. Lastly, the construction red line markups of the design plans will be incorporated into the design plans and a set of record drawings will be provided to the District at the end of the construction. Once the contractor has been selected, the project duration is anticipated to be 55 working days.

The following efforts are included in this task:

- **Task 301** Prepare for and conduct the project construction kick off meeting with the contractor and District staff. The meeting will be held at the District offices and the proposed construction site. A summary of discussion topics and project deliverables will be provided.



- **Task 302** Review and coordinate the project shop drawing submittals. It is anticipated that 6 submittals will be reviewed. As part of this proposal, two reviews of the submittals will be conducted for approval. The District will retain the design engineer for review of specific shop drawings relating to specific equipment.
- **Task 303** Respond to contractor's requests for information (RFIs). It is anticipated that up to 4 requests for information will be prepared during the construction phase. It is assumed that the District will retain the services of the design firm to assist in the responses requiring design clarification. The responses will originate and be mailed from Phoenix Civil Engineering. Coordination will be handled by Phoenix Civil Engineering.
- **Task 304** Provide project coordination between the selected contractor and the District. Monitor and document the contractor's submitted project schedule. The schedule will be reviewed at the weekly meetings. Submit weekly project update reports to the District. The report will address the schedule, shop drawing status, construction progress, potential issues/changes, upcoming activities, project photographs, and meeting summary. Provide progress payment review and recommendation for approval packages to the District. Prepare and provide recommendation for approval of any project change orders to the District in the approved format. For purposes of this proposal, it is anticipated that one change order package may be necessary. Provide the District with a compilation of the daily construction observation reports on a weekly basis.
- **Task 305** Record drawing preparation at the completion of the construction phase based on the redline markups provided by the contractor.

*Deliverable:* Two copies of all preliminary and final shop drawings that have been reviewed for conformance will be provided to the District. Weekly project reports detailing the previous week's activities (meeting summary, project schedule update, potential construction issues, daily observation reports, coordination issues, photographs, etc) will be provided. Any change order submittal will be reviewed and discussed with the District. At the completion of the project construction phase a complete copy of all construction related correspondence as well as the final as built drawings will be provided to the District for their files.

### Fee Estimate Summary

Work associated with Tasks 101 through 305 is estimated to cost \$ 21,544 (Tasks 100 - \$10,396, Tasks 200 - \$3,310, Tasks 300 - \$7,838). A breakdown of the level of effort is listed below:

#### Phase 1 - Design Services

- |  |        |
|--|--------|
| • Task 101: Technology Research                  | \$930  |
| • Task 102: Coordination with Equipment Supplier | \$910  |
| • Task 103: Plans and Specifications Preparation | \$7776 |
| • Task 104: Permit Assistance                    | \$780  |

#### Phase 2 - Bid Services

- |  |        |
|--|--------|
| • Task 201: Prebid Meeting                       | \$780  |
| • Task 202: Response to Requests for Information | \$830  |
| • Task 203: Preparation of Addenda               | \$610  |
| • Task 204: Recommendation of Award              | \$1090 |

#### Phase 3 - Construction Services

- |  |        |
|--|--------|
| • Task 301: Pre Construction Meeting             | \$610  |
| • Task 302: Shop Drawing Review Coordination     | \$1740 |
| • Task 303: Response to Requests for Information | \$610  |
| • Task 304: Project Coordination Meetings        | \$3820 |
| • Task 305: Project Record Drawings              | \$1058 |
| •  |        |



September 23, 2014

## Assumptions

In preparing the proposal, the following was assumed:

- The project construction timeframe is 55 working days or 11 weeks.
- The District will retain the services of a materials testing firm for concrete, soil compaction and other testing related services as identified in the project specifications.
- The District will provide support inspection services during times when construction is minimized.
- The District will retain the design firm to provide design services during construction for technical questions relating to the design.
- No geotechnical services are included in this proposal.
- The extent of the level of effort associated with the Construction Phase portion of the project is difficult to determine at this time as the design has not been performed. The fee estimate shown for those services is an assumption.
- The District will retain the services of an inspector for electrical and instrumentation observation if applicable.

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## Professional Services Rate Sheet

Principal Engineer	\$155/hour
Resident Engineer	\$145/hour
Professional Engineer	\$130/hour
Staff Engineer	\$120/hour
Senior Designer	\$116/hour
Construction Observer	\$100/hour
Junior Designer	\$85/hour
Technical Assistant	\$65/hour
Administrative Assistant	\$45/hour

Costs associated with printing and computer time are calculated in the rates. Large quantities of printing (multiple sets of specifications, reports, etc.) will be billed at an agreed upon rate. Subconsultant costs will be marked up 10%.



**AGENDA**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR MEETING**

Wednesday, October 8, 2014  
6:00 pm

**CAVALIER BANQUET ROOM**  
**250 San Simeon Avenue**  
**San Simeon, CA**

**1. REGULAR SESSION: 6:00 PM**

- A. Roll Call
- B. Pledge of Allegiance

**2. PUBLIC COMMENT:**

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda. Presentations are limited to three (3) minutes or less with additional time at the discretion of the Chair. Your comments should be directed to the Board as a whole and not directed to individual Board members. The Brown Act restricts the Board from taking formal action on matters not published on the agenda.

**A. Sheriff's Report – Report for September.**

**B. Public comment on Sheriff's Report**

**3. BOARD PRESENTATIONS AND ANNOUNCEMENTS:**

**4. STAFF REPORTS**

**A. General Manager's Report**

- 1. **Staff Activity** – Report on Staff activities for the month of September.
- 2. **Groundwater Availability Update** – Final Report from Cleath and Associates
- 3. **Grants, Loans and Partnership Opportunities:**
  - A. Update on USDA remaining loan funds.
  - B. Verbal update on WRAC/IRWM Grant for Purple Pipe.
  - C. Submittal of Grant application to USDA for Well Head Treatment Unit.
- 4. **Update on Street Lights – Possible PGE Community Grant**

**B. Superintendent's Report**

- 1. **Wastewater Treatment / Collection Systems** – Summary of operations and maintenance for September.



2. **Water / Distribution Systems** – Distribution performance for the Month of September.

3. **District Maintenance** – Summary of District maintenance for September.

C. **District Financial Summary** – Update on Monthly Financial Status for close of business September 30, 2014.

D. **District Counsel's Report** –Heather Whitham

5. **ITEMS OF BUSINESS**

A. **Approval of last month's minutes** – September 10, 2014.

B. **Approval of Disbursements Journal(s)** – October 8, 2014.

6. **DISCUSSION/ACTION ITEMS**

A. **Consideration of Adoption of Resolution 14-368:** Adopting the District's Conflict of Interest Code.

B. **Consideration of Introduction of Ordinance 115:** Amending Ordinance 108 establishing water and sewer service allocation transfer requirements.

C. **Consideration of approval of Well Head Treatment Unit Design Proposal** - by Phoenix Engineering for \$21,544.

7. **Board Committee Reports** – Oral Report from Committee Members.

8. **Board Reports** – Oral Report from Board Members on current issues.

9. **BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS-** Requests from Board members to receive feedback, direct staff to prepare information, and/or request a formal agenda report be prepared and the item placed on a future agenda.

10. **ADJOURNMENT**

All staff reports or other written documentation, including any supplemental material distributed to a majority of the Board within 72 hours of a regular meeting, relating to each item of business on the agenda are available for public inspection during regular business hours in the District office, 111 Pico Avenue, San Simeon. If requested, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. To make a request for a disability-related modification or accommodation, contact the District Administrator at 805-927-4778 as soon as possible and at least 48 hours prior to the meeting date.

This agenda was prepared and posted pursuant to Government Code Section 54954.2.



**MINUTES**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR MEETING**  
**Wednesday, October 8, 2014**  
**6:00 pm**

**CAVALIER BANQUET ROOM**  
**250 San Simeon Avenue**  
**San Simeon, CA**

**1. REGULAR SESSION @ 6:03 PM**

**A. Roll Call:**

Chairperson McAdams - Present  
Vice-Chair Fields - Present  
Director Williams - Present  
Director Price - Present  
Director Patel – Present

**Also Present:**

General Manager, Charles Grace  
District Counsel, Heather Whitham  
Sheriff Representative, Srgt. Rasmussen  
Tim Cleath – Cleath & Harris Geologists  
Spencer Harris – Cleath & Harris Geologists

**B. Pledge of Allegiance**

**2. PUBLIC COMMENT:** No comment from public.

**A. Sheriff's Report – Report for September.**

There were 86 calls for service. Such calls were; 16 Assist other agencies, 7 crimes against property, 1 Disturbance, 11 check the Welfare, 9 suspicious circumstances, 11 incomplete 911 calls, 30 Deputy Self-initiated field activity.

**B. Public comment on Sheriff's Report:** No public comment on Sheriff's report.

**3. BOARD PRESENTATIONS AND ANNOUNCEMENTS:**

The District Administrator reminded everyone that it was the time of year to send out the beautification ballots for this year's best/improved commercial property. Ballots will be sent out with October's billing.



#### **4. STAFF REPORTS**

##### **A. General Manager's Report**

###### **1. Staff Activity – Report on Staff activities for the month of September.**

During the month of September Staff read meters and distributed water billing to customers. Staff prepared reports and materials for the Auditors, Moss & Levy. The Fiscal Audit was performed on September 22. Staff has been working on updating several Ordinances and Resolutions, two of which are submitted under Discussion Action Items in this Board packet. Staff has been working with several consultants regarding wellhead treatment possibilities. Staff worked with Cal Trans on the median to clear some trees, SDRMA (risk management insurance) for possible assistance in the Ultura matter, and cleared a few illegal parked cars.

Staff has applied for several grant opportunities to assist the District with water issues.

###### **2. Groundwater Availability Update – Final Report from Cleath and Associates**

The final ground water report is attached for Board review.

###### **3. Grants, Loans and Partnership Opportunities:**

###### **A. Update on USDA remaining loan funds.**

The USDA has wired the remaining loan amount (not exceeding \$500,000) into the District's USDA account. Staff will transfer the funds into the Money Marketing account.

###### **B. Update on WRAC/IRWM Grant for Purple Pipe.**

The County has received word from the State regarding the Grant. The County cleared up the original decision from the State to disqualify the County's grant application. Some additional paperwork was needed from one of the County's water purveyors. The State then approved the grant application. The State will come to a conclusion as to how much money will be given to the winners of the Grant by the second week of November.

###### **C. Submittal of Grant application to USDA for Well Head Treatment Unit.**

Staff and Phoenix Engineering are working on a grant with the USDA to assist the District in the purchase of Wellhead treatment. The Grant is not a loan but a monetary drought grant. Staff will keep the Board posted on the progress of the application.



#### 4. Update on Street Lights – Possible PGE Community Grant

Staff has received information from the PG&E Representative on the Street lights for the East Side of the Highway. Although the local representatives agreed that the District should be part of the pole replacement program, the Sacramento office did not. The PG&E local representative suggested that the District obtains a cost estimate so that the District could apply for a PG&E Community Grant for some of the costs associated with the Street Light replacement. Staff will keep the Board informed as the process is put in motion.

#### B. Superintendent's Report

##### 1. Wastewater Treatment Plant

- All sampling, testing and reporting at the wastewater treatment plant and the recycled water facility was performed as required by the RWQCB.
- Annual inspection of the ocean outfall was performed by Schock Construction.
- 1 load of sludge was hauled away.

##### 2. Water Distribution System

- All routine sampling and testing was performed. The monthly report was submitted to the CDPH.
- Disinfection, sampling and testing was performed on Well #3 and the Well#3 discharge line. Due to chloride levels above 500 mg/L in the distribution system, Well #3 was put online on 9/14/14 to blend down the chloride.
- Monthly meter reading was performed.

##### 3. District and Equipment Maintenance

- Staff continues with all of the scheduled preventive maintenance for all the equipment at the facilities. We are recording all of these activities.

#### C. District Financial Summary – Update on Monthly Financial Status for close of business September 30, 2014.

<b>August Billing Revenue</b>	<b>\$ 72,580.07</b>
<b>September Billing Revenue</b>	<b>\$ 65,731.82</b>
Past Due (31 to 60 days)	\$ 184.64
Past Due (60 days)	\$ 234.01

#### RABOBANK SUMMARY



**Ending Balances September 30, 2014**

**Summary of Transactions:**

Transfer of funds to General checking 9/3/2014	- \$ 10,345.00
Interest for September 2014	\$ 142.17
<b>Money Marketing Account Closing Balance September 30, 2014</b>	<b>\$ 634,776.73</b>

Reserve Fund	(\$ 250,000.00)
Hook up Deposits	(\$ 43,470.00)
<b>Available Funds</b>	<b>\$ 341,306.73</b>

<b>General Checking Account</b>	<b>\$ 144,864.46</b>
<b>Well Rehab Project/USDA Checking Account</b>	<b>\$ 71,830.05</b>
<b>LAIF Closing Balance September 30, 2014</b>	<b>\$ 518.24</b>

**D. District Counsel's Report –Heather Whitham**

- Responded to inquiry about private well information.
- Worked on the revision of the conflict of interest code for the District.
- Worked on the revision of Ordinance 108 (Ordinance 115).
- Creation of Wait list Resolution 14-369.
- Coordinated with Staff on Agenda preparation.

**5. ITEMS OF BUSINESS**

**A. Approval of last month's minutes – September 10, 2014.**

Approved as presented.

Motion by: Director Williams

2<sup>nd</sup> by: Director Patel

All in: 5/0

**B. Approval of Disbursements Journal(s) – October 8, 2014.**

Approved as presented.

Motion by: Director Price

2<sup>nd</sup> by: Director Williams

All in: 5/0



## 6. DISCUSSION/ACTION ITEMS

### A. Consideration of Adoption of Resolution 14-368: Adopting the District's Conflict of Interest Code.

The Political Reform Act requires every local government agency to review its conflict of interest code biennially. After review, each agency must submit to the County Clerk Recorder a notice indicating whether or not an amendment is necessary. However, the County Clerk Recorders office asked that the District re-due their conflict of interest code because the categories seemed unclear. A sample of what the County is accepting was sent and Staff has had the amended Resolution approved by the County. Resolution 14-368 was attached in the Board packet and pre-approved by the County Clerk Recorders office. Staff recommends approval.

**A motion was made to approve Resolution 14-368.**

**Motion by:** Chairperson McAdams

**2<sup>nd</sup> by:** Director Williams

**All in:** McAdams, Williams, Price & Patel

**No vote by:** Fields

Motion passed.

### B. Consideration of Introduction of Ordinance 115: Amending Ordinance 108 establishing water, sewer and service allocation transfer requirements.

San Simeon CSD Ordinance 108 establishes water and sewer service allocation transfer requirements. Included in Ordinance 108 is the Wait List. In the past year, we have had 3 changes to the wait list via property owner change, and the addition of Hather/Hulbert to #8 on the list.

As it is a costly and time consuming process to amend District ordinances, the ordinance for your consideration this evening amends Ordinance 108 to allow the Board to adopt the Wait List by resolution. This will allow the Board to make changes to the Wait List in the future by resolution. A few other modifications have been made to the ordinance, which do not affect the original intent or substance of the ordinance.

Motion was made to introduce Ordinance 115 amending Ordinance 108 establishing water, sewer and service allocation transfer requirements. And that the Ordinance be read in title only, waiving a full reading of the Ordinance at this meeting.

**Motion by:** Director Price

**2<sup>nd</sup> by:** Director Williams

**All in:** 5/0



**C. Consideration of approval of Well Head Treatment Unit Design Proposal - by Phoenix Engineering for \$21,544.**

Considering the extent of the current drought, the updated groundwater availability report and the seasonally early use of emergency Well 3, staff requested a proposal from Phoenix Engineering to compare well-head treatment technology options for chloride removal, system design, construction and construction management. Staff recommends approval of the proposal.

A motion was made to approve the Design proposal as present by Phoenix Engineering not to exceed \$21,544.

Motion by: Chairperson McAdams  
2<sup>nd</sup> by: Director Williams  
All in: 5/0

**D. A motion was made to add emergency Item "E" to the agenda. General Manger approval of purchase of Well Head Treatment to help reduce chlorides.**

Motion by: Director Price  
2<sup>nd</sup> by: Director Patel  
All in: 5/0

**E. Discussion of General Manager Authority to purchase Well Head Treatment Unit. Monthly cost not to exceed \$15,000.00.**

A motion was made to give the General Manager authority to enter into a short term agreement with a reverse osmosis vendor not to exceed \$15,000 a month.

Motion by: Director Price  
2<sup>nd</sup> by: Director Patel  
All in: 5/0

**7. Board Committee Reports – None**

**8. Board Reports – None**

**9. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS - None**

**10. ADJOURNMENT: @ 8:15 PM**





## Professional Services Hourly Rate Sheet 2016

### Engineering

Principal Engineer	\$155
Resident Engineer	\$135
Professional Engineer	\$130
Staff Engineer	\$120
Assistant Engineer	\$96

### CADD

Senior Designer	\$116
Assistant Designer	\$85

### General

Construction Manager	\$145
Construction Observer	\$100
Technical Assistant	\$68
Clerical/Administrative Assistant	\$48

Costs associated with printing and computer time are calculated in the rates. Large quantities of printing (multiple sets of specifications, reports, etc.) will be billed at an agreed upon rate.



**Bill Rate Ranges***Subject to change effective March 1st each year*

Accounts Payable	\$ 45 - \$ 75
Administrative Assistant	\$ 40 - \$ 80
Administrative Support	\$ 40 - \$ 60
Agency Coordinator	\$ 55 - \$ 105
Architect	\$ 100 - \$ 150
Assistant Designer	\$ 70 - \$ 95
Assistant Manager of Architecture	\$ 120 - \$ 175
Assistant Planner	\$ 70 - \$ 95
Associate Designer	\$ 75 - \$ 115
Associate Planner	\$ 75 - \$ 115
Billing Clerk	\$ 40 - \$ 60
Billing Coordinator	\$ 45 - \$ 80
Chief Executive Officer	\$ 170 - \$ 270
Chief Operations Officer	\$ 135 - \$ 280
Construction Inspector	\$ 105 - \$ 150
Controller	\$ 110 - \$ 245
Design Director	\$ 130 - \$ 190
Designer I - Architecture	\$ 50 - \$ 100
Designer I - Engineering	\$ 40 - \$ 70
Designer II - Architecture	\$ 70 - \$ 110
Designer II - Engineering	\$ 55 - \$ 95
Designer III - Architecture	\$ 85 - \$ 145
Designer III - Engineering	\$ 75 - \$ 115
Engineer I	\$ 75 - \$ 100
Engineer II	\$ 90 - \$ 115
Facilities Coordinator	\$ 45 - \$ 75
Facilities Supervisor	\$ 60 - \$ 100
File Clerk	\$ 30 - \$ 55
Human Resources Assistant	\$ 45 - \$ 75
Human Resources Generalist	\$ 60 - \$ 100
Information Technology Assistant	\$ 40 - \$ 65
Information Technology Technician	\$ 60 - \$ 105
Information Technology Server/LAN Administrator	\$ 80 - \$ 135
Interior Designer I	\$ 51 - \$ 88
Interior Designer II	\$ 80 - \$ 105
Intern	\$ 35 - \$ 65
Job Captain	\$ 85 - \$ 145
Landscape Architect	\$ 90 - \$ 140
Manager of Architecture	\$ 150 - \$ 220
Manager of Engineering Services	\$ 150 - \$ 225
Manager of Human Resources	\$ 90 - \$ 145
Manager of Information Technology	\$ 105 - \$ 170
Manager of Landscape Architecture	\$ 134 - \$ 204
Manager of Marketing	\$ 95 - \$ 145

Manager of Planning	\$ 135 - \$ 205
Manager of Surveying	\$ 135 - \$ 210
Marketing Assistant	\$ 50 - \$ 65
Marketing Coordinator	\$ 60 - \$ 100
Office Coordinator	\$ 40 - \$ 80
Party Chief	\$ 80 - \$ 135
Payroll Administrator	\$ 45 - \$ 80
Principal	\$ 155 - \$ 250
Principal Landscape Architect	\$ 120 - \$ 190
Principal Planner	\$ 120 - \$ 190
Project Accountant	\$ 65 - \$ 100
Project Engineer	\$ 95 - \$ 125
Project Manager Architect	\$ 100 - \$ 160
Project Manager Engineer	\$ 115 - \$ 210
Receptionist	\$ 40 - \$ 65
Recruiter	\$ 70 - \$ 110
Senior Architect	\$ 125 - \$ 185
Senior Designer - Architecture	\$ 105 - \$ 150
Senior Designer - Engineering	\$ 90 - \$ 150
Senior Designer - Landscape Architecture	\$ 100 - \$ 145
Senior Engineer	\$ 115 - \$ 185
Senior Interior Designer	\$ 85 - \$ 130
Senior Land Surveyor	\$ 105 - \$ 160
Senior Landscape Architect	\$ 105 - \$ 145
Senior Marketing Coordinator	\$ 75 - \$ 115
Senior Party Chief	\$ 105 - \$ 160
Senior Planner	\$ 100 - \$ 145
Senior Project Engineer	\$ 115 - \$ 185
Senior Project Manager - Architecture	\$ 130 - \$ 195
Supervisor of Surveying	\$ 125 - \$ 175
Survey Technician I	\$ 45 - \$ 70
Survey Technician II	\$ 55 - \$ 100
Survey Technician III	\$ 75 - \$ 130

**Survey Crew Rates****REGULAR**

One person w/ GPS or Robotic Workstation	\$ 125 - \$ 155
Two person	\$ 175 - \$ 290
Three person	\$ 235 - \$ 390

**PREVAILING WAGE**

One person w/ GPS or Robotic Workstation	\$ 150 - \$ 180
Two person	\$ 225 - \$ 340
Three person	\$ 325 - \$ 490







### FEE SCHEDULE

(Effective July 1, 2015)

The following schedule presents unit rates (straight-time) for professional and technical services in the fields of geotechnical engineering, engineering geology, environmental consulting, construction observation and testing, and special inspection. Listed are typical charges for the services most frequently performed by Earth Systems Pacific. Additional services not listed are available and can be discussed at the client's request. To discuss a scope of work and fees for a specific project, please contact our office.

#### HOURLY CHARGES FOR PERSONNEL

Clerical/Admin Services	\$50.00	Technical Assistant	\$85.00
Technician - Field/Lab/Drafting	\$70.00	Staff Engineer/Geologist	\$110.00
for prevailing wage projects	\$101.00	Project Engineer/Geologist	\$125.00
Senior Technician	\$80.00	Senior Engineer/Geologist	\$140.00
for prevailing wage projects	\$101.00	Associate Engineer/Geologist	\$160.00
Special Inspector	\$75.00	Principal Engineer/Geologist	\$180.00
for prevailing wage projects	\$101.00		
Caltrans-Certified Technician	\$101.00		

#### BASIS OF CHARGES

1. Field services for regular work days are subject to a 2-hour minimum charge for inspections, consultations, sampling, or show up time. Work performed on weekends, holidays, and when work starts outside of regular business hours is subject to a 4-hour minimum charge. Field services for prevailing wage projects will be charged in 4-hour increments. A minimum of 24 hours notice is requested to schedule inspection or testing services. A two-hour cancellation charge will apply if scheduled inspection or testing is cancelled after 3 p.m. the day prior to the scheduled work.
2. Saturdays, night work, and premium hours (before 7 a.m., after 5 p.m. or in excess of 8 hours in one day) for personnel are at time and one-half; Sundays and holidays are at double time.
3. Charges are calculated in one-hour increments and time is accumulated on a portal-to-portal basis.
4. Weekly special inspection report charge \$100.00/ea.
5. Certified payroll charge \$50.00/week.
6. Nuclear density gauge charge \$10.00/test.
7. Mileage is invoiced at a rate of \$0.75/mile (portal-to-portal). Projects located within a 5-mile radius of an Earth Systems Pacific office will be charged a flat rate of \$7.50 per site visit.
8. Out of town travel and expenses will be charged at cost plus 15 percent; fixed per diem rates for specific projects can be provided upon request.
9. Report copies \$25.00 each (minimum). Electronic posting of documents to project or jurisdictional websites, etc. will be charged at the clerical/admin services rate.
10. Invoices are payable upon presentation. Invoices thirty days past due will be subject to a service charge of one and one-half percent per month.
11. Please see "Expert Witness Services" for rates related to depositions, hearing and court appearances (as expert witness).
12. The basis of charges may vary for prevailing wage projects, and are subject to adjustment based upon changes in general prevailing wage determinations or their application.





## Professional Services Hourly Rate Sheet 2017-18

### Engineering

Principal Engineer	\$165
Resident Engineer	\$150
Professional Engineer	\$150
Associate Engineer II	\$140
Associate Engineer I	\$130
Assistant Engineer	\$105

### CADD

Senior Designer	\$120
Assistant Designer	\$100

### General

Construction Manager	\$145
Construction Observer	\$105
Technical Assistant	\$85
Clerical/Administrative Assistant	\$55

Costs associated with printing and computer time are calculated in the rates. Large quantities of printing (multiple sets of specifications, reports, etc.) will be billed at the actual rate without markup. Subconsultants will be marked up by 10%.



2017

## FirstCarbon Solutions Hourly Labor Rates

FCS Personnel	Hourly Labor Rate (\$)
President/Vice President	\$250–290 USD
Director	\$160–260 USD
Legal Counsel	\$190–260 USD
Associate Director/Sr. Team Leader/Sr. Program Leader	\$190–230 USD
Senior Project Manager/Senior Scientist/Senior Regulatory Scientist	\$140–190 USD
Project Manager/Scientist/Regulatory Scientist	\$110–160 USD
Assistant Project Manager/Assistant Regulatory Scientist	\$85–140 USD
Technical Analyst (Air Quality, Biology, Noise, and Cultural Resources)	\$60–120 USD
Project Coordinator/Environmental Planner	\$75–100 USD
Environmental Analyst/Regulatory Analyst	\$65–90 USD
Research Analyst	\$60–70 USD
Publications Coordinator/Technical Editor	\$95–110 USD
GIS Analyst	\$70–140 USD
Graphics Designer/GIS Technician	\$65–90 USD
Word Processor	\$70–95 USD
Administrative Assistant/Accounting/Clerical	\$55–65 USD
Reprographics Assistant/Intern	\$55–75 USD
On-Call Archaeological/Cultural Monitor	\$75–125 USD
On-Call Biological Monitor	\$75–160 USD

DRAFT

### Other Labor Rates

Labor rates for expert testimony, litigation support, and depositions/court appearances will be billed at a minimum of two times the above rates. If additional services are authorized during the performance of a contract, compensation will be based on the fee schedule in effect at the time the services are authorized.

### Direct Expenses

Direct expenses are billed at the amount charged, plus out-of-pocket expenses including, but not limited to, a 15% administrative fee.



**AGENDA**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR MEETING**  
**Wednesday, April 8, 2015**  
**6:00 pm**

**CAVALIER BANQUET ROOM**  
**250 San Simeon Avenue**  
**San Simeon, CA**

**1. REGULAR SESSION: 6:00 PM**

- A. Roll Call
- B. Pledge of Allegiance

**2. PUBLIC COMMENT:**

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda. Presentations are limited to three (3) minutes or less with additional time at the discretion of the Chair. Your comments should be directed to the Board as a whole and not directed to individual Board members. The Brown Act restricts the Board from taking formal action on matters not published on the agenda.

- A. **Sheriff's Report** – Report for March.
- B. **Public comment on Sheriff's Report**

**3. BOARD PRESENTATIONS AND ANNOUNCEMENTS:**

**4. STAFF REPORTS**

**A. General Manager's Report**

- 1. **Staff Activity** – Report on Staff activities for the month of March.
- 2. **Update** – Wellhead treatment system project.
- 3. **Update** – Well 2 sanitary seal project.
- 4. **Update** – Notice of Violation from Coastal Commission regarding Wastewater Treatment Plant Rip Rap installation.

**B. Superintendent's Report**

- 1. **Wastewater Treatment / Collection Systems** – Summary of operations and maintenance for March.
- 2. **Water / Distribution Systems** – Distribution performance for the Month of March.
- 3. **District Maintenance** – Summary of District maintenance for March.



**C. District Financial Summary** – Update on Monthly Financial Status for close of business March 31, 2015.

**D. District Counsel's Report**

**5. ITEMS OF BUSINESS**

**A. Approval of last month's minutes** – March 11, 2015.

**B. Approval of Disbursements Journal** – April 8, 2015.

**C. Move that all ordinances presented for introduction or adoption be read in title only and all further readings be waived.**

**6. DISCUSSION/ACTION ITEMS**

**A. Consideration of the Introduction of Ordinance No. 116 Repealing Ordinance No. 112 and Adopting a New Ordinance Mandating Use of Recycled Water Strictly From the San Simeon Community Services District's Recycled Water System.**

**B. Consideration of Board Approval of IRJ Electrical Engineers' Proposal to perform an electrical design for the Well Head Treatment Project for \$5,800.**

**C. Consideration of adoption of Resolution 15-371 declaring a water shortage emergency and implementing a Stage Three Water Shortage pursuant to the District's Water Conservation Plan.**

**D. Consideration of Board Approval of Resolution 15-372 establishing CEQA Class 1 Exemption Determination pursuant to Section 15301 under CEQA Guidelines for the Well Head Treatment Project.**

**7. Board Committee Reports** – Oral Report from Committee Members.

**8. Board Reports** – Oral Report from Board Members on current issues.

**9. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS-** Requests from Board members to receive feedback, direct staff to prepare information, and/or request a formal agenda report be prepared and the item placed on a future agenda.

**10. ADJOURNMENT**

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RESOLUTION NO. 15-371

A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE SAN SIMEON COMMUNITY SERVICES DISTRICT  
IMPLEMENTING A STAGE THREE WATER SHORTAGE  
PURSUANT TO THE DISTRICT'S WATER CONSERVATION PLAN

**WHEREAS**, the Board of Directors of the San Simeon Community Services District ("District") currently has a moratorium on new water connections within the District boundaries, originally established by Ordinance No. 61 and amended by Ordinance No. 63, Ordinance No. 66 and Ordinance No. 102; and

**WHEREAS**, pursuant to Water Code Section 375 et seq., the Board of Directors may adopt a water conservation program to reduce the quantity of water used for the purpose of conserving the water supply of the District; and

**WHEREAS**, the District currently has a Water Conservation Plan adopted pursuant to Water Code Section 375 et seq., which is set forth in Ordinance No. 114; and

**WHEREAS**, on January 17, 2014, the Governor of the State of California declared a state of emergency (the "Proclamation") due to record dry conditions and concerns over the State's dwindling water supplies. The Proclamation states that "[l]ocal urban water suppliers and municipalities are called upon to implement their local water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season;" and

**WHEREAS**, on April 25, 2014, the Governor proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

**WHEREAS**, on April 1, 2015, the Governor issued Executive Order B-29-15 directing the State Water Resources Control Board to work with local agencies to come up with ways to reduce water usage by twenty-five percent. The Order finds that severe drought conditions continue to present urgent challenges and that new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

**WHEREAS**, the domestic water supply for the District may be inadequate based upon the continued lack of precipitation and the current water levels in the aquifers that provide the domestic water supply for the District, and specifically that water levels in the Pico Creek are such that staff has determined that the available water supply may be insufficient to meet demand; and

**WHEREAS**, the District's Water Conservation Plan contained in Ordinance No. 114 contains Stage One, Two and Three water conservation measures and restrictions on the use of potable water; and



**WHEREAS**, the Board of Directors deems it necessary and appropriate to implement a Stage Three Water Shortage in order to protect the public health, safety and general welfare of the public.

**NOW, THEREFORE, BE IT RESOLVED** by the San Simeon Community Services District Board of Directors as follows:

1. Based upon the existing water conditions, as described above, and in presentations to the Board of Directors, the Board of Directors hereby finds that the demands and requirements of water consumers cannot be satisfied without threatening the water supply of the District to the extent that there may be insufficient water for human consumption, sanitation and fire protection.
2. Based on the District's existing conditions and on concerns regarding the anticipated prolonged drought conditions, the Board of Directors hereby implements a Stage Three Water Shortage pursuant to its Water Conservation Plan with water conservation measures as set forth in Ordinance No. 114 all of which the Board of Directors finds are necessary in order to protect the public health, safety and general welfare of the public.
3. Within five days from the date of this Resolution, the General Manager is hereby directed to provide notice to all water customers of the Stage Three Water Shortage conditions and water conservation measures by special mailing or by a notice inserted into the water/sewer bills. Notice will also be posted at the District Office, Chamber of Commerce, San Simeon Post Office and on the District website.
4. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED THIS 8<sup>th</sup> day of April, 2015. Upon motion of Chairperson McAdams, seconded by Director Patel and on the following roll call vote to wit:


AYES: 4


NOES:

ABSTAIN:

ABSENT: 1 Price

ATTEST:

  
\_\_\_\_\_  
Charles Grace  
Secretary/General Manager

  
\_\_\_\_\_  
Ralph McAdams, Chairperson  
Board of Directors



## Secondary Drinking Water Standards

California Code of Regulations, Title 22  
 Division 4. Environmental Health  
 Chapter 15. Domestic Water Quality and Monitoring Regulations  
 Article 16. Secondary Drinking Water Standards

Constituents	Maximum Contaminant Levels Consumer Acceptance Contaminant Levels
Aluminum	0.2 mg/L
Color	15 Units
Copper	1.0 mg/L
Foaming Agents [MBAS]	0.5 mg/L
Iron	0.3 mg/L
Manganese	0.05 mg/L
Methyl- <i>tert</i> -butyl ether [MTBE]	0.005 mg/L
Odor---Threshold	3 Units
Silver	0.1 mg/L
Thiobencarb	0.001 mg/L
Turbidity	5 Units
Zinc	5.0 mg/L

### Maximum Contaminant Levels Consumer Acceptance Contaminant Levels Ranges

Constituents	Recommended	Upper	Short Term
Total Dissolved Solids [TDS]	500 mg/L	1,000 mg/L	1,500 mg/L
Specific Conductance	900 $\mu$ S/cm	1,600 $\mu$ S/cm	2,200 $\mu$ S/cm
Chloride	250 mg/L	500 mg/L	600 mg/L
Sulfate	250 mg/L	500 mg/L	600 mg/L

Note: There are no public health goals (PHGs) or maximum contaminant level goals (MCLGs) for these constituents because secondary standards are set on the basis of aesthetic concerns.

*Revised October 1, 2018*



Month: JANUARY

Chloride/Salinity Levels

Year: 2015

Date	Depth Well 1	Depth Well 2	Chloride WWTP	Salinity WWTP	Chloride Well 1	Salinity Well 1	Chloride Well 2	Salinity Well 2	Chloride Well 3	Hearst Dr	Chloride Clarifier	Chloride SSWRF
1	10.3	10.2	488	1.1	—	—	—	—	—	—	—	—
2	10.2	10.1	315	0.9	—	—	—	—	—	—	—	—
3	10.3	10.2	453	1.1	—	—	1265	2.2	—	507	559	—
4	10.3	10.2	893	1.7	—	—	1162	2.1	32	458	—	—
5	10.3	10.2	976	1.9	—	—	1065	2.1	—	421	—	—
6	10.3	10.2	893	1.8	—	—	1065	2.1	—	392	—	—
7	10.3	10.3	1065	1.9	678	1.4	1065	2.0	—	421	559	—
8	10.3	10.3	893	1.7	893	1.9	—	—	—	421	—	—
9	10.3	10.3	412	1.0	956	1.9	—	—	—	392	562	562
10	10.3	10.3	739	1.5	—	—	—	—	—	—	—	—
11	10.3	10.3	739	1.7	739	1.5	—	—	—	—	—	—
12	10.4	10.3	806	1.7	806	1.9	—	—	—	488	510	562
13	10.4	10.3	461	1.1	806	1.8	—	—	—	453	—	—
14	10.4	10.3	415	1.0	—	—	—	—	—	453	—	—
15	10.4	10.3	453	1.1	806	1.7	676	1.4	—	510	562	510
16	10.4	10.3	510	1.2	—	—	739	1.6	—	461	—	—
17	10.3	10.2	421	1.1	—	—	—	—	—	—	—	—
18	10.4	10.3	453	1.1	—	—	—	—	—	—	—	—
19	10.4	10.3	567	1.2	—	—	878	1.7	—	—	—	—
20	10.4	10.3	562	1.3	—	—	806	1.7	—	562	676	617
21	10.1	10.0	510	1.1	—	—	806	1.7	—	526	—	—
22	10.0	10.0	562	1.2	—	—	806	1.7	432	488	—	—
23	10.0	10.0	562	1.2	739	1.5	—	—	—	510	617	676
24	10.0	10.0	461	1.1	—	—	806	1.6	—	510	—	—
25	10.0	10.0	461	1.1	—	—	—	—	—	—	—	—
26	10.0	9.9	530	1.1	812	1.6	881	1.7	—	—	—	—
27	10.0	9.9	530	1.1	748	1.5	632	1.3	—	483	688	688
28	10.0	10.0	579	1.2	—	—	881	1.6	—	—	—	—
29	10.0	10.0	579	1.2	748	1.5	—	—	—	632	—	—
30	10.0	10.0	579	1.2	—	—	812	1.6	—	555	—	—
31	10.0	10.0	579	1.2	688	1.5	—	—	—	483	597	555

791 897



Month: FEBRUARY

Chloride/Salinity Levels

Year: 2015

Date	Depth Well 1	Depth Well 2	Chloride WWTP	Salinity WWTP	Chloride Well 1	Salinity Well 1	Chloride Well 2	Salinity Well 2	Chloride Well 3	Hearst Dr	Chloride Clarifier	Chloride SSWRF
1	10.1	10.0	579	1.2	-	-	812	1.5	-	579	-	-
2	10.1	10.1	579	1.2	812	1.5	-	-	-	688	688	688
3	10.1	10.1	579	1.2	-	-	812	1.5	-	579	-	-
4	10.0	10.0	579	1.3	812	1.5	-	-	-	632	-	-
5	10.1	10.1	579	1.2	579	1.2	688	1.3	-	632	688	748
6	10.1	10.0	562	1.2	688	1.4	676	1.4	-	579	-	-
7	-	-	518	1.3	-	-	-	-	-	-	-	-
8	9.0	8.9	555	1.3	-	-	-	-	-	-	-	-
9	8.9	8.9	562	1.3	739	1.5	676	1.4	-	562	562	-
10	9.8	9.7	555	1.3	562	1.2	-	-	-	555	-	-
11	-	-	555	1.2	-	-	451	1.2	-	483	-	-
12	10.2	10.2	518	1.2	483	1.3	-	-	-	483	-	-
13	10.4	10.3	483	1.2	518	1.3	518	1.3	-	483	555	518
14	10.5	10.5	451	1.1	-	-	-	-	-	-	-	-
15	10.6	10.5	483	1.1	-	-	-	-	-	-	-	-
16	-	-	451	1.2	518	1.3	518	1.3	-	483	-	-
17	10.6	10.6	451	1.2	483	1.2	-	-	-	483	518	-
18	10.7	10.6	451	1.1	-	-	483	1.2	-	421	-	-
19	10.7	10.6	451	1.2	483	1.2	-	-	-	451	-	-
20	10.7	10.6	476	1.1	-	-	451	1.2	-	510	587	-
21	10.7	10.7	476	1.0	-	-	-	-	-	-	-	-
22	10.8	10.7	476	1.0	-	-	-	-	-	-	-	-
23	10.8	10.7	476	1.1	510	1.1	-	-	-	445	-	-
24	10.9	10.8	445	1.1	-	-	476	1.0	-	476	587	-
25	10.7	10.6	445	1.0	476	1.1	-	-	-	445	-	-
26	10.7	10.7	445	1.0	-	-	-	-	-	445	-	-
27	10.9	10.8	416	1.0	-	-	476	1.0	-	363	-	-
28	11.0	10.9	388	1.0	445	1.0	-	-	-	-	-	-
29	10.9	10.9	363	0.9	-	-	416	1.0	-	416	-	-
30												
31												

579

573



Month: MARCH

Chloride/Salinity Levels

Year: 2015

Date	Depth Well 1	Depth Well 2	Chloride WWTP	Salinity WWTP	Chloride Well 1	Salinity Well 1	Chloride Well 2	Salinity Well 2	Chloride Well 3	Hearst Dr	Chloride Clarifier	Chloride SSWRF
1	10.9	10.9	363	0.9	-	-	416	1.0	-	416	-	-
2	11.0	10.9	363	0.9	445	1.0	-	-	-	388	-	-
3	10.7	10.6	416	1.0	-	-	-	-	-	388	587	-
4	10.7	10.7	363	0.9	416	1.0	363	0.9	-	363	-	-
5	10.8	10.8	<del>416</del> <sup>363</sup>	0.9	-	-	416	0.9	-	363	-	-
6	-	-	363	0.9	-	-	-	-	-	339	-	-
7	10.8	10.7	339	0.9	-	-	-	-	-	-	-	-
8	10.8	10.7	339	0.9	-	-	-	-	-	-	-	-
9	10.8	10.8	339	0.9	363	1.0	363	0.9	-	339	-	-
10	11.0	10.9	339	0.9	-	-	339	0.9	-	339	510	-
11	10.7	10.6	339	0.8	-	-	-	-	-	316	-	-
12	10.8	10.7	339	0.8	363	0.9	-	-	-	339	-	-
13	10.8	10.7	339	0.9	363	0.9	-	-	-	339	-	-
14	10.9	10.8	339	0.9	363	0.9	-	-	-	339	-	-
15	10.9	10.8	339	0.9	363	0.9	-	-	-	339	-	-
16	10.7	10.7	316	0.8	-	-	339	0.8	-	274	445	-
17	10.4	10.4	339	0.9	339	0.9	-	-	-	294	-	-
18	10.1	10.1	294	0.8	-	-	339	0.9	-	339	-	-
19	9.9	9.9	339	0.9	363	0.9	-	-	-	316	445	388
20	10.4	10.4	316	0.8	-	-	339	0.9	-	315	-	-
21	10.7	10.6	316	0.8	-	-	-	-	-	-	-	-
22	10.7	10.6	315	0.8	-	-	-	-	-	-	-	-
23	10.6	10.6	315	0.8	339	0.9	-	-	-	292	453	364
24	10.7	10.6	315	0.8	-	-	339	0.9	-	315	-	-
25	10.6	10.5	315	0.8	339	0.9	-	-	-	315	-	-
26	10.7	10.7	315	0.8	-	-	315	0.8	-	315	-	-
27	10.8	10.7	292	0.8	339	0.9	-	-	-	315	453	364
28	10.8	10.8	292	0.8	-	-	-	-	-	-	-	-
29	10.8	10.8	271	0.8	-	-	-	-	-	-	-	-
30	10.8	10.7	292	0.8	-	-	339	0.8	-	292	-	-
31	-	-	271	0.8	315	0.8	-	-	-	315	421	339

362

322















Month: July  
 Year: 2015

Chloride/Salinity Levels

Date	Depth Well 1	Depth Well 2	Chloride WWTP	Salinity WWTP	Chloride Well 1	Salinity Well 1	Chloride Well 2	Salinity Well 2	Chloride Well 3	Hearst Dr	Chloride Clarifier	Chloride SSWRF
1	11.0	10.8	148	0.7	148	0.7	112	0.5	-	148	323	301
2	11.0	10.9	161	0.7	-	-	-	-	-	-	-	-
3	11.0	10.9	148	0.6	191	0.6	161	0.6	-	148	-	-
4	11.0	10.9	-	-	-	-	-	-	-	-	-	-
5	11.0	10.9	-	-	-	-	-	-	-	-	-	-
6	10.9	10.8	148	0.7	-	-	-	-	-	-	280	260
7	11.0	10.9	161	0.6	176	0.7	176	0.6	-	148	-	-
8	11.0	10.9	161	0.7	-	-	-	-	-	-	-	-
9	11.0	10.9	161	0.7	-	-	-	-	-	-	-	-
10	11.0	10.9	161	0.6	161	0.6	176	0.6	-	161	260	241
11	-	-	161	0.6	-	-	-	-	-	-	-	-
12	-	-	-	-	-	-	-	-	-	-	-	-
13	11.0	10.9	161	0.6	191	0.7	176	0.6	-	161	-	-
14	11.0	11.0	161	0.6	-	-	-	-	-	-	301	280
15	11.1	11.0	161	0.6	-	-	-	-	-	-	-	-
16	11.1	11.0	161	0.6	-	-	-	-	-	-	-	-
17	11.1	11.0	161	0.6	176	0.7	161	0.6	-	161	-	-
18	11.1	11.0	161	0.7	-	-	-	-	-	-	-	-
19	11.2	11.1	161	0.6	-	-	-	-	-	-	-	-
20	11.2	11.1	161	0.6	148	0.6	161	0.6	-	161	280	280
21	11.2	11.1	176	0.6	-	-	-	-	-	-	-	-
22	-	-	161	0.6	-	-	-	-	-	-	-	-
23	11.3	11.2	161	0.6	-	-	-	-	-	-	-	-
24	11.3	11.2	161	0.6	161	0.6	123	0.5	-	161	347	323
25	11.3	11.2	-	-	-	-	-	-	-	-	-	-
26	11.3	11.2	-	-	-	-	-	-	-	-	-	-
27	11.4	11.3	161	0.6	161	0.6	191	0.6	-	161	323	-
28	11.4	11.3	161	0.6	-	-	-	-	-	-	-	-
29	11.4	11.3	161	0.6	-	-	-	-	-	-	-	-
30	11.4	11.3	161	0.6	-	-	-	-	-	-	-	-
31	11.3	11.3	161	0.6	191	0.6	191	0.6	-	161	323	323



Month: August  
 Year: 2015

Chloride/Salinity Levels

Date	Depth Well 1	Depth Well 2	Chloride WWTP	Salinity WWTP	Chloride Well 1	Salinity Well 1	Chloride Well 2	Salinity Well 2	Chloride Well 3	Hearst Dr	Chloride Clarifier	Chloride SSWRF
1	-	-	171	0.6	-	-	-	-	-	-	-	-
2	11.4	11.3	201	0.6	-	-	-	-	-	-	-	-
3	11.5	11.4	171	0.6	201	0.6	201	0.6	-	186	362	388
4	11.5	11.4	171	0.6	-	-	-	-	-	-	-	-
5	11.6	11.5	186	0.6	-	-	-	-	-	-	-	-
6	11.6	11.5	201	0.6	-	-	-	-	-	-	-	-
7	11.8	11.7	186	0.6	201	0.6	171	0.6	-	201	362	362
8	12.0	11.9	-	-	-	-	-	-	-	-	-	-
9	11.7	11.7	-	-	-	-	-	-	-	-	-	-
10	11.9	11.8	171	0.6	201	0.6	201	0.6	-	-	-	-
11	11.8	11.7	186	0.6	-	-	-	-	-	-	388	388
12	12.0	11.9	186	0.6	-	-	-	-	-	-	-	-
13	11.9	11.8	186	0.6	-	-	-	-	-	-	-	-
14	12.1	12.0	201	0.6	201	0.6	201	0.6	-	-	362	-
15	12.1	12.0	171	0.6	-	-	-	-	-	-	-	-
16	12.1	12.1	171	0.6	-	-	-	-	-	-	-	-
17	-	-	186	0.6	186	0.6	218	0.6	-	-	-	-
18	12.2	12.2	201	0.6	-	-	-	-	-	-	388	388
19	12.1	12.1	186	0.6	-	-	-	-	-	-	-	-
20	-	-	201	0.6	-	-	-	-	-	-	-	-
21	12.2	12.2	186	0.6	201	0.6	201	0.6	-	186	-	-
22	-	-	186	0.6	-	-	-	-	-	-	362	388
23	12.3	12.3	186	0.6	-	-	-	-	-	-	-	-
24	-	-	186	0.6	171	0.6	201	0.6	-	186	-	-
25	-	-	186	0.6	-	-	-	-	-	-	-	-
26	12.5	12.4	201	0.6	-	-	-	-	-	-	362	314
27	12.4	12.4	186	0.6	-	-	-	-	-	-	-	-
28	-	-	201	0.6	218	0.6	132	0.5	-	186	-	-
29	12.6	12.6	-	-	-	-	-	-	-	-	-	-
30	-	-	-	-	-	-	-	-	-	-	-	-
31	12.5	12.4	171	0.6	186	0.7	201	0.6	-	201	362	338





Month: OCTOBER

Chloride/Salinity Levels

Year: 2015

Date	Depth Well 1	Depth Well 2	Chloride WWTP	Salinity WWTP	Chloride Well 1	Salinity Well 1	Chloride Well 2	Salinity Well 2	Chloride Well 3	Hearst Dr	Chloride Clarifier	Chloride SSWRF
1	13.3	13.2	-	-	-	-	-	-	-	-	-	-
2	13.5	13.5	257	0.8	276	0.8	257	0.8	-	239	392	392
3	13.3	13.3	-	-	-	-	-	-	-	-	-	-
4	13.5	13.5	-	-	-	-	-	-	-	-	-	-
5	13.4	13.3	257	0.8	276	0.8	276	0.8	-	257	-	-
6	-	-	-	-	-	-	-	-	-	-	-	-
7	-	-	-	-	-	-	-	-	-	-	-	-
8	13.4	13.4	-	-	-	-	-	-	-	-	-	-
9	-	-	239	0.8	297	0.8	276	0.8	-	257	420	392
10	13.5	13.5	-	-	-	-	-	-	-	-	-	-
11	-	-	-	-	-	-	-	-	-	-	-	-
12	13.6	13.6	257	0.8	257	0.8	276	0.8	<28	276	392	392
13	-	-	-	-	-	-	-	-	-	-	-	-
14	13.7	13.6	-	-	-	-	-	-	-	-	-	-
15	13.5	13.5	-	-	-	-	-	-	-	-	-	-
16	13.5	13.4	297	0.8	297	0.8	297	0.8	-	297	420	420
17	-	-	-	-	-	-	-	-	-	-	-	-
18	13.6	13.6	-	-	-	-	-	-	-	-	-	-
19	-	-	297	0.8	318	0.9	297	0.8	-	297	420	366
20	13.6	13.6	-	-	-	-	-	-	-	-	-	-
21	-	-	-	-	-	-	-	-	-	-	-	-
22	13.8	13.8	-	-	-	-	-	-	-	-	-	-
23	13.7	13.7	297	0.9	318	0.9	318	0.9	-	318	450	392
24	13.9	13.9	297	0.8	-	-	-	-	-	-	-	-
25	13.9	13.9	297	0.8	-	-	-	-	-	-	-	-
26	13.8	13.8	318	0.9	341	1.0	341	0.9	-	318	450	450
27	-	-	341	0.9	366	1.0	341	0.9	-	341	-	-
28	-	-	366	0.9	392	1.0	366	1.0	-	366	-	-
29	13.5	13.5	366	1.0	420	1.0	392	1.0	-	392	-	-
30	13.3	13.3	392	1.0	599	1.4	392	1.0	-	392	518	450
31	13.2	13.2	392	1.0	599	1.3	392	1.0	-	392	-	-





Month: DECEMBER  
 Year: 2015

Chloride/Salinity Levels

Date	Depth Well 1	Depth Well 2	Chloride WWTP	Salinity WWTP	Chloride Well 1	Salinity Well 1	Chloride Well 2	Salinity Well 2	Chloride Well 3	Hearst Dr	Chloride Clarifier	Chloride SSWRF
1	12.6	12.6	510	1.2	-	-	878	1.8	27	562	-	-
2	12.8	12.8	676	1.4	-	-	-	-	-	510	-	-
3	12.9	12.9	878	2.0	1226	2.3	956	2.0	-	461	-	-
4	12.9	12.9	878	1.8	-	-	956	2.0	-	510	676	676
5	12.9	12.9	676	1.5	-	-	956	2.0	-	676	-	-
6	12.9	12.9	806	1.6	-	-	1039	2.1	-	562	-	-
7	13.0	12.9	739	1.5	-	-	1039	2.1	L28	510	739	739
8	12.2	12.1	1226	2.3	-	-	1129	2.3	-	562	-	-
9	11.9	11.9	676	1.3	-	-	1330	2.5	-	676	-	-
10	11.8	11.8	510	1.2	-	-	1444	2.6	-	739	-	-
11	11.5	11.5	562	1.2	-	-	1330	2.6	-	676	806	739
12	10.7	10.7	-	-	-	-	1703	-	-	562	-	-
13	10.2	10.1	599	-	-	-	1703	-	-	483	-	-
14	10.2	10.2	-	2.0	-	-	1703	3.3	L28	599	-	-
15	10.4	10.3	-	2.1	-	-	2012	3.4	-	599	-	-
16	10.5	10.5	1039	-	-	-	2191	-	-	898	-	-
17	10.7	10.7	1591	3.4	-	-	2038	3.6	-	476	-	-
18	10.9	10.9	898	1.9	-	-	2218	3.7	-	693	976	976
19	10.9	10.9	1060	2.0	-	-	1872	3.4	-	693	-	-
20	11.1	11.1	1726	2.7	-	-	-	-	-	976	-	-
21	11.2	11.1	1247	2.7	-	-	2038	3.9	L28	757	976	1060
22	11.2	11.2	1591	3.0	-	-	2218	4.0	-	429	-	-
23	11.0	11.0	1247	2.5	-	-	2218	4.1	-	429	-	-
24	10.8	10.7	2218	4.3	-	-	2417	4.3	-	1247	-	-
25	10.5	10.4	1467	2.9	-	-	2640	4.7	-	429	1060	1060
26	10.3	10.3	1247	2.5	-	-	2640	4.7	-	305	-	-
27	-	-	2417	4.5	-	-	2417	4.5	-	1726	-	-
28	10.6	10.6	1467	3.0	-	-	2889	4.7	L28	429	1060	1060
29	10.8	10.7	1726	3.2	-	-	2640	4.7	-	646	-	-
30	11.0	10.9	1591	-	-	-	2889	4.8	-	1467	-	-
31	11.0	10.9	1591	3.0	-	-	2889	4.8	-	976	-	-

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Month: JANUARY  
 Year: 2016

Chloride/Salinity Levels

Date	Depth Well 1	Depth Well 2	Chloride WWTP	Salinity WWTP	Chloride Well 1	Salinity Well 1	Chloride Well 2	Salinity Well 2	Chloride Well 3	Hearst Dr	Chloride Clarifier	Chloride SSWRF
1	11.1	11.0	2417	3.8	—	—	2889	4.9	—	898	—	—
2	11.1	11.0	2640	—	—	—	2889	4.9	—	176	—	—
3	11.1	11.0	2640	4.3	—	—	2889	4.9	—	206	—	—
4	11.2	11.1	2417	4.2	—	—	2889	4.9	—	257	—	—
5	11.1	11.0	476	1.2	—	—	2889	4.7	428	222	898	693
6	10.8	10.8	297	0.9	—	—	2640	4.8	—	318	—	—
7	9.4	9.4	2417	4.6	3488	6.3	2640	4.9	—	136	—	—
8	9.3	9.2	305	0.8	—	—	2889	4.8	—	1060	634	757
9	9.5	9.4	1591	3.3	—	—	2417	4.4	—	206	—	—
10	9.6	9.5	1875	3.7	—	—	2417	4.3	—	341	—	—
11	9.3	9.3	976	2.0	—	—	2417	4.4	428	318	634	757
12	9.5	9.4	206	0.7	2218	4.1	2038	3.8	—	276	—	—
13	9.6	9.5	206	0.7	—	—	2038	4.0	—	318	—	—
14	9.6	9.5	2218	4.0	2218	4.2	2038	3.9	—	693	—	—
15	9.6	9.5	1467	3.2	—	—	2038	3.9	—	1467	898	1060
16	9.6	9.5	2038	—	—	—	2038	—	—	1591	—	—
17	9.7	9.6	2038	—	—	—	2038	—	—	1591	—	—
18	9.7	9.6	1591	3.4	—	—	2038	3.7	—	1726	1247	—
19	9.6	9.5	1726	3.5	—	—	1875	3.7	—	1591	—	—
20	7.9	8.0	1726	3.4	—	—	1875	3.4	—	1726	—	—
21	9.1	9.1	1726	3.3	—	—	1591	3.2	—	1591	—	—
22	10.0	9.9	1622	3.1	—	—	1591	3.1	—	1591	1276	—
23	9.8	9.6	1622	3.1	—	—	1622	2.6	—	1622	—	—
24	10.2	10.2	1622	2.7	—	—	1384	2.6	—	1499	—	—
25	10.1	10.0	1622	2.9	—	—	1499	2.5	—	1499	1081	—
26	10.2	10.1	1622	2.9	—	—	1175	2.5	—	1384	—	—
27	10.3	10.2	1384	2.8	—	—	1175	2.4	—	1276	—	—
28	10.6	10.5	1499	2.7	—	—	992	2.1	—	1175	—	—
29	10.6	10.5	1384	2.6	690	1.5	1081	2.2	—	1175	1175	—
30	10.6	10.5	1276	2.5	690	1.5	1175	2.2	—	1081	—	—
31	10.6	10.5	1276	2.5	992	1.9	909	1.7	—	992	—	—

























Month: OCTOBER

Chloride/Salinity Levels

Year: 2016

Date	Depth Well 1	Depth Well 2	Chloride WWTP	Salinity WWTP	Chloride Well 1	Salinity Well 1	Chloride Well 2	Salinity Well 2	Chloride Well 3	Hearst Dr	Chloride Clarifier	Chloride SSWRF
1	13.3	13.1	-	-	-	-	-	-	-	-	-	-
2	13.5	13.3	-	-	-	-	-	-	-	-	-	-
3	13.3	13.1	161	0.9	174	1.1	124	0.8	-	144	273	254
4	13.6	13.4	-	-	-	-	-	-	-	-	-	-
5	13.6	13.4	-	-	-	-	-	-	-	-	-	-
6	13.6	13.5	-	-	-	-	-	-	-	-	-	-
7	13.6	13.5	161	0.9	174	1.1	136	0.9	-	174	315	338
8	13.8	13.6	-	-	-	-	-	-	-	-	-	-
9	13.7	13.6	-	-	-	-	-	-	-	-	-	-
10	13.9	13.7	161	1.0	204	1.3	161	1.0	-	161	293	273
11	13.8	13.7	-	-	-	-	-	-	-	-	-	-
12	13.8	13.7	-	-	-	-	-	-	-	-	-	-
13	13.9	13.8	-	-	-	-	-	-	-	-	-	-
14	13.9	13.7	174	1.2	-	-	-	-	-	-	315	338
15	13.9	13.7	-	-	-	-	-	-	-	-	-	-
16	13.9	13.7	174	1.0	189	1.2	161	1.0	-	174	315	338
17	13.6	13.5	189	1.0	204	1.2	174	1.0	-	189	315	315
18	13.4	13.2	174	1.0	189	1.1	189	1.0	-	174	-	-
19	13.4	13.2	-	-	-	-	189	1.31*	-	-	-	-
20	13.4	13.2	-	-	204	1.41*	204	1.307*	-	-	-	-
21	13.4	13.2	189	1.345*	204	1.402*	204	1.355*	-	204	338	315
22	13.4	13.2	204	1.2	204	-	204	-	-	-	-	-
23	16.8	14.7	204	1.1	220	-	-	-	-	-	-	-
24	13.5	13.4	204	1.386*	220	1.452*	-	-	-	204	315	293
25	13.6	13.5	-	-	189	1.344*	204	1.405*	-	-	-	-
26	13.6	13.5	-	-	189	1.342*	220	1.424*	-	-	-	-
27	13.6	13.5	-	-	220	1.441*	-	-	-	-	-	-
28	13.7	13.6	204	1.429	220	1.446*	-	-	-	-	315	338
29	13.7	13.6	-	-	-	-	-	-	-	-	-	-
30	13.7	13.6	-	-	-	-	-	-	-	-	-	-
31	13.7	13.6	-	-	220	1.463	220	1.427	-	-	-	-

GC

mg/l

\*CONDUCTIVITY



CLARIFIED  
CNAD

R.O. EFF R.O. EFF

Month: NOVEMBER  
Year: 2016

Chloride/Conductivity Levels

Date	Chloride WWTP	Conductivity WWTP	Chloride Office	Conductivity Office	Chloride Well 1	Conductivity Well1	Chloride Well 2	Conductivity Well2	Chloride Hearst	Conductivity Hearst	Chloride Clarifier Conds	Chloride SSWRF
1	—	—	—	—	—	—	—	—	—	—	—	—
2	—	—	—	—	236	1495	220	1443	—	—	—	—
3	—	—	—	—	204	1374*	220	1389*	—	—	—	—
4	220	1456	—	—	236	1520	220	1429*	220	—	362	417
5	—	—	—	—	—	—	—	—	—	—	—	—
6	—	—	—	—	—	—	—	—	—	—	—	—
7	236	1453	—	—	—	—	—	—	—	—	388	362
8	—	—	—	—	236	1510*	184	1270*	—	—	—	—
9	—	—	—	—	251	1551	184	1314	—	—	—	—
10	—	—	—	—	—	—	233	1505	—	—	—	—
11	233	1480	—	—	—	—	—	—	233	—	362	449
12	—	—	—	—	—	—	270	1553	—	—	—	—
13	—	—	—	—	—	—	313	—	270	—	—	—
14	270	1590	—	—	—	—	291	1662	270	—	—	—
15	233	1378	—	1085	313	1686	313	1738	184	1085	418	—
16	233	1361	170	1042	—	—	336	1677	170	1043	—	—
17	<del>200</del>	1140	184	1065	—	—	336	1789	200	1106	—	—
18	200	1121	200	1095	—	—	389	1851	200	1110	483	520
19	216	1154	200	1075	449	2031	—	—	—	—	—	—
20	270	1197	216	1154	—	—	313	1591	—	—	—	—
21	233	—	216	1150	483	2208	389	1922	216	1143	449	—
22	233	1222	233	1194	483	2200	—	—	233	1201	483	—
23	251	1230	233	1156	520	2194	—	—	216	1176	520	—
24	233	1163	216	1100	483	2211	—	—	216	1155	520	—
25	233	1140	200	1038	483	2241	—	—	216	1111	559	—
26	216	1059	216	952	520	2320	—	—	—	—	314	-58
27	449	21430	233	1157	603	2395	—	—	—	—	395	91
28	449	1943	216	1098	603	2415	—	—	216	1045	383	82
29	251	1237	216	1085	511	2311	—	—	200	991	373	82
30	449	2159	—	—	483	2258	132	1037	270	1303	311	65
31	—	—	—	—	—	—	—	—	—	—	—	—

EFF  
483  
559  
559

WELL RUNNING







# CHLORIDE & CONDUCTIVITY LEVELS

Year: 2017

DATE	WWTP Chloride	WWTP Conductivity	HEARST Chloride	HEARST Conductivity	WELL 1 Chloride	WELL 1 Conductivity	WELL 2 Chloride	WELL 2 Conductivity	OFFICE Chloride	OFFICE Conductivity	R.O. EFF Chloride	R.O. EFF Conductivity	CLARIFIER Chloride	SSWRF Chloride
1	-	-	-	-	-	-	73	752	-	-	-	-	-	-
2	65	703	73	705	73	698	-	-	-	-	-	-	184	-
3	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7	82	768	-	-	-	-	-	-	-	-	-	-	-	-
8	82	767	-	-	-	-	-	-	-	-	-	-	-	-
9	82	762	73	733	-	-	51	591	-	-	-	-	-	-
10	73	708	65	729	-	-	-	-	-	-	-	-	-	-
11	54	692	-	-	-	-	-	-	-	-	-	-	-	-
12	46	693	-	-	-	-	-	-	-	-	-	-	-	-
13	-	-	-	-	-	-	-	-	-	-	-	-	-	-
14	-	-	-	-	-	-	-	-	-	-	-	-	-	-
15	-	-	-	-	-	-	-	-	-	-	-	-	-	-
16	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17	-	-	-	-	-	-	-	-	-	-	-	-	-	-
18	-	-	-	-	-	-	-	-	-	-	-	-	-	-
19	-	-	-	-	-	-	-	-	-	-	-	-	-	-
20	-	-	-	523	-	-	44	523	-	-	-	-	-	-
21	-	-	-	-	-	-	-	-	-	-	-	-	104	-
22	39	649	39	647	-	-	-	-	-	-	-	-	-	-
23	-	-	-	-	-	-	-	-	-	-	-	-	-	-
24	-	-	-	-	-	-	-	-	-	-	-	-	-	-
25	-	-	-	-	-	-	-	-	-	-	-	-	-	-
26	-	-	-	-	-	-	-	-	-	-	-	-	-	-
27	-	-	-	-	-	-	-	-	-	-	-	-	-	-
28	-	-	-	-	-	-	-	-	-	-	-	-	-	-
29	-	-	-	-	-	-	-	-	-	-	-	-	-	-
30	-	-	-	-	-	-	-	-	-	-	-	-	-	-
31	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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Month: MAY  
Year: 2017

# CHLORIDE & CONDUCTIVITY LEVELS

DATE	WWTP Chloride	WWTP Conductivity	HEARST Chloride	HEARST Conductivity	WELL 1 Chloride	WELL 1 Conductivity	WELL 2 Chloride	WELL 2 Conductivity	OFFICE Chloride	OFFICE Conductivity	R.O. EFF Chloride	R.O. EFF Conductivity	CLARIFIER Chloride	SSWRF Chloride
1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2	-	-	-	-	-	-	-	-	-	-	-	-	-	-
3	58	760	58	741	-	-	51	743	-	-	-	-	174	-
4	-	803	-	-	-	-	-	-	-	-	-	-	-	-
5	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8	-	-	-	-	-	-	-	-	-	-	-	-	-	-
9	58	754	-	-	-	-	-	-	-	-	-	-	-	-
10	58	758	51	763	-	-	51	740	-	-	-	-	148	-
11	-	-	-	-	-	-	-	-	-	-	-	-	-	-
12	-	-	-	-	-	-	-	-	-	-	-	-	-	-
13	-	-	-	-	-	-	-	-	-	-	-	-	-	-
14	-	-	-	-	-	-	-	-	-	-	-	-	-	-
15	-	-	-	-	-	-	-	-	-	-	-	-	-	-
16	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17	-	-	-	-	-	-	-	-	-	-	-	-	-	-
18	51	765	58	767	-	-	51	739	-	-	-	-	161	-
19	-	-	-	-	-	-	-	-	-	-	-	-	-	-
20	-	-	-	-	-	-	-	-	-	-	-	-	-	-
21	-	-	-	-	-	-	-	-	-	-	-	-	-	-
22	-	-	-	-	-	-	-	-	-	-	-	-	-	-
23	-	-	-	-	-	-	-	-	-	-	-	-	-	-
24	58	762	58	773	-	-	58	772	-	-	-	-	148	-
25	-	-	-	-	-	-	-	-	-	-	-	-	-	-
26	-	-	-	-	-	-	-	-	-	-	-	-	-	-
27	-	-	-	-	-	-	-	-	-	-	-	-	-	-
28	-	-	-	-	-	-	-	-	-	-	-	-	-	-
29	-	-	-	-	-	-	-	-	-	-	-	-	-	-
30	-	-	-	-	-	-	-	-	-	-	-	-	-	-
31	65	803	66	811	-	-	66	800	-	-	-	-	174	-













Month: OCTOBER  
 Year: 2017

# CHLORIDE & CONDUCTIVITY LEVELS

DATE	WWTP Chloride	WWTP Conductivity	HEARST Chloride	HEARST Conductivity	WELL 1 Chloride	WELL 1 Conductivity	WELL 2 Chloride	WELL 2 Conductivity	OFFICE Chloride	OFFICE Conductivity	R.O. EFF Chloride	R.O. EFF Conductivity	CLARIFIER Chloride	SSWRF Chloride
1	-	-	-	-	-	8692	-	-	-	-	-	-	-	-
2	-	-	-	-	-	-	-	-	-	-	-	-	-	-
3	39	722	-	-	32	692	432	661	-	-	-	-	-	-
4	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8	-	-	-	-	-	-	-	-	-	-	-	-	-	-
9	-	-	-	-	-	-	-	-	-	-	-	-	-	-
10	-	-	-	-	-	-	-	-	-	-	-	-	-	-
11	-	-	-	-	-	-	-	-	-	-	-	-	-	-
12	39	722	-	-	39	727	39	697	-	-	-	-	203	-
13	-	-	-	-	-	-	-	-	-	-	-	-	-	-
14	-	-	-	-	-	-	-	-	-	-	-	-	-	-
15	-	-	-	-	-	-	-	-	-	-	-	-	-	-
16	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17	39	718	-	-	39	707	532	646	-	-	-	-	-	-
18	-	-	-	-	-	-	-	-	-	-	-	-	-	-
19	-	-	-	-	-	-	-	-	-	-	-	-	-	-
20	-	-	-	-	-	-	-	-	-	-	-	-	-	-
21	-	-	-	-	-	-	-	-	-	-	-	-	-	-
22	-	-	-	-	-	-	-	-	-	-	-	-	-	-
23	-	-	-	-	-	-	-	-	-	-	-	-	-	-
24	-	-	-	-	-	-	-	-	-	-	-	-	-	-
25	39	710	-	-	-	-	39	699	-	-	-	-	220	-
26	-	-	-	-	-	-	-	-	-	-	-	-	-	-
27	-	-	-	-	-	-	-	-	-	-	-	-	-	-
28	-	-	-	-	-	-	-	-	-	-	-	-	-	-
29	-	-	-	-	-	-	-	-	-	-	-	-	-	-
30	-	-	-	-	-	-	-	-	-	-	-	-	-	-
31	39	714	-	-	39	696	532	649	-	-	-	-	-	-









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**ATTACHMENT 2**



Proposition 84 IRWM Grant Program. Agreement No. 4600011487

Request No. 4	Copy of SSCSD current procurement policy	Incomplete	Provide effective date(s) of policies provided by SSCSD and any additional policy
---------------	---	------------	---

1. Effective April 11, 2012; District Resolution 12-348 election to subject District to the Uniform Public Construction Cost Accounting Procedures.
2. Effective April 11, 2012; Ordinance No. 111 providing informal bidding procedures under the Uniform Public Construction Cost Accounting Act.
3. Effective June 11, 2014; District Resolution 14-363 election to subject District to the Uniform Public Construction Cost Accounting Procedures (“UPCCAP”).
4. Effective May 13, 2019; District Current District Procurement Policy 19.00.



RESOLUTION NO. 12-348

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES**

**WHEREAS**, prior to the passage of Assembly Bill No. 1666, Chapter 1054, Stats. 1983, which added Chapter 2 commencing with Section 22000 to Part 3 of Division 2 of the Public Contract Code, existing law did not provide a uniform cost accounting standard for construction work performed or contracted by local public agencies; and

**WHEREAS**, Public Contract Code Section 22000 *et seq.*, the Uniform Cost Construction Accounting Act (the "Act") establishes such a uniform accounting standard; and

**WHEREAS**, the Commission established under the Act has developed uniform public construction cost accounting procedures for implementation by local public agencies in the performance of, or in the contracting for, construction of public projects.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT** that said Board:

**SECTION 1.** The Board of Directors of the San Simeon Community Services District hereby elects under Public Contract Code Section 22030 to become subject to the uniform public construction cost accounting procedures set forth in the Act and to the Commission's policies and procedures manual and cost accounting review procedures, as each may be amended from time to time.

**SECTION 2.** The Board of Directors directs that the District Secretary to notify the State Controller of this election.

**SECTION 3.** This Resolution shall take at the same time as Ordinance No. , establishing informal bidding procedures, takes effect.

**UPON MOTION** of Director Price seconded by Director Fields, and on the following roll call vote to wit:

AYES: 5

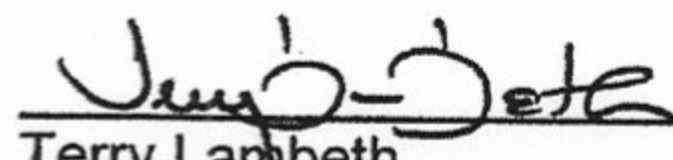
NOES:

ABSTAIN:

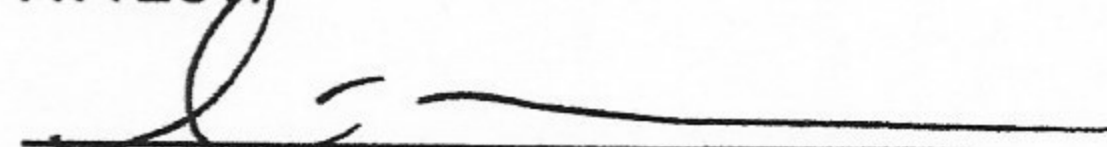
ABSENT:

The foregoing Resolution is hereby adopted this 11th day of April 2012.

ATTEST:

  
Terry Lambeth  
Chairperson of the Board of Directors

ATTEST:

  
Charles Grace  
General Manager/Secretary, SSCSD



**ORDINANCE NO. 111**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN SIMEON  
COMMUNITY SERVICES DISTRICT TO PROVIDE INFORMAL BIDDING PROCEDURES  
UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT**

**(SECTION 22000, ET SEQ. OF THE PUBLIC CONTRACT CODE)**

Be it ordained by the Board of Directors of the San Simeon Community Services District that:

**SECTION I. INFORMAL BIDDING PROCEDURES FOR DISTRICT PROJECTS.**

Except as otherwise provided herein, the provisions of the Section 22000, et seq., of the Public Contract Code shall be controlling.

(1) Public projects, as defined by the Uniform Public Construction Cost Accounting Act and in accordance with limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

(2) A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.

(3) Where a public project is to be performed which is subject to the provisions of this Ordinance, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 1.02.010(2), and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the District, provided, however, if there is no list of qualified contractors maintained by the District for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.

(4) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

(5) The mailing of notices to contractors and construction trade journals shall be completed not less than ten calendar days before bids are due.



**THE** *Newspaper of the Central Coast*  
**TRIBUNE**

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In The Superior Court of The State of California  
In and for the County of San Luis Obispo  
AFFIDAVIT OF PUBLICATION

AD # 6984677  
SAN SIMEON CSD

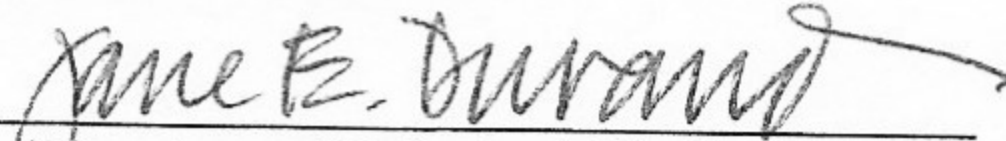
STATE OF CALIFORNIA

ss.

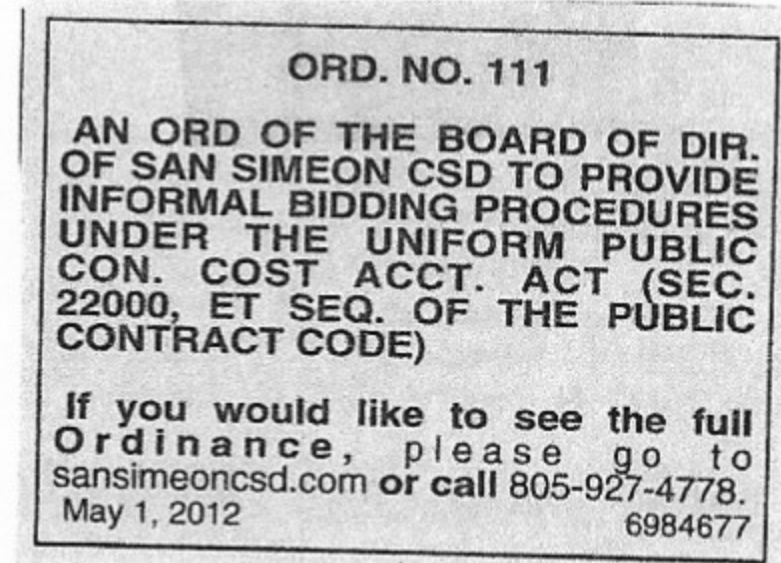
County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; MAY 1, 2012 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
(Signature of Principal Clerk)

DATED: MAY 1, 2012  
AD COST: \$43.00





(6) The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place for the submission of bids.

(7) Authority to award informal contracts is hereby delegated to the general manager.

(8) In accordance with Section 22034(f) of the Public Contract Code, or its statutory successor, if all bids received are in excess of one hundred and twenty-five thousand dollars (\$125,000), the board may, by adoption of a resolution by a four-fifths vote, award the contract at one hundred and thirty-seven thousand five hundred dollars (\$137,500) or less to the lowest responsible bidder, if it determines the cost estimate of the General Manager was reasonable

## SECTION II: EFFECTIVE DATE AND PUBLICATION

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Directors voting for and against the same, in a newspaper of general circulation published in the District, if there is one, and if not, then this Ordinance shall be posted for one week in three (3) public places in the District.

## SECTION III: VOTE

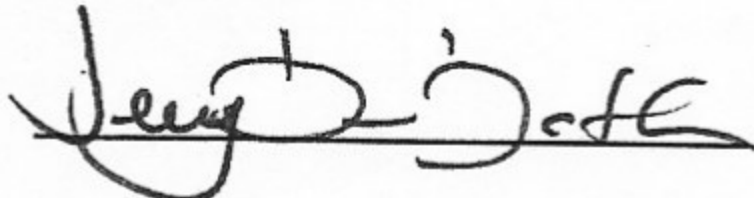
**PASSED AND ADOPTED** at a special meeting of the Board of Directors of San Simeon Community Services District held on this 11th day of April 2012 by the following vote:

Upon motion of Director Price and seconded by Director Fields and the following roll call vote to witness:

Chairperson Lambeth Yes Vice-Chair Ricci Yes Director McAdams Yes

Director Fields Yes Director Price Yes

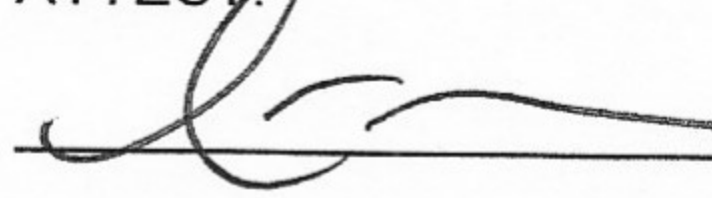
ATTEST:



Terry Lambeth

President, Board of Directors

ATTEST:



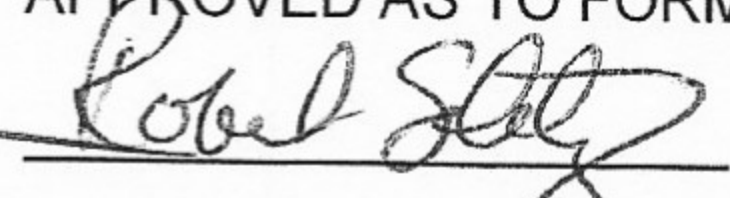
Charles Grace

General Manager/

District Secretary

Page 2 of 2

APPROVED AS TO FORM



Robert Schultz

District Counsel



RESOLUTION NO. 14-363

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT  
ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC  
CONSTRUCTION COST ACCOUNTING PROCEDURES

**WHEREAS**, prior to the passage of Assembly Bill No. 1666, Chapter 1054, Statutes of 1983, which added Chapter 2, commencing with Section 22000, to Part 3 of Division 2 of the Public Contract Code, existing law did not provide a uniform cost accounting standard for construction work performed or contracted by local public agencies; and

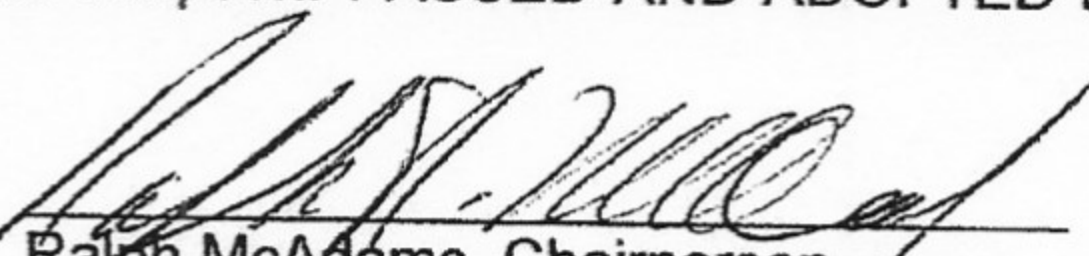
**WHEREAS**, Public Contract Code Section 22000 et seq., the uniform Public Construction Cost Accounting Act (the "Act"), establishes such a uniform cost accounting standard; and

**WHEREAS**, the California Uniform Construction Cost Accounting Commission (the "Commission") established under the Act has developed uniform public construction accounting procedures for implementation by local public agencies in the performance of or in the contracting for construction of public projects; and


**WHEREAS**, the Board of Directors of the San Simeon Community Services District (the "District") deems it appropriate and in the best interests of the District to become subject to the Act.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the San Simeon Community Services District hereby elects under Public Contract Code Section 22030 to become subject to the uniform public construction cost accounting procedures set forth in the Act and to the Commission's policies and procedures manual and cost accounting review procedures, as they may each from time to time be amended, and directs that the District Secretary to the Board of Directors notify the State Controller forthwith of this election.

This Resolution shall take effect upon its adoption. PASSED AND ADOPTED this 11<sup>th</sup> day of June, 2014.

  
Ralph McAdams, Chairperson  
Board of Directors

ATTEST:

  
Charles Grace,  
Secretary/General Manager




I, Charles Grace, Secretary/General Manager of the San Simeon Community Services District, County of San Luis Obispo, State of California, do hereby certify that the following above resolution, proposed by Chairperson McAdams and seconded by Director Williams, was duly passed and adopted by the San Simon Community Services District Board of Directors at a regular meeting thereof assembled this 11<sup>th</sup> day of June, 2014, by the following vote, to wit:

AYES: 5 Directors: McAdams, Fields, Price, Patel, Williams.

NOES: 0 Directors:

ABSENT: 0 Directors:



Charles Grace,  
Secretary/General Manager  
San Simeon Community Services District

---



secure (locked) location and the key held securely. The General Manager may delegate petty cash duties to the Office Manager.

## **19.00 Procurement Policy.**

**19.01. Purpose.** The purpose of this policy is to provide direction on how to efficiently and legally obtain suitable quality services, supplies, materials, and labor at the lowest possible cost.

**19.02. Definitions.** For the purposes of this Policy, the term "purchasing" refers collectively to contracting or procurement of services, supplies, materials, or labor, including Capital Improvements.

## **19.03. Procurement Procedures.**

**Sections A, B, and C are governed by the following conditions:**

The contract shall be awarded to the lowest responsible, responsive bidder, in accordance with the Public Contract Code. Written entries documenting that the required bidding process has been followed shall be entered in the project file, and a copy of the Board Report and contract shall be saved in the District files. Following Board approval, the General Manager and one Board member shall then execute the contract.

### **A. Solicitation of Formal, Advertised Bids or Requests for Proposals (RFP) for Expenditures Exceeding \$50,000**

When any expenditure is expected to exceed \$50,000, the District shall publish a notice inviting bids or requests for proposals a minimum of one week prior to the time of receiving bids in a general circulation newspaper published within San Luis Obispo County. This type of formal bidding process typically includes the issuance of written plans and/or specifications describing the goods or services to be provided and the receipt of written bids from the vendors or contractors involved. The General Manager, or a designated staff member, shall solicit a minimum of three (3) vendors or contractors to bid on the project. There may be special circumstances, however, when fewer than three (3) vendors are available to submit a proposal or fewer than three (3) vendors submit proposals. In such cases, the General Manager shall justify the reason(s) three vendors could not be solicited with written documentation retained in the project file.

### **B. Solicitation of Three Written Bids or Requests for Proposals for Expenditures Exceeding \$10,000 but Not Exceeding \$50,000**

When any expenditure is expected to exceed \$10,000, but not exceed \$50,000, the General Manager, or said designee, shall solicit a minimum of three (3) vendors or contractors to submit written bids or proposals. Written entries documenting that three written proposals were solicited shall be noted by the General Manager in the project file. There may be special circumstances, however, when fewer than three (3) vendors are available to submit a proposal or fewer than three (3) vendors submit proposals. In such cases, the General Manager shall justify the reason(s) three vendors could not be solicited with written documentation retained in the project file.



**1. Alternative Selection Procedure for Expenditures Exceeding \$10,000**

When the District is seeking a unique solution to a problem or situation that cannot necessarily be resolved by the lowest bidder (i.e. when the methods, approaches, and procedures to be used in performing the work are of primary importance), a "Point Count/High Score" method of selecting a proposal may be utilized. Before soliciting proposals, the District must determine the method of evaluation and include the appropriate information in the request for proposal. If a "Point Count/High Score" method will be used, a comprehensive evaluation plan must be developed and finalized. All rating and scoring factors that are to be considered must be included, criteria for considering costs must be developed, and the evaluation plan must provide for a fair and equitable evaluation of all proposals. Scoring factors must take into consideration cost and that factor cannot be less than 30% of the total points available. Proposals received under this method shall first be evaluated to determine whether they were received in time and in the manner prescribed to determine which ones meet the format requirements specified in the request for proposal. Those proposals that meet the format requirements shall then be submitted to an evaluation committee which shall be comprised of the General Manager and one Board member. The evaluation committee will evaluate and score the proposals using the methods specified in the request for proposal. The contract must be awarded to the responsible, responsive proposal given the highest score by the evaluation committee.

**Note:** *Invitation for Bids* are typically used to obtain simple, common, or routine services that may require personal or mechanical skills (i.e. little discretion is used in performing the work). *Requests for Proposals* are used to obtain complex services in which professional expertise is needed and may vary. *Requests for Proposals that will utilize the alternative selection procedure* should be used only to obtain very complex and/or unique services in which professional expertise and methods vary greatly or creative/innovative approaches are needed. (i.e. public relations, advertising, complex research projects).

**C. Solicitation of Three Verbal Quotes for Expenditures Exceeding \$5,000 but Not Exceeding \$10,000**

When any expenditure is expected to exceed \$5,000 but not exceed \$10,000, the General Manager, or said designee, shall solicit a minimum of three (3) verbal quotes to provide the goods or services. Written entries documenting that three verbal quotes were solicited shall be made in the project file.

**D. Expenditures Not Exceeding \$5,000**

The General Manager, or said designee, shall obtain competitive cost information, whenever reasonably feasible, for any District purchase even though formal cost quotations are not required for goods or services costing \$5,000 or less. The General Manager shall approve the payment.

**19.04. Exceptions to Standard Purchasing Procedures.**

**A. Public Projects.**



On June 11, 2014, the District passed Resolution No. 14-363 adopting the Uniform Public Construction Cost Accounting Procedures (California Public Contract Code § 22000 *et seq.*) in the contracting for construction of “public projects.” The District is therefore subject to the uniform construction cost account procedures set forth in Pub. Con. Code § 22000 *et seq.* and incorporates the procedures set forth therein to this policy manual. “Public project” means any of the following: (1) construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility; (2) painting or repainting of any publicly owned, leased, or operated facility.

#### **B. Emergency Conditions**

An emergency is defined as a breakdown in machinery and/or equipment resulting in the inability of the District to provide essential services or a threat to public health, safety, or welfare, including, but not limited to, threatened damage to natural resources or an imminent threat of injury or damage to any person or property.

In the case of such an emergency, the formal RFP process is suspended. The General Manager, or said designee, shall secure, in the open market at the lowest obtainable price, any services, supplies, material, or labor required to respond to the emergency. The Purchase Order should indicate "Emergency Conditions" with written documentation of the nature of the emergency and lowest obtainable price information. The General Manager shall consult with two Board members prior to taking significant action.

In the case of a natural disaster or for civil defense, nothing contained in this Policy shall limit the authority of the General Manager to make purchases and take necessary emergency steps.

#### **C. Limited Availability/Sole Source**

Occasionally, necessary supplies, material, equipment, or services are of a unique type, are of a proprietary nature, or are otherwise of such a specific design or construction, or are specifically necessary for purposes of maintaining cost-effective system consistency so as to be available from only one source. The General Manager may dispense with the requirement of competitive bids and recommend negotiating a fair price and making the purchase from a sole source if, after reasonable efforts by District staff to find alternative suppliers, there exists only a single source. Alternatively, if reasonable efforts by District staff to identify three (3) vendors or contractors as applicable under this policy are unsuccessful, the General Manager may authorize a limited availability bidding process with fewer than three (3) vendors or contractors. The basis for the sole source recommendation shall be documented in writing on the contract or purchase order and approved, in advance, by the Board for purchases exceeding \$10,000 and the General Manager, or other authorized District staff, under this policy for purchases not exceeding \$10,000.

#### **D. Cooperative Purchasing**



The District shall have the authority to join in cooperative purchasing agreements with other public agencies (e.g. the State of California or other counties, cities, or special districts) to purchase goods or services at a price established by that agency through a competitive bidding process consistent with California public bidding requirements. The Board may authorize participation in cooperative purchasing agreements.

## **E. Professional Consultant Services**

### **1. Definition and Restrictions**

Professional consultant services are of a technical nature and, due to the type of services to be provided, do not readily fall within the "low bid" competitive bidding process. California Government Code Section 4525 *et. seq.* requires that selection of professional consultants in the categories of architects, landscape architects, engineers, surveyors, and environmental consulting be made on the basis of demonstrated competence and the professional qualifications necessary for the satisfactory performance of the required services. Professional consultants should be individually selected for a specific project or problem with the objective of selecting the most qualified consultant at a price that is fair and reasonable. Professional service agreements shall not be split into smaller units, nor shall contract amendments be used, for the purpose of circumvention of the expenditure limits of this Policy.

As used in this Policy, "professional consultant service agreement" shall mean and include all professional services provided by the same consultant that are provided as part of or related to the same project or program for which the consultant is being retained. Consultants who are retained to provide services on an ongoing basis, such as geotechnical peer reviews of District projects, shall be retained by means of an annual service agreement unless an agreement providing for renewal or extension of services has been approved.

- a. For selection of architects, landscape architects, engineers, surveyors, and environmental consultants, the following procedures shall apply unless the services needed from such consultants are of a technical nature or involve professional judgment.

Cost is not to be included in the Request for Proposal (RFP). Only after a firm is selected, is compensation negotiated. The scope of work is the basis for negotiations for payment. If the parties cannot agree on fair compensation, negotiations may be formally terminated with the firm considered most qualified and may be commenced with the second highest-rated firm. Such procedure may be repeated until an agreement is reached with a qualified firm.

Alternatively, a fee or cost estimate can be requested at the time of the RFP by requiring it to be provided in a separate, sealed envelope. The fee estimate will only be opened after selecting the successful consulting firm.

- b. For consultants who do not fall under the qualifications-based selection method described above, or where the services needed from the vendors listed above are of a technical nature and involve professional judgment, cost can be included in the RFQ/RFP and used in ranking the consultants for selection.



Examples of such consultants include, but are not limited to: training, safety, recruitment, personnel services, economic analysis, city and regional planning, property appraisals/analysis, property acquisition, title insurance, facilitators, legal services, financial services, and data processing.

## **2. Selection Procedures for Professional Services in Excess of \$50,000**

When the cost for professional services is expected to be in excess of \$50,000, the District shall prepare a Request for Proposal (RFP) which should request the professional's qualifications, relevant experience, described approach, staffing, and support. The proposal should outline the terms, conditions, and specifications of the services required by the District. District staff will review the proposals received, rank the consultants based upon the following criteria, and invite the most qualified firms for interviews:

- a. ability of the consultants to perform the specific tasks outlined in the RFP,
- b. qualifications of the specific individuals who will work on the project,
- c. quantity and quality of time key personnel will be involved in their respective portions of the project,
- d. reasonableness of the fee requested to do the work; comparability of fee to similar services offered by other qualified consultants (except where fee is to be negotiated later),
- e. demonstrated record of success by the consultant on work previously performed for the District or for other public agencies or enterprises,
- f. the specific method and techniques to be employed by the consultant on the project or problem,
- g. ability of the consultant to provide appropriate insurance in adequate amounts, including errors and omissions if applicable, and
- h. responsiveness to the RFP.

The report to the Board shall summarize the basis for staff's consultant selection recommendation and the ranking of the consultants based upon these criteria. Following Board approval, the General Manager and one Board member shall then execute the contract.

## **3. Selection Procedures for Professional Services in Excess of \$10,000 but Not Exceeding \$50,000**

District staff shall solicit written proposals from a minimum of three (3) qualified consultants. A formal RFP is not required. There may be special circumstances, however, when fewer than three (3) vendors are available to submit a proposal or fewer than three (3) vendors submit proposals. In such cases, the General Manager shall justify the reason(s) three (3) vendors could not be solicited with written documentation retained in the project file.

The selection shall be based upon the criteria noted in Section 2 above. The General Manager, or said designee, may approve the selection and execute the agreement. The ranking and selection recommendation, based upon these criteria and the written proposal information, shall be documented in the project file. Following Board approval, the General Manager shall then execute the contract.



**4. Selection Procedures for Professional Services in Excess of \$5,000 Not Exceeding \$10,000**

Formal RFP's are not required for professional services in excess of \$5,000 and not exceeding \$10,000. District staff may select a consultant from a pre-qualified consultant file if available. District staff shall contact at least three (3) qualified consultants and request an informal written proposal or verbal proposal. There may be special circumstances, however, when fewer than three (3) vendors are available to submit a proposal or fewer than three (3) vendors submit proposals. In such cases, the General Manager shall justify the reason(s) three vendors could not be solicited with written documentation retained in the project file.

The selection shall be based upon the criteria noted in Section 2 above. Notations documenting the proposals and reasons for selection shall be made in the project file. Following Board approval, the General Manager shall then execute the agreement.

**5. Selection Procedure for Professional Services Not Exceeding \$5,000**

Formal RFP's are not required for professional services \$5,000 or under. District staff may select a consultant from a prequalified consultant file if available. The General Manager shall approve the selection.

**6. Renewal of Contracts with Professional Consultants**

The District may, after following required consultant selection procedures, enter into consultant agreements which contain provisions authorizing their extension or renewal. Recommendations to extend or renew an existing contract with a professional consultant should include a written evaluation of the work performed by the consultant as well as a determination that the rationale for providing for the renewal option in the existing contract remains valid and that the fees being charged are comparable to fees for similar services offered by other consultants at the time of renewal or extension. If the total amount of the contract renewal does not exceed \$5,000, the General Manager, or said designee, may execute a contract amendment to formalize the renewal. If the total amount of the original agreement and any amendments exceed \$5,000, prior Board approval must be obtained.

**7. Conflict of Law**

These procedures are not applicable where superseded by local, state, or federal law; where the terms of grant funding provide for the use of other consultant selection procedures; or where the District is obligated to select consultants through the use of different procedures, such as the requirements of an insurance or self-insurance program.

**8. Special Circumstances**

These professional consultant selection procedures are not applicable when three (3) qualified professional service firms or individuals are unavailable or if it is appropriate and in the best interest of the District under the specific circumstances of the project at issue to limit the number of consultants solicited. Examples of such



specific circumstances may include the following: the need to take immediate action on a project precludes the District's ability to follow these procedures; the absence of any fiscal or competitive advantage in following these procedures; only one consultant is known to be available and capable of providing needed services within the required time; the services to be provided are so unique that only one known consultant is qualified and available to perform them; or the terms of a legal mandate or negotiated agreement require the use of a particular consultant. The basis for such action shall be documented in writing and noted in the contract and approved by the General Manager. When Board approval is required, the documented basis for such action shall be included in the report to the Board.

#### **9. Prequalified Consultant File**

District staff may maintain a current file of consultants in their appropriate professional services categories after the selection procedures have been followed in this policy and a determination made that a consultant is qualified and competent. District staff may maintain this "prequalified consultant" file for a period of two (2) years from determination of the qualification of such consultant. The District may select a prequalified consultant from this file for services.

#### **F. Open Purchase Orders for Routine and Repetitive Supplies and Services**

Open purchase orders may be entered into with vendors who are expected to supply routine services, supplies, materials, or labor to the District on a regular basis throughout the fiscal year (such as gasoline, disking, road maintenance, vehicle maintenance, printing, office supplies, office machinery maintenance, computers, ergonomic equipment, field hardware, resource management supplies). Such open purchase orders should normally be closed at the conclusion of each fiscal year.

##### **1. Competitive Bidding Procedures**

Vendors of repetitive supplies and services shall be selected through the competitive procedures set out above, based upon the anticipated or budgeted cumulative cost of the supply or service. When competitive bidding procedures cannot feasibly be done due to the nature of the product to be purchased, a comparison of vendors' prices on representative sample items will be made and staff will provide written documentation of the price quotations used to select the vendor with the lowest cost. In the event that the vendor selected for repetitive supplies and services ceases to provide competitive costs for supplies or adequate services during the fiscal year, the District may replace that vendor with the next lowest cost vendor who participated in the cost comparison.

##### **2. Multi-year Contracts**

Multi-year contracts shall be selected through the competitive procedures set out above, based upon the anticipated or budgeted cumulative cost of the supply or service over the course of the contract. Multi-year contracts can be let only when it is documented that it is appropriate and necessary to secure the best pricing or to assure continuity of service. Whenever feasible, multi-year contracts for service or supplies shall provide that the option to renew or extend the contract is at the District's sole discretion.



DRAFT

**ATTACHMENT 3**

Proposition 84 IRWM Grant Program. Agreement No. 4600011487

Request No. 5	Copy of SSCSD current procurement policy at the time of process and approval of Phoenix Civil Engineering	Incomplete	Provide effective date(s) of policies provided by SSCSD and any additional responsive policy
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1. Effective 2004; District Policy 4042 "Employment of Outside Contractors and Consultants".
2. Effective April 11, 2012; District Resolution 12-348 election to subject District to the Uniform Public Construction Cost Accounting Procedures.
3. Effective April 11, 2012; Ordinance No. 111 providing informal bidding procedures under the Uniform Public Construction Cost Accounting Act.
4. Effective June 11, 2014; District Resolution 14-363 election to subject District to the Uniform Public Construction Cost Accounting Procedures.



# SAN SIMEON COMMUNITY SERVICES DISTRICT POLICY HANDBOOK

**POLICY TITLE:** Employment of Outside Contractors and Consultants  
**POLICY NUMBER:** 4042

**4042.1** The District may employ outside contractors or consultants for construction, engineering or office projects. The independent auditor is also a consultant for the purposes of this policy. The District's selection procedure is as follows:

**4042.11** Engineering or construction projects will be advertised for bid in newspapers of local and regional circulation, and with the Contractors Exchange (construction projects only). The bid opening is open to the public and will be so specified in the bid documents. The Board of Directors will make its selection on the basis of the lowest qualified bid, or as statutorily provided.

**4042.12** Consultants will be selected by the Board of Directors. The Board of Directors will make its selection based on the consultant's experience and qualifications. The consultant will also be required to make a cost estimate for his/her services that will be used in his/her evaluation in the selection process.

DRAFT



RESOLUTION NO. 12-348

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES**

**WHEREAS**, prior to the passage of Assembly Bill No. 1666, Chapter 1054, Stats. 1983, which added Chapter 2 commencing with Section 22000 to Part 3 of Division 2 of the Public Contract Code, existing law did not provide a uniform cost accounting standard for construction work performed or contracted by local public agencies; and

**WHEREAS**, Public Contract Code Section 22000 *et seq.*, the Uniform Cost Construction Accounting Act (the "Act") establishes such a uniform accounting standard; and

**WHEREAS**, the Commission established under the Act has developed uniform public construction cost accounting procedures for implementation by local public agencies in the performance of, or in the contracting for, construction of public projects.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT** that said Board:

**SECTION 1.** The Board of Directors of the San Simeon Community Services District hereby elects under Public Contract Code Section 22030 to become subject to the uniform public construction cost accounting procedures set forth in the Act and to the Commission's policies and procedures manual and cost accounting review procedures, as each may be amended from time to time.

**SECTION 2.** The Board of Directors directs that the District Secretary to notify the State Controller of this election.

**SECTION 3.** This Resolution shall take at the same time as Ordinance No. , establishing informal bidding procedures, takes effect.

**UPON MOTION** of Director Price seconded by Director Fields, and on the following roll call vote to wit:

AYES: 5

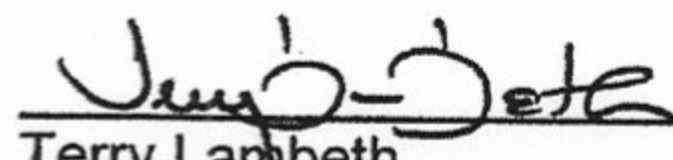
NOES:

ABSTAIN:

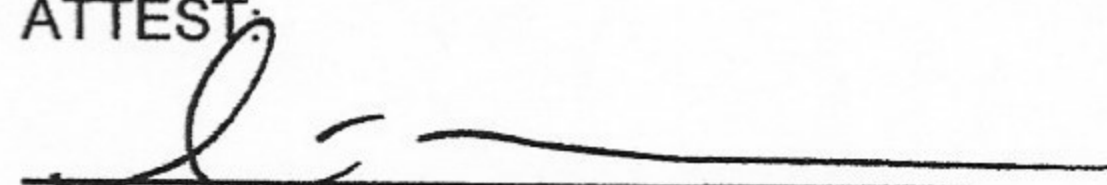
ABSENT:

The foregoing Resolution is hereby adopted this 11th day of April 2012.

ATTEST:

  
Terry Lambeth  
Chairperson of the Board of Directors

ATTEST:

  
Charles Grace  
General Manager/Secretary, SSCSD



ORDINANCE NO. 111

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN SIMEON  
COMMUNITY SERVICES DISTRICT TO PROVIDE INFORMAL BIDDING PROCEDURES  
UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT

(SECTION 22000, ET SEQ. OF THE PUBLIC CONTRACT CODE)

Be it ordained by the Board of Directors of the San Simeon Community Services District that:

**SECTION I. INFORMAL BIDDING PROCEDURES FOR DISTRICT PROJECTS.**

Except as otherwise provided herein, the provisions of the Section 22000, et seq., of the Public Contract Code shall be controlling.

- (1) Public projects, as defined by the Uniform Public Construction Cost Accounting Act and in accordance with limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.
- (2) A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.
- (3) Where a public project is to be performed which is subject to the provisions of this Ordinance, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 1.02.010(2), and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the District, provided, however, if there is no list of qualified contractors maintained by the District for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.
- (4) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.
- (5) The mailing of notices to contractors and construction trade journals shall be completed not less than ten calendar days before bids are due.



**THE** *Newspaper of the Central Coast*  
**TRIBUNE**

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In The Superior Court of The State of California  
In and for the County of San Luis Obispo  
AFFIDAVIT OF PUBLICATION

AD # 6984677  
SAN SIMEON CSD

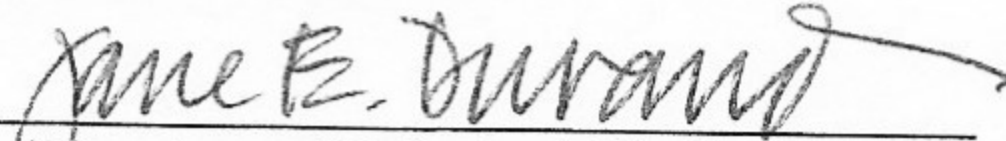
STATE OF CALIFORNIA

ss.

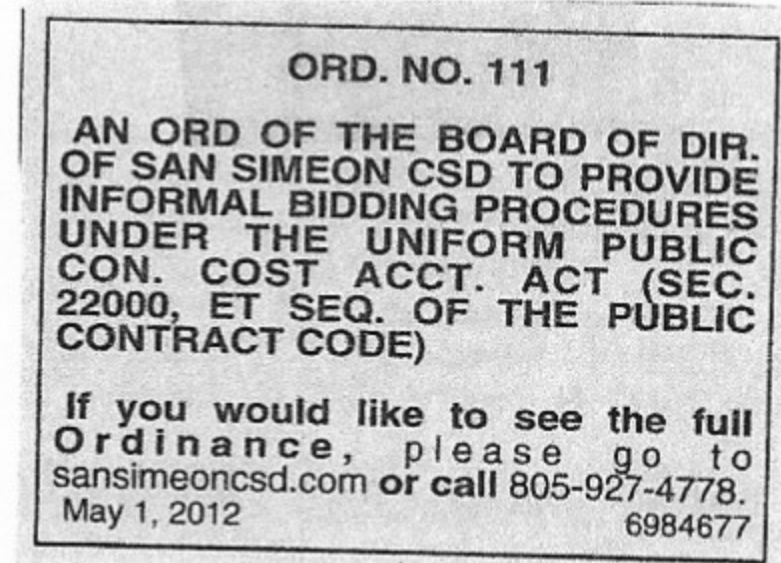
County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; MAY 1, 2012 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
(Signature of Principal Clerk)

DATED: MAY 1, 2012  
AD COST: \$43.00





(6) The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place for the submission of bids.

(7) Authority to award informal contracts is hereby delegated to the general manager.

(8) In accordance with Section 22034(f) of the Public Contract Code, or its statutory successor, if all bids received are in excess of one hundred and twenty-five thousand dollars (\$125,000), the board may, by adoption of a resolution by a four-fifths vote, award the contract at one hundred and thirty-seven thousand five hundred dollars (\$137,500) or less to the lowest responsible bidder, if it determines the cost estimate of the General Manager was reasonable

## SECTION II: EFFECTIVE DATE AND PUBLICATION

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Directors voting for and against the same, in a newspaper of general circulation published in the District, if there is one, and if not, then this Ordinance shall be posted for one week in three (3) public places in the District.

## SECTION III: VOTE

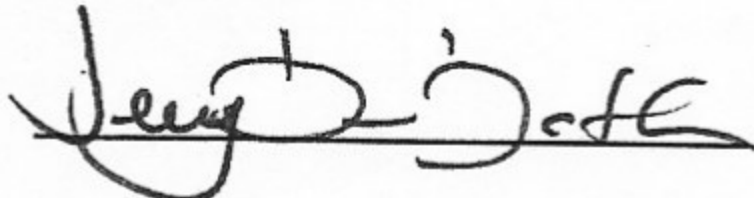
**PASSED AND ADOPTED** at a special meeting of the Board of Directors of San Simeon Community Services District held on this 11th day of April 2012 by the following vote:

Upon motion of Director Price and seconded by Director Fields and the following roll call vote to witness:

Chairperson Lambeth Yes Vice-Chair Ricci Yes Director McAdams Yes

Director Fields Yes Director Price Yes

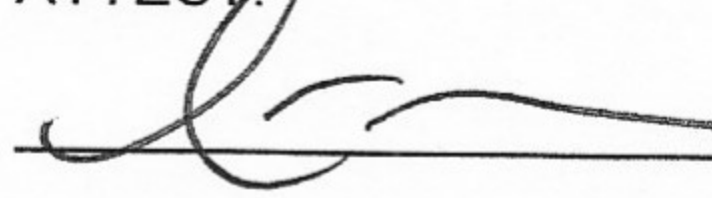
ATTEST:



Terry Lambeth

President, Board of Directors

ATTEST:



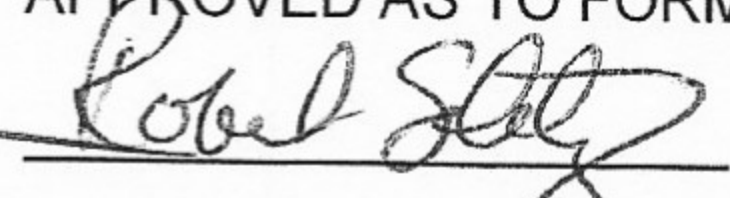
Charles Grace

General Manager/

District Secretary

Page 2 of 2

APPROVED AS TO FORM



Robert Schultz

District Counsel



RESOLUTION NO. 14-363

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT  
ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC  
CONSTRUCTION COST ACCOUNTING PROCEDURES

**WHEREAS**, prior to the passage of Assembly Bill No. 1666, Chapter 1054, Statutes of 1983, which added Chapter 2, commencing with Section 22000, to Part 3 of Division 2 of the Public Contract Code, existing law did not provide a uniform cost accounting standard for construction work performed or contracted by local public agencies; and

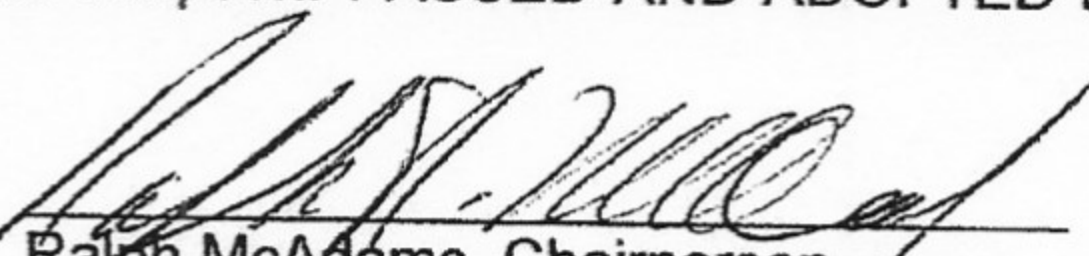
**WHEREAS**, Public Contract Code Section 22000 et seq., the uniform Public Construction Cost Accounting Act (the "Act"), establishes such a uniform cost accounting standard; and

**WHEREAS**, the California Uniform Construction Cost Accounting Commission (the "Commission") established under the Act has developed uniform public construction accounting procedures for implementation by local public agencies in the performance of or in the contracting for construction of public projects; and


**WHEREAS**, the Board of Directors of the San Simeon Community Services District (the "District") deems it appropriate and in the best interests of the District to become subject to the Act.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the San Simeon Community Services District hereby elects under Public Contract Code Section 22030 to become subject to the uniform public construction cost accounting procedures set forth in the Act and to the Commission's policies and procedures manual and cost accounting review procedures, as they may each from time to time be amended, and directs that the District Secretary to the Board of Directors notify the State Controller forthwith of this election.

This Resolution shall take effect upon its adoption. PASSED AND ADOPTED this 11<sup>th</sup> day of June, 2014.

  
Ralph McAdams, Chairperson  
Board of Directors

ATTEST:

  
Charles Grace,  
Secretary/General Manager




I, Charles Grace, Secretary/General Manager of the San Simeon Community Services District, County of San Luis Obispo, State of California, do hereby certify that the following above resolution, proposed by Chairperson McAdams and seconded by Director Williams, was duly passed and adopted by the San Simon Community Services District Board of Directors at a regular meeting thereof assembled this 11<sup>th</sup> day of June, 2014, by the following vote, to wit:

AYES: 5 Directors: McAdams, Fields, Price, Patel, Williams.

NOES: 0 Directors:

ABSENT: 0 Directors:



Charles Grace,  
Secretary/General Manager  
San Simeon Community Services District

---

DRAFT

**ATTACHMENT 4**



Proposition 84 IRWM Grant Program. Agreement No. 4600011487

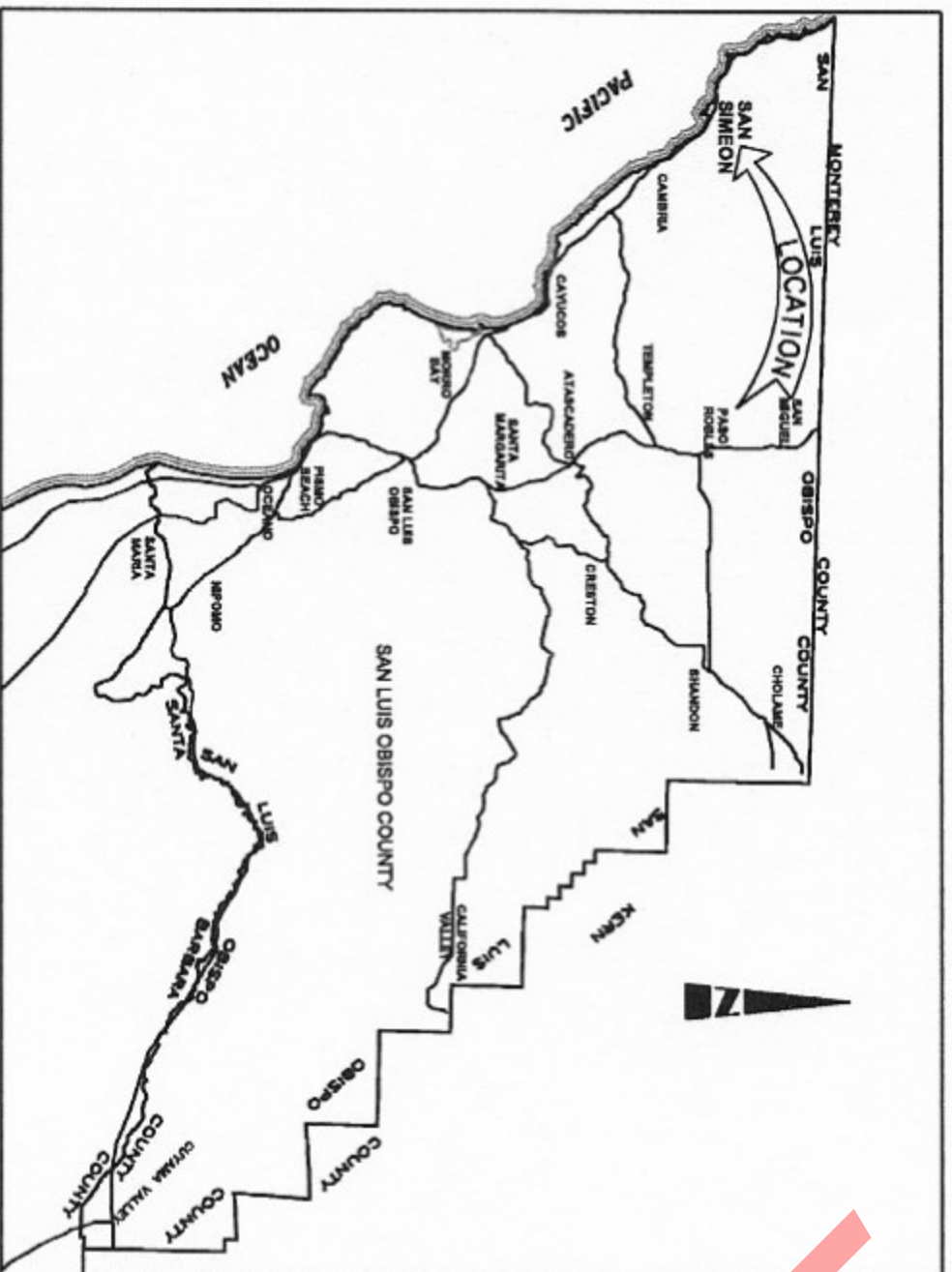
Request No. 6	Survey showing the location of project	Incomplete	Did not show project area
---------------	--	------------	---------------------------

1. July 29, 2016 Record Drawing of Potable Water Wellhead Treatment Project.
2. 2007 Twin Cities Surveying, Inc. Sewer and Easement Survey.
3. August 18, 2020 Wallace Group Summary of Location of the District Facilities.



# SAN SIMEON COMMUNITY SERVICES DISTRICT SAN SIMEON, CALIFORNIA

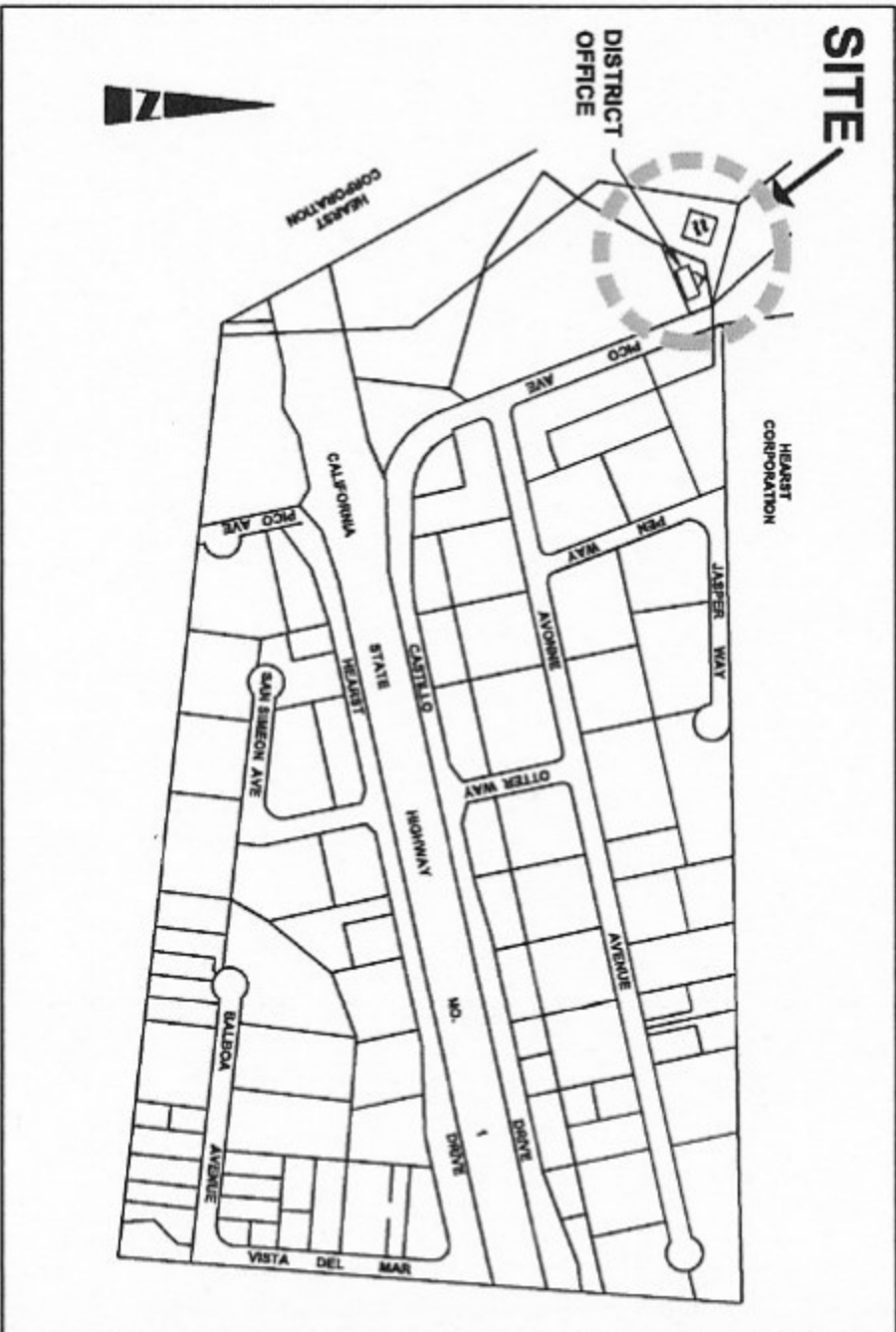
## POTABLE WATER WELL HEAD TREATMENT PROJECT



LOCATION MAP  
N.T.S.



SITE MAP  
N.T.S.



### UTILITY CONTACTS

- WATER SEWER  
SAN SIMEON COMMUNITY SERVICES DISTRICT  
JERRY COPELAND (805) 927-4778
- POWER  
PACIFIC GAS AND ELECTRIC  
(805) PGE-5000
- GAS  
SOUTHERN CALIFORNIA GAS COMPANY  
(818) 701-4516 x3380
- CABLE TV  
CHARTER CABLE  
(888) 438-2427
- SAN SIMEON CABLE
- TELEPHONE  
AT&T REPRESENTATIVE  
FORKERT ENGINEERING AND SURVEY  
(714) 963-7964

### SHEET INDEX

DWG. NO.	SHT. NO.	DESCRIPTION
G-1	1	TITLE SHEET
C-1	2	SITE PLAN
C-2	3	DETAILS
C-3	4	DETAILS
C-4	5	BUILDING ELEVATIONS
C-5	6	SEWER PLAN AND PROFILE - PIPING LAYOUT DETAIL
E-1	7	SYMBOL LISTS, ONE LINE, LUMINAIRE, PANEL SCHEDULES
E-2	8	RO BUILDING ELECTRICAL PLANS
E-3	9	ELECTRICAL SPECIFICATIONS

**RECORD DRAWING**  
THIS RECORD DRAWING APPLIES ONLY TO THOSE FACILITIES CONSTRUCTED UNDER THE CONTRACT IDENTIFIED IN THE TITLE BLOCK. THIS DRAWING INFORMATION FURNISHED BY THE CONTRACTOR.

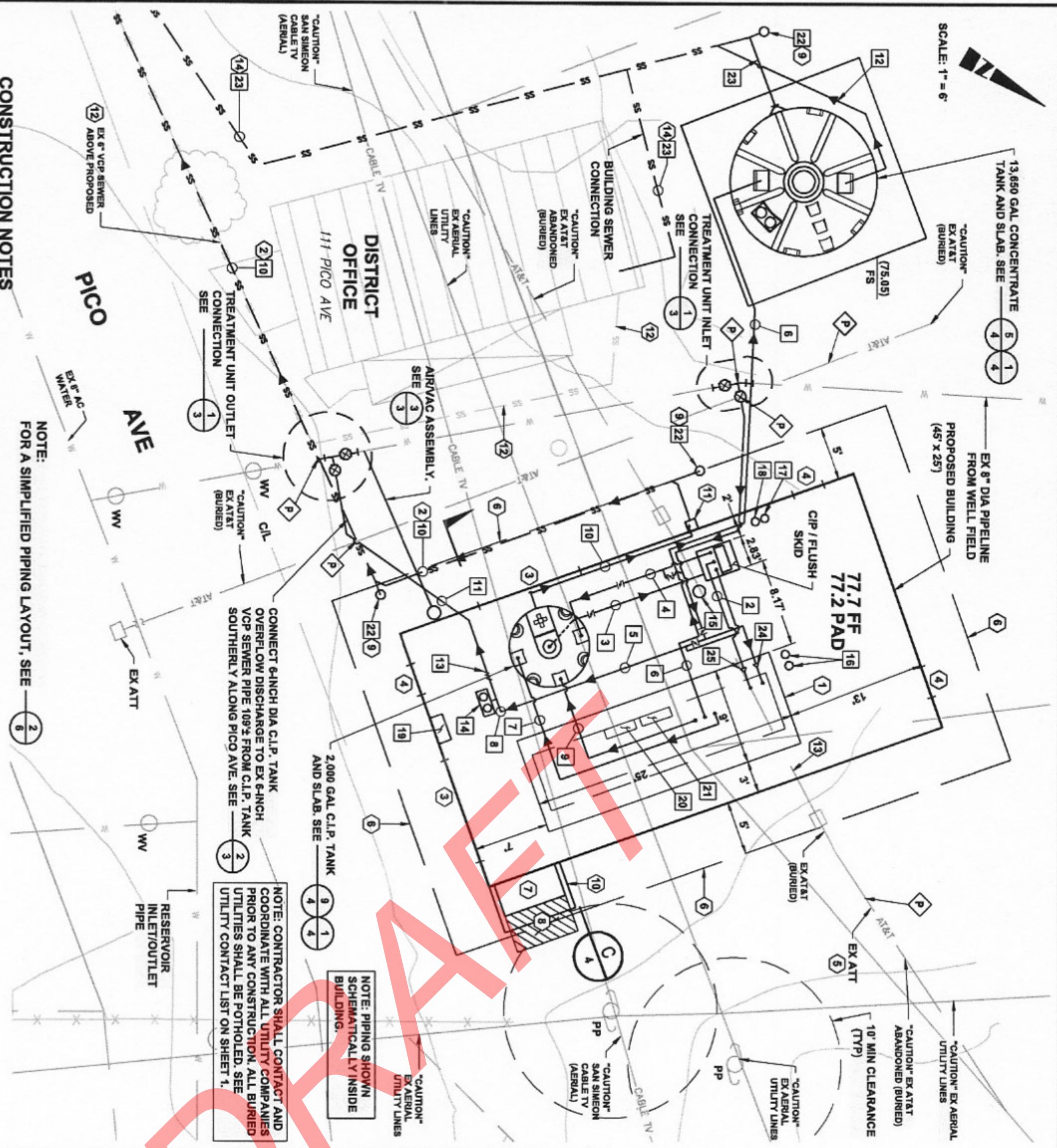
PREPARED BY:  
PHOENIX CIVIL ENGINEERING, INC.  
528 TELEPHONE ROAD SUITE 113  
VENTURA, CA 93003  
(805) 558-6890

SAN SIMEON COMMUNITY SERVICES DISTRICT  
POTABLE WATER WELL HEAD  
TREATMENT PROJECT  
**TITLE SHEET**



REV.	SYMBOL	DESCRIPTION	R.C.E.	DATE	DESIGNED BY	CHECKED BY	DATE	DRAWING NO.
		RECORD DRAWING		7-29-16				G-1





- CONSTRUCTION NOTES**
- 1 REVERSE OSMOSIS EQUIPMENT PAD. COORDINATE LOCATION WITH EQUIPMENT MANUFACTURER
  - 2 INSTALL 6-INCH DIA SDR 35 PVC PIPE. SEE 3, 8
  - 3 12" x 10" ROLL UP DOOR
  - 4 3' PEDESTRIAN DOOR
  - 5 TO BE RELOCATED
  - 6 LIMITS OF OVER EXCAVATION
  - 7 PROPOSED ELECTRICAL SERVICE (SWITCHBOARD). SEE ELECTRICAL SHEETS
  - 8 3.5' OF WORKING CLEARANCE REQUIRED IN FRONT OF SWITCHBOARD
  - 9 CLEANOUT PER SAN LUIS OBISPO COUNTY DRAWING NO. S-2
  - 10 CONCRETE SERVICE PAD. SEE 3, 6
  - 11 2' x 2' SQ. CONCRETE DRAINAGE BASIN
  - 12 ABANDON IN PLACE
  - 13 4" DIA SCH 40 PVC AT&T CONDUIT WITH PULL ROPE. INSTALL A 17" x 30" PULL BOX AT EACH END. PULL BOXES TO BE LOCATED 5' FROM BUILDING
  - 14 INSTALL 4-INCH DIA SDR 35 PVC PIPE. SEE 3, 8

**SITE PLAN**

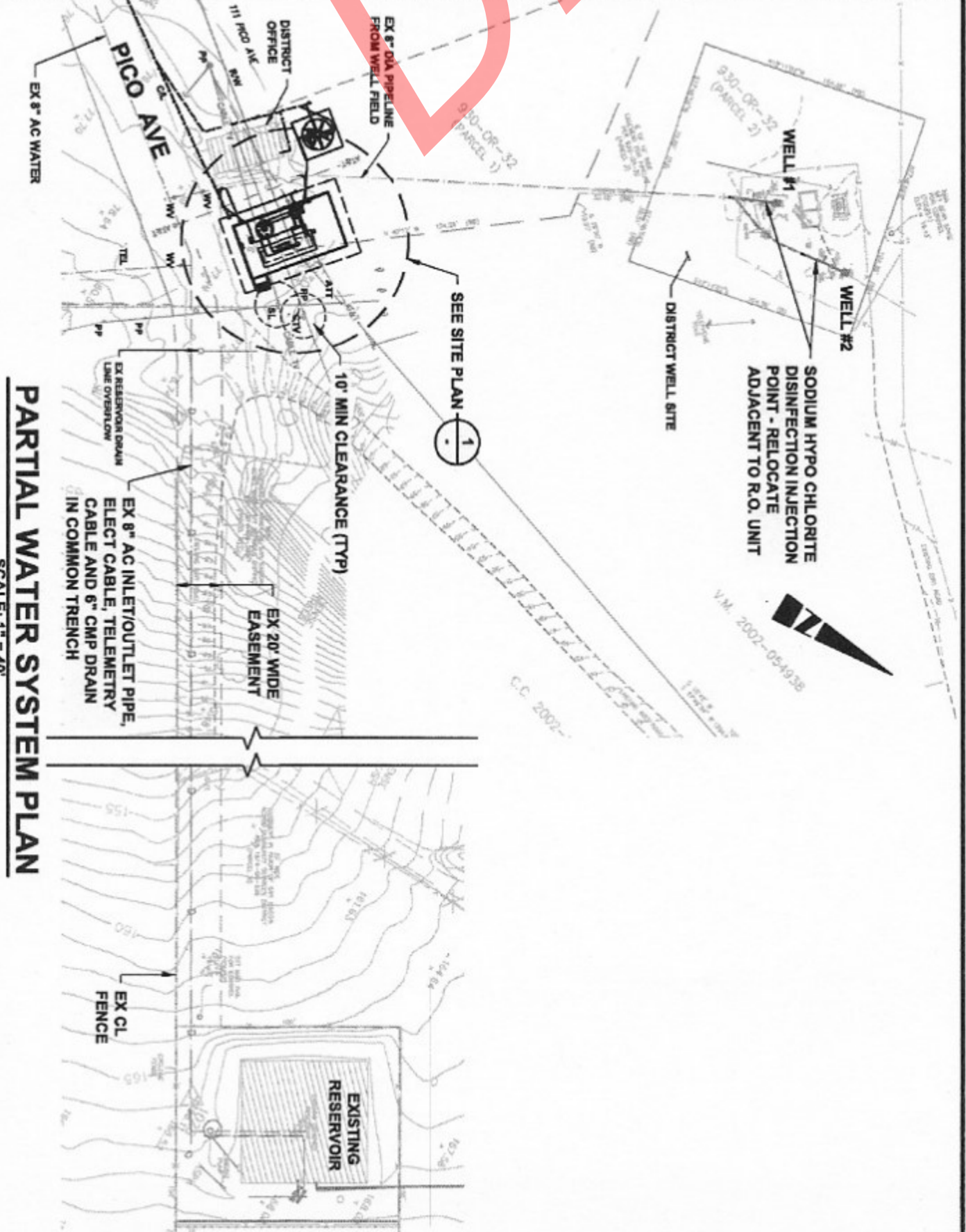
SCALE: 1" = 6'

**RECORD DRAWING**  
 THIS RECORD DRAWING IS TO BE FILED IN THE RECORD DRAWING FILE UNDER THE PROJECT NUMBER AND SHEET NUMBER OF THIS DRAWING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CONTRACTOR.

- LEGEND**
- POTHOLE LOCATION

**PIPING AND EQUIPMENT TABLE**

ID	DESCRIPTION	DIAMETER	MATERIAL
1	R.O. SKID INLET	8	SCH 80 PVC ABOVE GRADE / C900 PVC BELOW GRADE
2	CLEAN IN PLACE (C.I.P.) INLET	4	SCH 80 PVC ABOVE GRADE
3	C.I.P. SKID INLET FROM FLUSH TANK	6	SCH 80 PVC ABOVE GRADE
4	C.I.P. SKID/TANK RECIRCULATION	4	SCH 80 PVC ABOVE GRADE
5	C.I.P. TANK DISCHARGE	6	PVC SDR 35 BELOW GRADE
6	CONCENTRATE OUTLET TO TANK	2	SCH 80 PVC ABOVE GRADE
7	R.O. CONCENTRATE C.I.P. RETURN	4	SCH 80 PVC ABOVE GRADE
8	PERMEATE TO SYSTEM	8	SCH 80 PVC ABOVE GRADE / C900 PVC BELOW GRADE
9	PERMEATE OUTLET TO TANK	4	SCH 80 PVC ABOVE GRADE
10	C.I.P. TANK OVERFLOW	6	SCH 80 PVC ABOVE GRADE
11	BLEND WATER TO SYSTEM	8	SCH 80 PVC
12	CONCENTRATE TANK OVERFLOW	4	SCH 80 PVC
13	STATIC IN-LINE MIXER		
14	SODIUM HYPOCHLORITE PUMPS		
15	AIR COMPRESSOR		
16	ANTI SCALANT PUMPS		
17	CAUSTIC PUMP		
18	ACID PUMP		
19	SCADA CABINET		
20	RO CONTROL PANEL		
21	RO VFD CONTROL PANEL		
22	SEWER CLEANOUT (CO)		
23	SEWER LATERAL		
24	8" x 8" REDUCER		
25	4" x 8" REDUCER		



**811**  
 Know what's below. Call 811 before you dig.

**RECORD DRAWING**  
 THIS RECORD DRAWING IS TO BE FILED IN THE RECORD DRAWING FILE UNDER THE PROJECT NUMBER AND SHEET NUMBER OF THIS DRAWING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CONTRACTOR.

**PREPARED BY:** PHOENIX CIVIL ENGINEERING, INC.  
 632 TELEPHONE ROAD SUITE 113  
 KENNERLY, CA 95003  
 (905) 858-6800

**DATE:** 8-30-15

**REVISIONS:**

REV.	SYMBOL	DESCRIPTION	R.C.E.	DATE
1		RECORD DRAWING		7-29-15

**DESIGNED BY:** [Signature]  
**CHECKED BY:** [Signature]

**GENERAL MANAGER:** [Signature]  
**DATE:** [Signature]

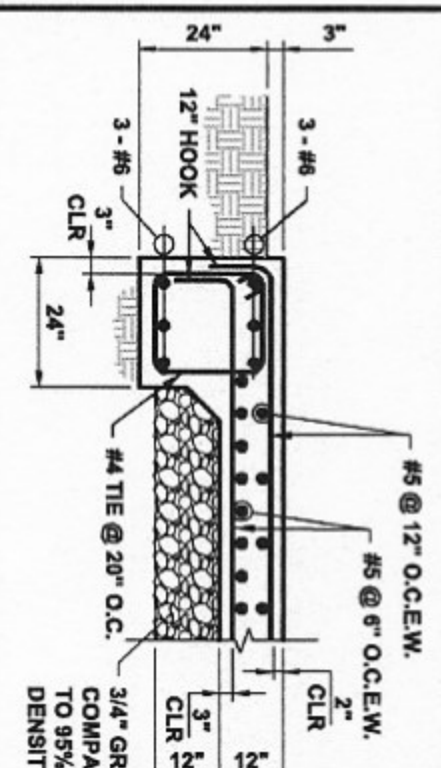
**PROJECT:** POTABLE WATER WELL HEAD TREATMENT PROJECT

**SHEET 2 OF 9**

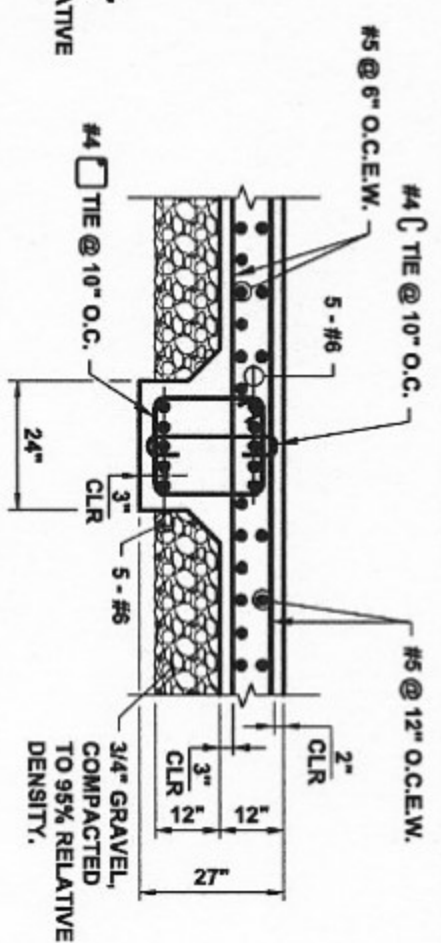




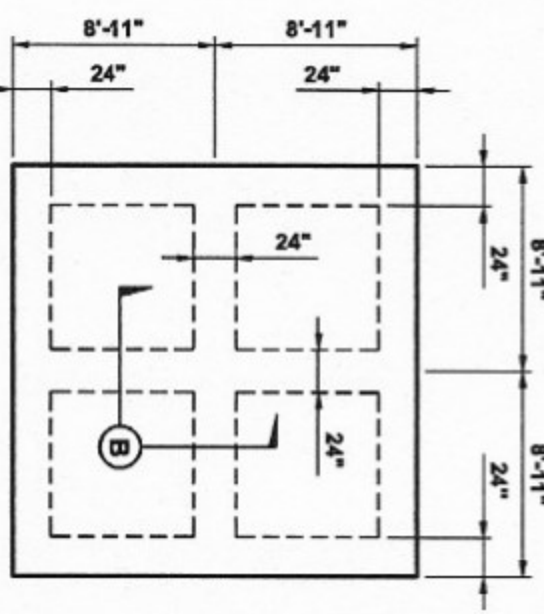




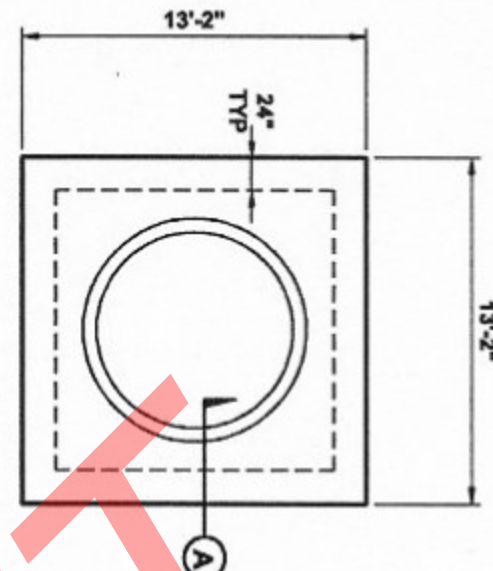
**TANK SLAB SECTION**  
 SCALE: N.T.S.



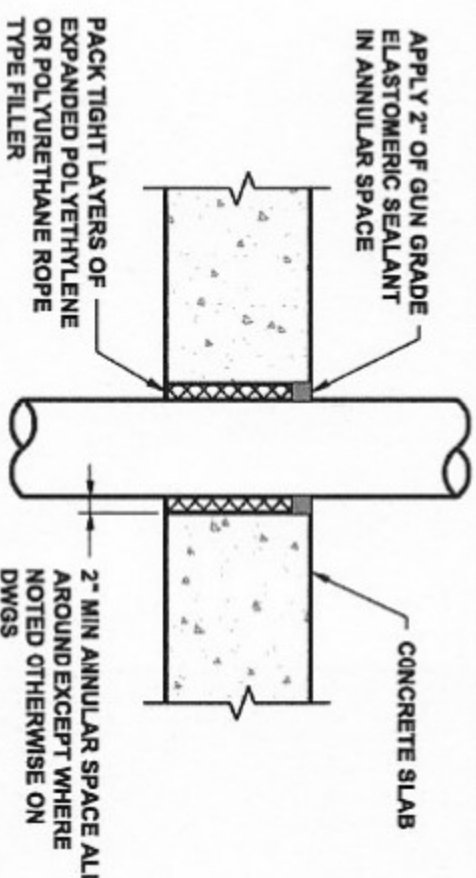
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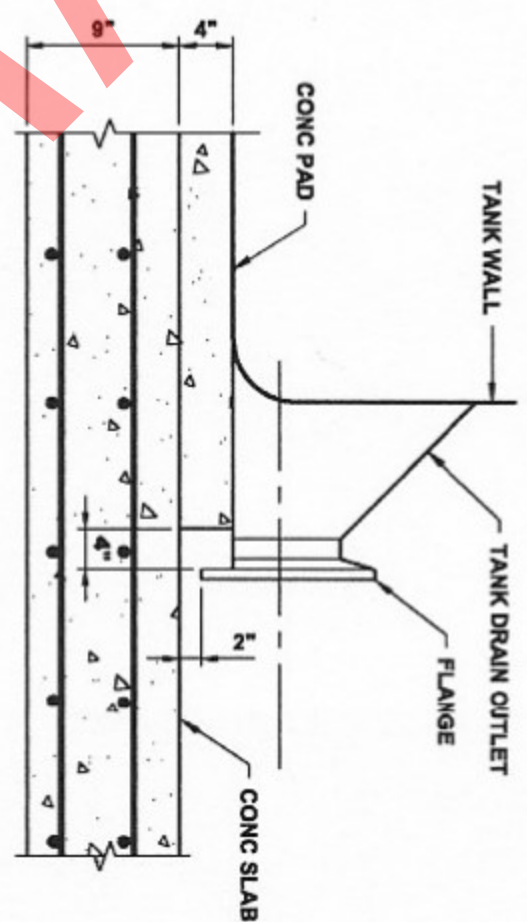
**TANK SLAB DETAIL**  
 SCALE: N.T.S.



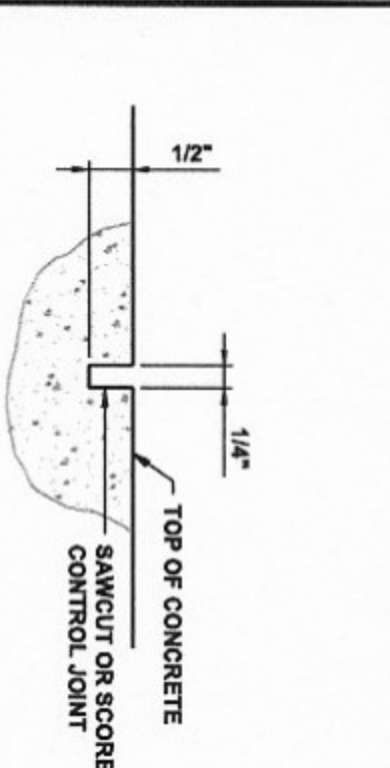
**TANK SLAB DETAIL**  
 SCALE: N.T.S.



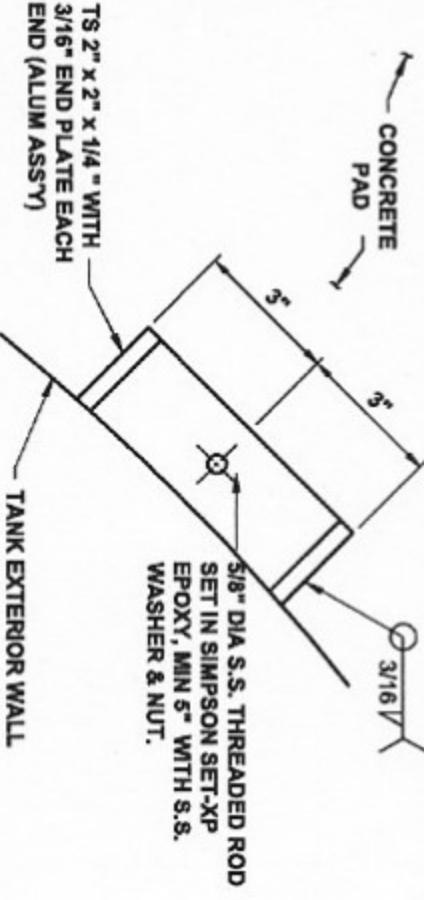
**CONCRETE SLAB PENETRATION DETAIL**  
 SCALE: N.T.S.



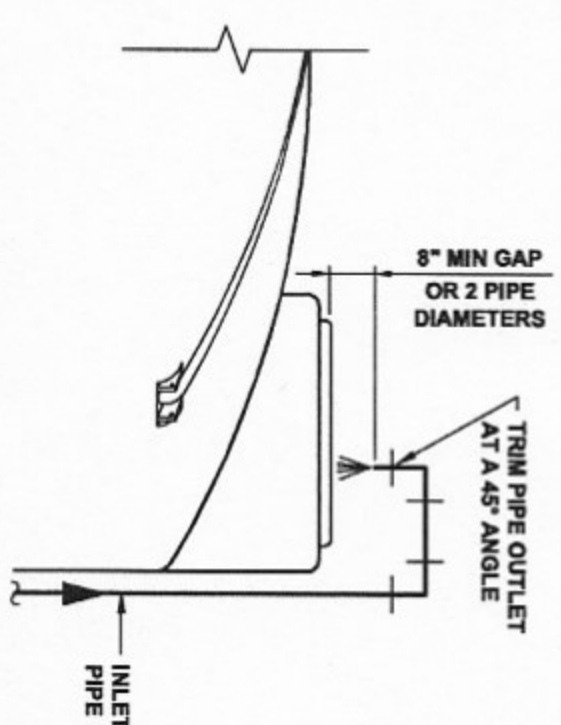
**TANK DRAIN DETAIL**  
 SCALE: N.T.S.



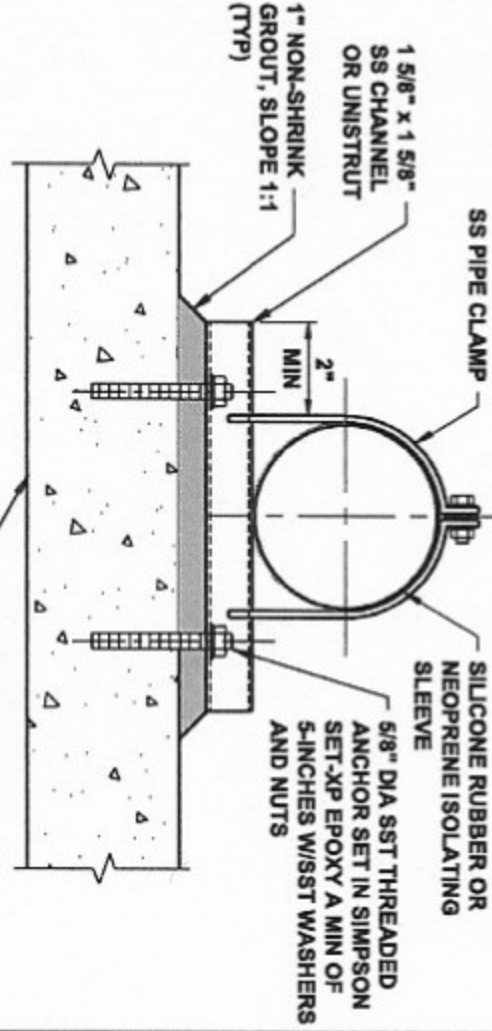
**CONTROL JOINT**  
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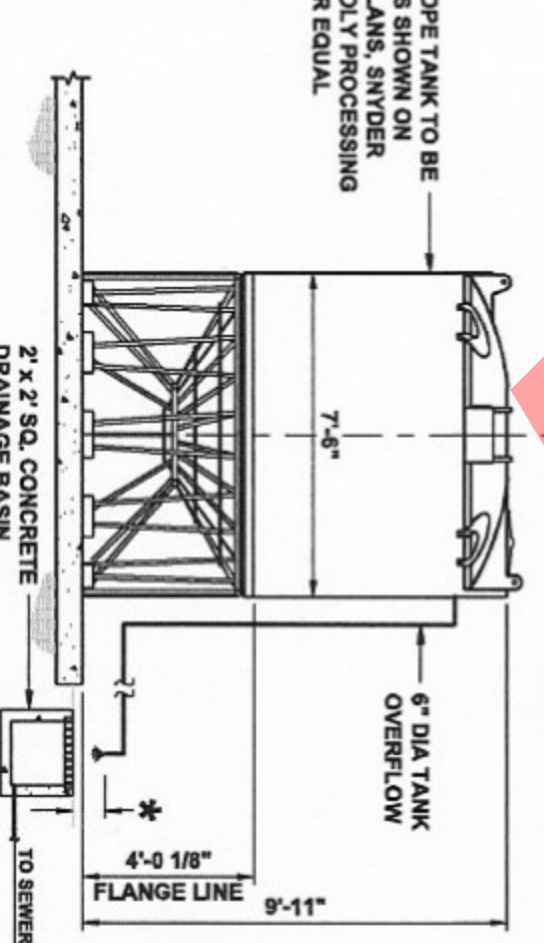
**WATER TANK BOLT DOWN DETAIL**  
 SCALE: N.T.S.



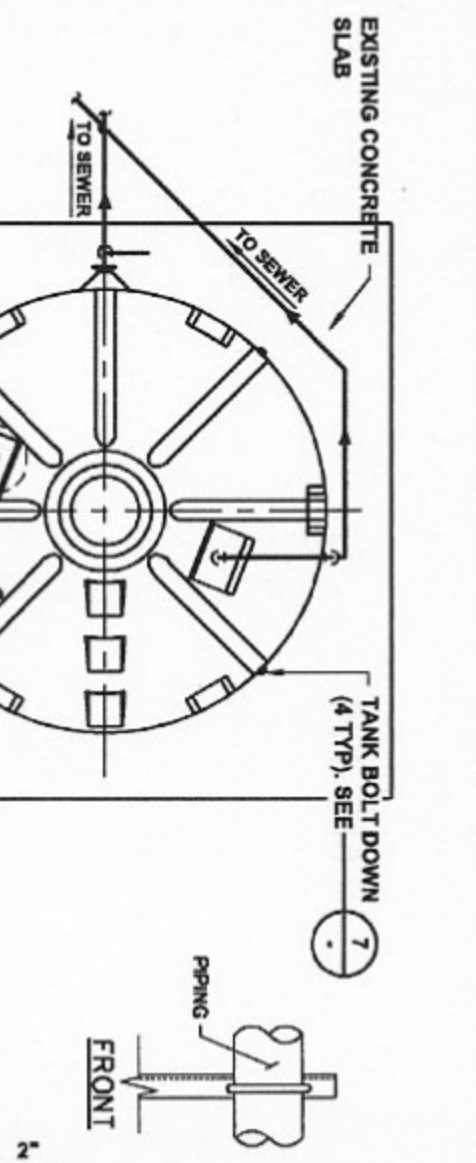
**POTABLE WATER CONNECTION AT TANK DETAIL**  
 SCALE: N.T.S.



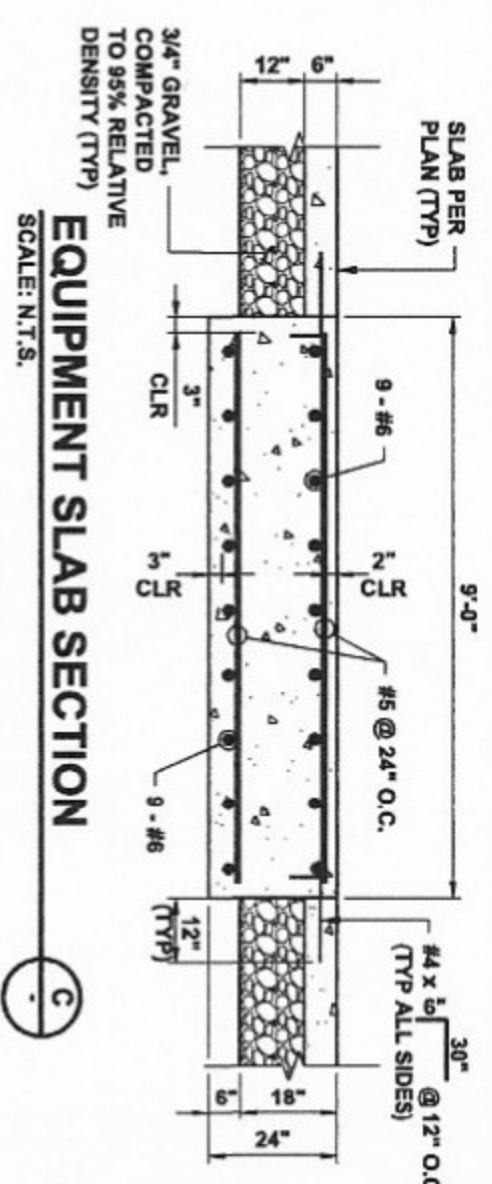
**TYPICAL PIPE SUPPORT DETAIL**  
 SCALE: N.T.S.



**C.I.P. PERMEATE TANK DETAIL**  
 SCALE: N.T.S.



**CONCENTRATE TANK DETAIL**  
 SCALE: N.T.S.



**EQUIPMENT SLAB SECTION**  
 SCALE: N.T.S.

**RECORD DRAWING**

THIS RECORD DRAWING APPLIES ONLY TO THOSE PROJECTS IDENTIFIED IN THE TITLE BLOCK. THIS DRAWING HAS BEEN PREPARED ON THE BASIS OF THE INFORMATION FURNISHED BY THE CONTRACTOR.

PREPARED BY: PHOENIX CIVIL ENGINEERING, INC.  
 452X TELEPHONE ROAD SUITE 113  
 KENTON, VA 23003  
 (805) 858-6890

REVISIONS:

REV.	SYMBOL	DESCRIPTION	DATE

DESIGNED BY: [Signature]  
 CHECKED BY: [Signature]  
 DATE: 7-23-16

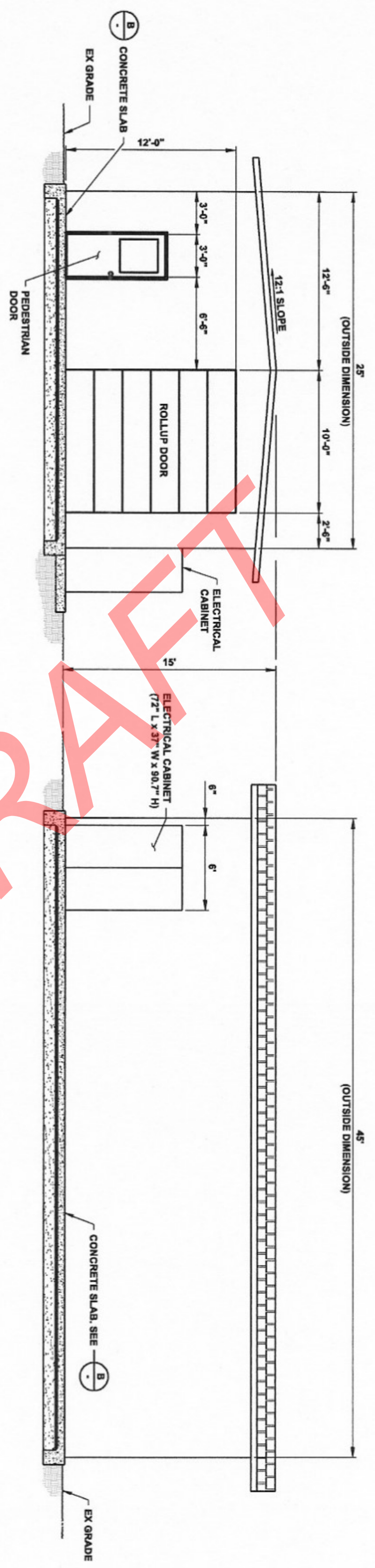
SAN SIMMON COMMUNITY SERVICES DISTRICT  
 POTABLE WATER WELL HEAD  
 TREATMENT PROJECT

DETAILS

JOB NO. [Blank]  
 DRAWING NO. C-3  
 SHEET 4 OF 9





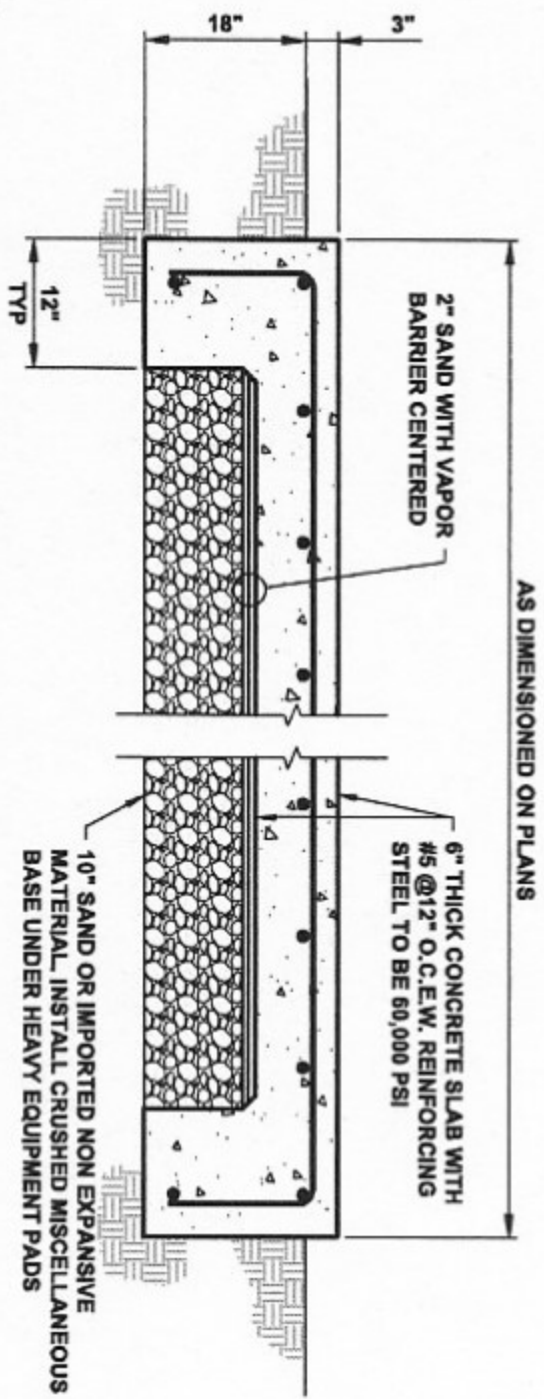


**SOUTH ELEVATION**

**EAST ELEVATION**

**PROPOSED RO SYSTEM BUILDING ELEVATION**

SCALE: 1/4" = 1'-0"



**BUILDING CONCRETE SLAB AND FOOTING**

SCALE: N.T.S.

VERIFY SCALES  
 BAR IS ONE INCH ON ORIGINAL DRAWING  
 IF NOT ONE INCH ON THIS SHEET,  
 ADJUST SCALES ACCORDINGLY

**RECORD DRAWING**  
 THIS RECORD DRAWING APPLIES ONLY TO THOSE  
 FACTORS CONSTRUCTION UNDER THE CONTRACT  
 NUMBER SHOWN. IT IS NOT TO BE USED FOR  
 ANY OTHER PROJECTS. THE INFORMATION  
 HAS BEEN PREPARED ON THE BASIS OF THE INFORMATION  
 FURNISHED BY THE CONTRACTOR.

811 Know what's below. Call 811 before you dig.

REGISTERED PROFESSIONAL ENGINEER  
 PHOENIX CIVIL ENGINEERING, INC.  
 6326 TELEPHONE ROAD SUITE 113  
 PHOENIX, AZ 85003  
 (602) 838-6800

PREPARED BY: PHOENIX CIVIL ENGINEERING, INC.  
 DATE: 6-30-16

RECORDED BY: [Signature]  
 DATE: 8-17-15

SAN SIMONE COMMUNITY SERVICES DISTRICT  
 POTABLE WATER WELL HEAD  
 TREATMENT PROJECT

**BUILDING ELEVATIONS**

REV.	SYMBOL	DESCRIPTION	R.C.E.	DATE

REVISIONS:  
 ORDER BY: [Name] DATE: [Date]  
 CHECKED BY: [Name] DATE: [Date]  
 DRAWN BY: [Name] DATE: [Date]  
 SHEET 5 OF 9



















Twin Cities Survey 2007 Sewer & Easement Survey

DRAFT



**BASIS OF BEARINGS**

THE "BASIS OF BEARINGS" FOR THIS MAP AND SURVEY IS GRID AS SHOWN NEAR 4" TALL WIRE AND POST FENCE AT THE NORTHERLY SIDE OF THE WELL SITE

EL ELEVATION = 16.13 FEET (VCS84-6201009 ORTHOMETRIC HEIGHT PER GPS OBSERVATIONS)

RESERVOIR SITE TBM = TOP OF A 60D WALL SET FOR CONTROL (TCS#45)

ELEVATION = 66.88 FEET (VCS84-6201009 ORTHOMETRIC HEIGHT PER GPS OBSERVATIONS)

**BENCH MARK**

WELL SITE TBM = TOP OF A CHEMISPIKE SET FOR CONTROL (TCS#45)

AS SHOWN NEAR 4" TALL WIRE AND POST FENCE AT THE NORTHERLY SIDE OF THE WELL SITE

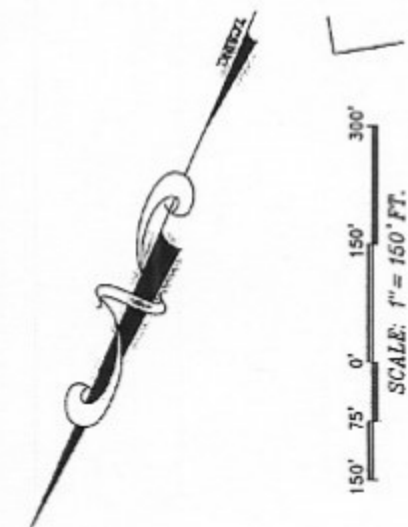
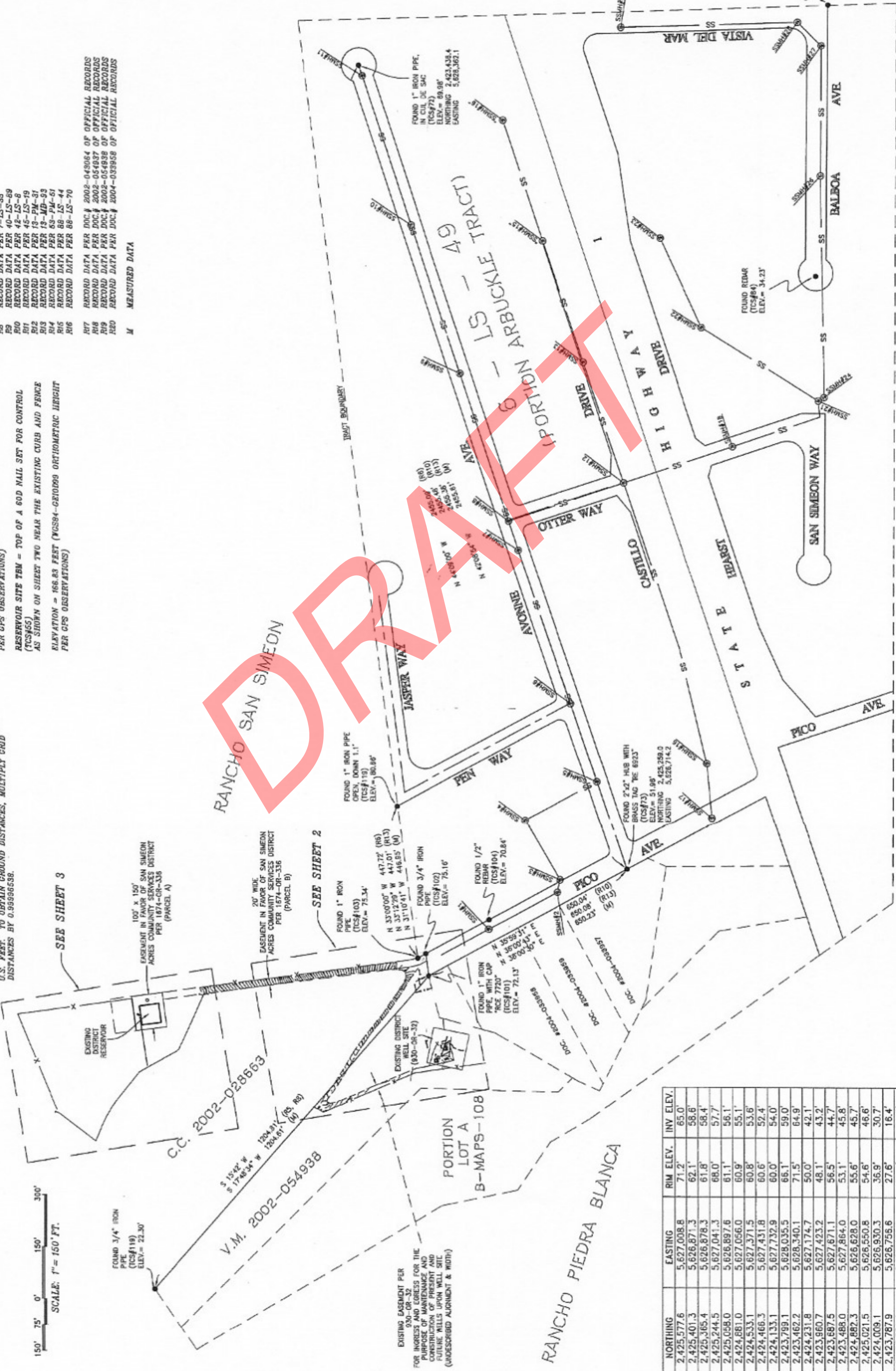
EL ELEVATION = 16.13 FEET (VCS84-6201009 ORTHOMETRIC HEIGHT PER GPS OBSERVATIONS)

RESERVOIR SITE TBM = TOP OF A 60D WALL SET FOR CONTROL (TCS#45)

ELEVATION = 66.88 FEET (VCS84-6201009 ORTHOMETRIC HEIGHT PER GPS OBSERVATIONS)

**REFERENCES**

- R2 RECORD DATA PER 8-10-109
- R3 RECORD DATA PER 8-15-109
- R4 RECORD DATA PER 8-15-60
- R5 RECORD DATA PER 8-15-21
- R6 RECORD DATA PER 8-15-49
- R7 RECORD DATA PER 7-15-54
- R8 RECORD DATA PER 4-15-69
- R9 RECORD DATA PER 4-15-8
- R10 RECORD DATA PER 4-15-19
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- R97 RECORD DATA PER 4-15-31
- R98 RECORD DATA PER 4-15-31
- R99 RECORD DATA PER 4-15-31
- R100 RECORD DATA PER 4-15-31



MANHOLE	NORTHING	EASTING	RIM ELEV.	INV. ELEV.
SSMH#1	2,425,577.6	5,627,008.8	71.2'	65.0'
SSMH#2	2,425,401.3	5,626,871.3	62.1'	58.8'
SSMH#3	2,425,305.4	5,626,870.3	61.8'	58.4'
SSMH#4	2,425,244.5	5,627,041.3	68.0'	57.7'
SSMH#5	2,425,098.0	5,626,897.6	61.1'	56.1'
SSMH#6	2,424,881.0	5,627,056.0	60.9'	55.1'
SSMH#7	2,424,533.1	5,627,371.5	60.8'	53.6'
SSMH#8	2,424,468.3	5,627,431.8	60.6'	52.4'
SSMH#9	2,424,133.1	5,627,732.9	60.0'	54.0'
SSMH#10	2,423,789.1	5,628,035.5	66.1'	59.0'
SSMH#11	2,423,462.2	5,628,340.1	71.5'	64.9'
SSMH#12	2,423,133.1	5,627,732.9	50.0'	42.1'
SSMH#13	2,423,867.5	5,627,423.2	48.1'	43.2'
SSMH#14	2,423,687.5	5,627,871.1	56.5'	44.7'
SSMH#15	2,423,488.0	5,627,864.0	53.1'	45.8'
SSMH#16	2,424,882.3	5,626,628.0	55.6'	45.7'
SSMH#17	2,425,021.5	5,626,550.8	54.6'	46.6'
SSMH#18	2,424,009.1	5,626,930.3	36.8'	30.7'
SSMH#19	2,423,787.9	5,626,756.6	27.6'	18.4'
SSMH#20	2,423,751.0	5,627,152.2	31.4'	21.5'
SSMH#21	2,423,542.3	5,627,365.3	45.8'	33.0'
SSMH#22	2,423,772.1	5,623,745.2	23.4'	16.4'
SSMH#23	2,422,846.5	5,627,012.6	35.4'	25.1'
SSMH#24	2,422,846.5	5,627,163.1	33.3'	25.8'
SSMH#25	2,422,813.4	5,627,253.7	35.3'	28.7'
SSMH#26	2,423,031.9	5,627,715.7	52.5'	46.9'

**LEGAL DESCRIPTION**

WELL SITE AND RESERVOIR SITES OF SAN SIMEON COMMUNITY SERVICES DISTRICT BEING PORTIONS OF LOT A AS RECORDED IN BOOK B, PAGE 104, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

**NOTES**

1. PHOTOGRAPHIC SURVEY AND PARTIAL BOUNDARY SURVEY WAS PERFORMED.
2. ANY POSSIBLE EASEMENTS AFFECTING PROPERTY ARE UNKNOWN EXCEPT AS SHOWN. NO TITLE REPORT WAS PROVIDED.
3. UNDERGROUND UTILITIES SHOWN HEREON (IF ANY) ARE BASED ON ABOVE-GROUND STRUCTURES AND RECORD DRAWINGS ONLY. ACTUAL LOCATION MAY VARY.
4. ADDITIONAL UNDERGROUND UTILITY SERVICE LINES TO THE PROPERTY MAY BE FOUND. FOR INFORMATION REGARDING UTILITY LOCATIONS, SIZE, DEPTH, CONDITION, AND CAPACITY, CONTACT UTILITY OWNERS.
5. FIELD SURVEY PERFORMED: 11/27/06; 11/30/06
6. PROPERTY OWNERS: SAN SIMEON COMMUNITY SERVICES DISTRICT

TCS#	BEARING (D)	DISTANCE (M)
71	N 58°53'30" E	1,305.59
85	N 21°17'47" W	782.09
84	N 89°03'17" W	1,453.78

**SURVEYOR'S STATEMENT**

THIS MAP CORRECTLY REPRESENTS A PHOTOGRAPHIC SURVEY MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT, AT THE REQUEST OF HOTEL ENGINEERING ON DECEMBER 13, 2006.

DATE: 01-26-2007

W.M.E. TUCURIN PLS 4845

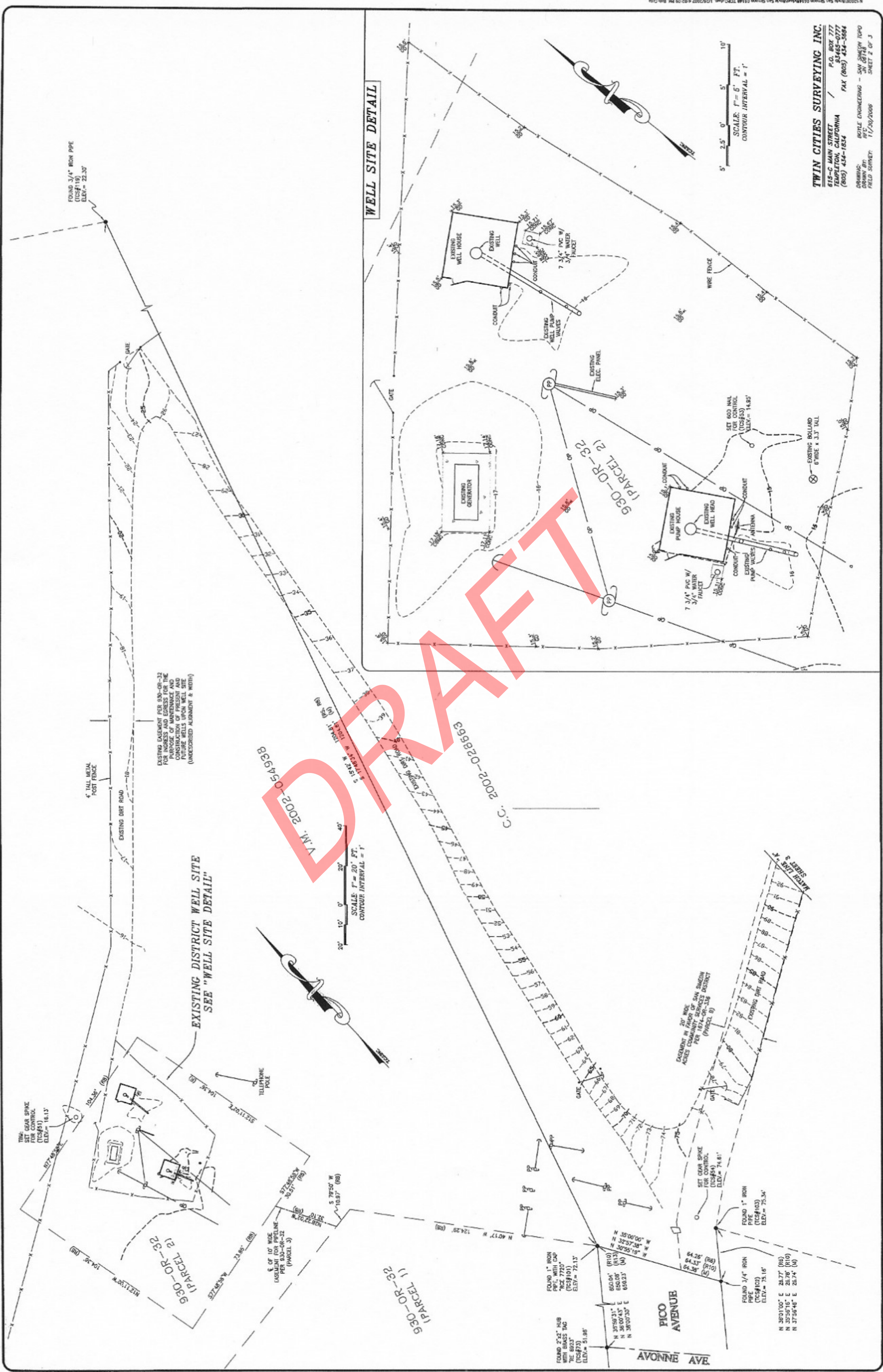
EXPIRES 08/30/2008



**TWIN CITIES SURVEYING INC.**  
 515-C MAIN STREET  
 TEMPLETON, CALIFORNIA 95465-0777  
 (805) 434-1834 FAX (805) 434-3684

ENGINEERING - 300 SHEET TOPO  
 COUNTY: BC  
 DATE: 11/30/2006  
 SHEET 1 OF 3





FOUND 3/4" IRON PIPE  
(TCS#119)  
ELEV. = 23.30'

EXISTING EASEMENT FOR 930-OR-32  
PARCELS FOR THE  
PURPOSE OF MAINTENANCE AND  
CONSTRUCTION OF PRESENT AND  
FUTURE WELLS UPON WELL SITE  
(UNDETERMINED ALIGNMENT & WIDTH)

EXISTING DISTRICT WELL SITE  
SEE "WELL SITE DETAIL"

WELL SITE DETAIL

C.C. 2002-028663

V.M. 2002-054938

TWIN CITIES SURVEYING INC.  
P.O. BOX 277  
TEMPLETON, CALIFORNIA 93462-0277  
(805) 434-1834 FAX (805) 434-3884  
DRAWN BY: SW/STW/PM/10/0  
FIELD SURVEY: 11/20/2008  
SHEET 2 OF 3

TRM  
SET GEAR SPIKE  
FOR CONTROL  
(TCS#119)  
ELEV. = 16.13'

FOUND 1" IRON  
PIPE WITH CAP  
(TCS#101)  
ELEV. = 72.13'

FOUND 1" IRON  
PIPE (TCS#103)  
ELEV. = 75.34'

FOUND 3/4" IRON  
PIPE (TCS#104)  
ELEV. = 75.16'

FOUND 3/4" IRON  
PIPE (TCS#105)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#106)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#107)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#108)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#109)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#110)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#111)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#112)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#113)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#114)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#115)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#116)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#117)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#118)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#119)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#120)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#121)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#122)  
ELEV. = 75.34'

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PIPE (TCS#123)  
ELEV. = 75.34'

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PIPE (TCS#124)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#125)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#126)  
ELEV. = 75.34'

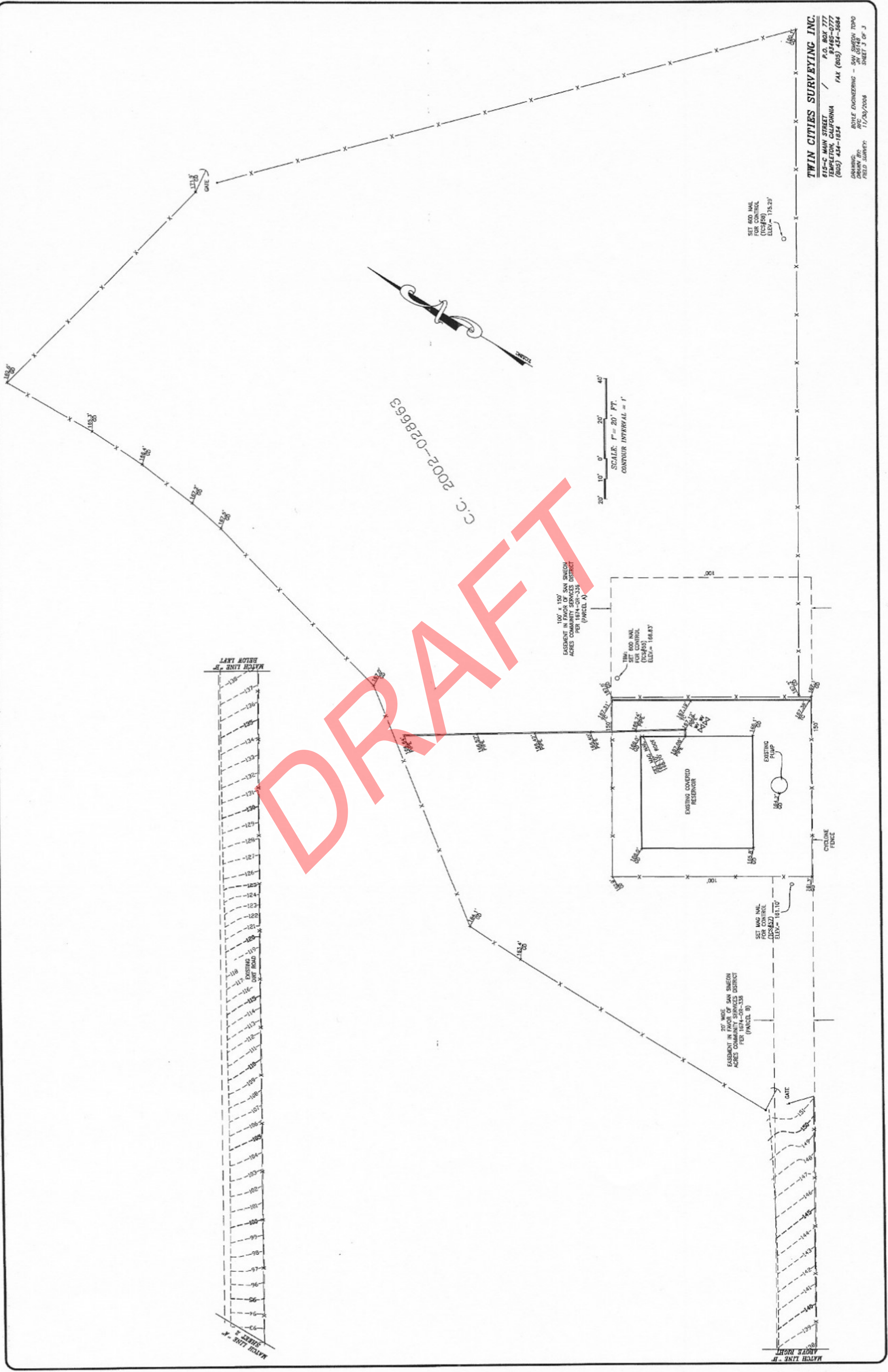
FOUND 1" IRON  
PIPE (TCS#127)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#128)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#129)  
ELEV. = 75.34'

FOUND 1" IRON  
PIPE (TCS#130)  
ELEV. = 75.34'





DRAFT

C.C. 2002-02-28-693

**TWIN CITIES SURVEYING INC.**  
 615-C MAIN STREET / P.O. BOX 777  
 TEMPLETON, CALIFORNIA 95465-0777  
 (805) 434-1834 / FAX (805) 434-3684  
 DRAWING: BOYLE ENGINEERING - SAN SIMON TPO  
 FIELD SURVEY: 11/20/2008  
 SHEET 3 OF 3



August 18, 2020

Kerry O'Toole  
Hearst Corporation  
5 3rd Street, The Hearst Building, Suite 200  
San Francisco, California 94103

Subject: Surveyor's Summary of the Location of San Simeon Community Services District Facilities in Relation to Hearst Holding, Inc. Property

Dear Ms. O'toole,

APN 013-041-006 not included

The information below summarizes Wallace Group's findings as related to the boundary lines of APNs 013-041-014 and 013-011-024 [Hearst Holdings Inc. (Hearst)] and 013-041-005 [San Simeon Acres Community Services District (CSD)] with respect to physical above ground and visible improvements near these property boundary lines, including those improvements being a part of the CSD *Potable Water Well Head Treatment Project* (PW Project).

Our findings are based on the below research, including available County of San Luis Obispo survey map records, the CSD record drawings for the PW Project, County of San Luis Obispo record official documents and Wallace Group performed field measurements to establish the position of the boundary lines and improvements in question. Below is a summary of the record documents reviewed as part of this effort. Note: Numbers within parenthesis and italicized represent the circa date of the record document (shown as *(07/30/1954)* for example):

1. Record of Survey, Book 6, Page 49 (*05/22/1952*)
2. Record of Survey, Book 7, Page 35 (*07/30/1954*)
3. Record of Survey, Book 7, Page 58 (*01/04/1955*)
4. Grant Deed, Official Records, Volume 930, page 32 (03/04/1958)
5. Certificate of Compliance, Official Records, Document #2002-028663 (*04/05/2002*)
6. Certificate of Compliance, Official Records, Document #2002-055088 (*07/08/2002*)
7. Record of Survey, Book 91, Page 96 (06/03/2005)
8. Accessor's Parcel Map 013-01 (06/12/2006)
9. Accessor's Parcel Map 013-04 (03/20/2006)
10. San Simeon Community Services District, San Simeon, California, Potable Water Well Head Treatment Project Record Drawing (07/29/2016)

Chain of Title (ownership) not included

The research for this effort did not include chain of title type research and is therefore dependent and limited to those items listed above. The review of these documents indicates harmony and agreement in the line common between Hearst and the CSD and is also consistent that a portion of County Road #3 is now together and a part of Hearst APN 013-011-024 fee title property.

Based on our research the boundary line between CSD APN 013-041-005 and Hearst APN 013-041-014 was first surveyed and shown on the map filed for record in Book 7, at page 35 of Record of Surveys and the location as shown on this map is consistent with the location described in the CSD's vesting deed, Book 930, page 32



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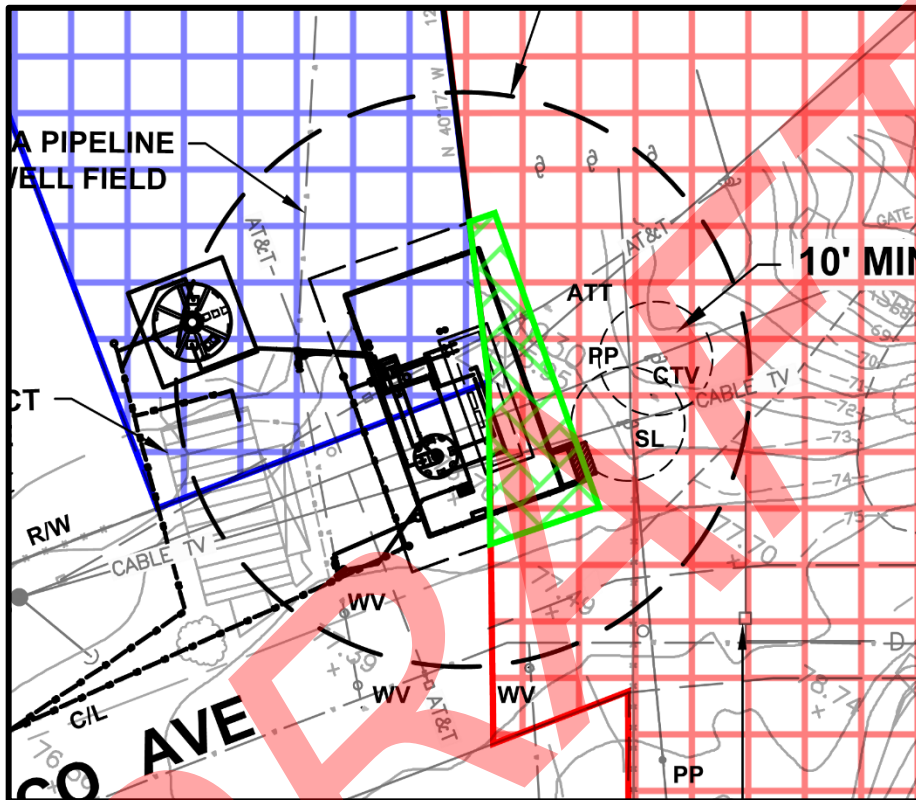






question (hatching and coloring the same as Figure #1). Which, based on the information shown in the PW Project record drawings, the property boundary lines appear to have been re-established as part of the design and engineering phase and the building was located over said lines as part of the design.

**FIGURE #2**



In conclusion, and based on our research and field measurements, it is my opinion that the CSD's PW Project infrastructure encroaches onto the Hearst properties discussed herein.

Sincerely,

WALLACE GROUP

A handwritten signature in blue ink, appearing to read "CABh".

Clayton Bradshaw, PLS, PE  
P.L.S. 8298  
Date signed: August 18, 2020



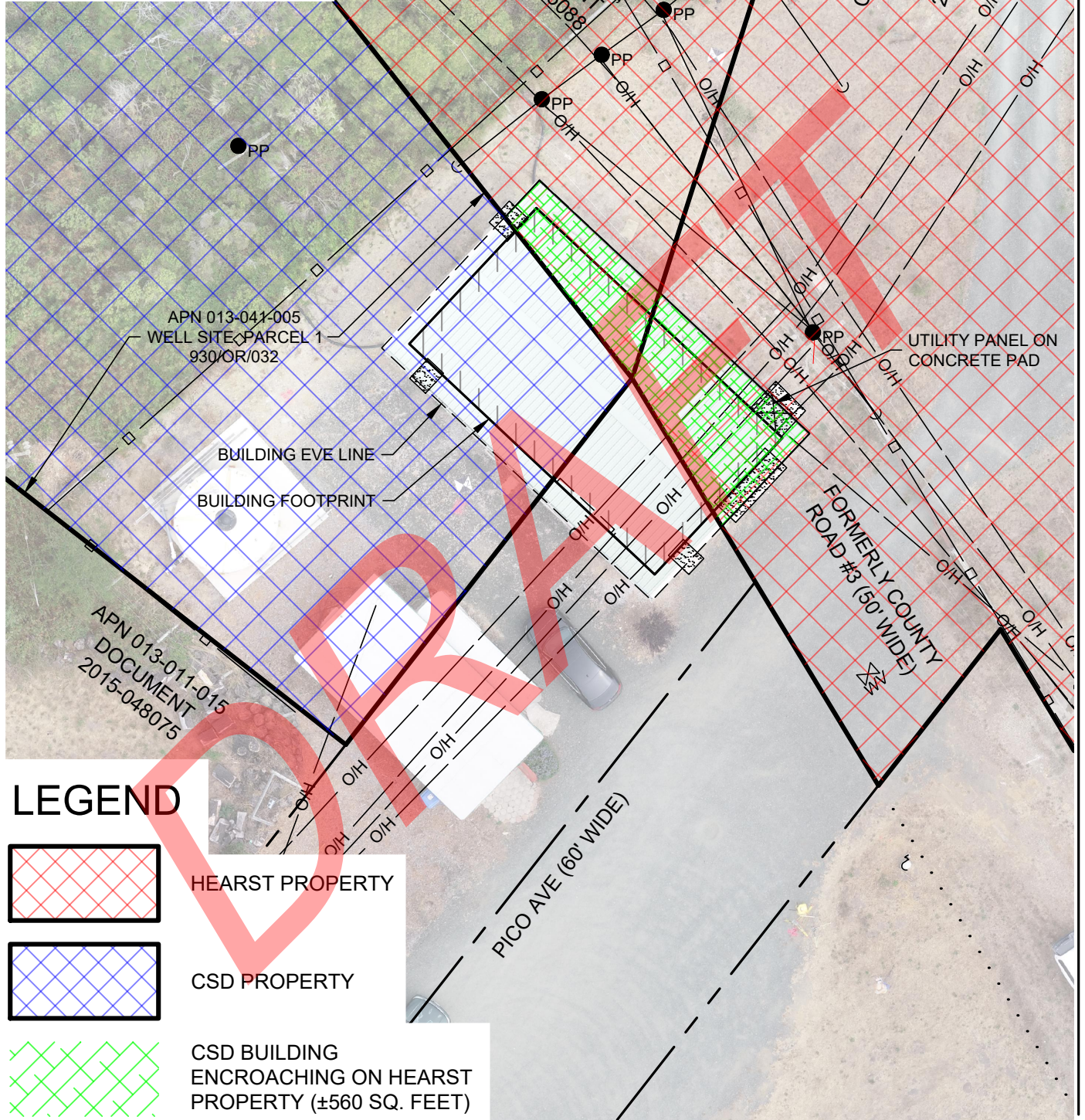
Attachment: Exhibit #1



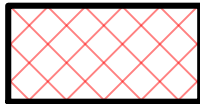
**GRAPHIC SCALE**



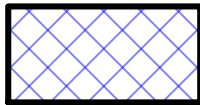
(IN FEET)  
1 IN = 20 FT



**LEGEND**



HEARST PROPERTY



CSD PROPERTY



CSD BUILDING  
ENCROACHING ON HEARST  
PROPERTY (±560 SQ. FEET)



612 CLARION COURT  
SAN LUIS OBISPO, CA 93401  
T 805 544-4011  
F 805 544-4294  
www.wallacegroup.us

**WALLACE GROUP**

**HEARST SAN SIMEON PROPERTY  
CSD & HEARST PROPERTY SURVEY  
SAN SIMEON, CA  
EXHIBIT #1**

JOB No. :	0731-0009
DRAWING :	RECD-PROP
DRAWN BY :	CLB
DATE :	8/18/2020
SCALE :	1" = 20'



DRAFT

**ATTACHMENT 5**



Proposition 84 IRWM Grant Program. Agreement No. 4600011487

Request No. 7	Easement or other legal instrument currently in effect for the project	Incomplete	Provide documents, narrative and/or legal analysis, regarding the status of the project location and property ownership
Request No. 8	Easement or other legal instrument currently in effect for the project	Not Provided	Provide documentation per SSCSD procurement policy, including, without limitation, analysis of compliance with SSCSD Policy 4042.11 (if in effect at time)
Request No. 9	Information regarding when any member of SSCSD Board or staff became aware of the possibility that the project may not be on SSCSD owned land	Incomplete	Provide documents, narrative and/or legal analysis, regarding the status of the project location and property ownership

1. August 19, 2015 Opinion of Counsel Relative To Right-of-Way.
2. May 15, 1933 Abandonment of County Road Right-of-Way (Road V-SLO-56-B).
3. February 28, 1958 Grant Deed from Southall to Rancho San Simeon Acres.
4. June 9, 1972 Easement Agreement and Deed from Hearst to San Simeon Acres CSD for construction, replacement, and removal of water reservoir and water pipeline (Section 4).
5. May 7, 2015 email from the County of San Luis Obispo acknowledging a completed Land Use Permit Application and Fee Waiver.
6. October 26, 2020 Encroachment License Agreement between Hearst and District.
7. Recent photos of fence line on or about abandoned county road between Hearst and District properties.
8. December 18, 2018 email notifying District Chairperson of potential encroachment.
9. February 25, 2021 letter from Ogden & Fricks LLP regarding encroachment allegation.



## OPINION OF COUNSEL RELATIVE TO RIGHTS-OF-WAY

Date 08-19-2015

Dear Sir:

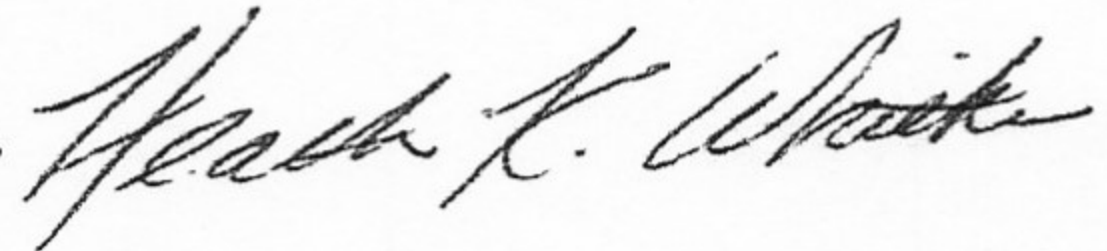
I have reviewed the action taken by San Simeon Community Services District (hereinafter called the "Corporation") in obtaining a right-of-way for the construction, operation, and maintenance of the facilities to be installed, repaired, or enlarged with the proceeds of a loan made or insured by, and/or a grant from Rural Development to the Corporation. I have examined the right-of-way instruments, permits, or licenses obtained from landowners, public bodies, and public utilities and made such searches of the public records necessary to determine the legal sufficiency of the instruments covered by the "Right-of-way

Certificate." executed by the Corporation on August 19, 20 15. I also have examined the "Right-of-way Map" to determine whether continuous and adequate land and rights-of-way are owned or have been acquired by the instruments covered in the "Right-of-way Certificate".

Based on the foregoing examination, and to the best of my knowledge, information, and belief, I am of the opinion that:

- A. The legal instruments by which the Corporation has acquired said rights-of-way (a) are in appropriate and due legal form and adequately confer upon the Corporation the necessary rights-of-way for the construction, operation, and maintenance of its facilities in their present or proposed location, and such omissions or defects as may exist will in no substantial way or manner endanger the value or operation of the facilities, and (b) have each been properly recorded in the appropriate public land records of each County in which any of the land affected thereby is situated. Such consents, releases, or subordinations from lienholders recommended by me or required by Rural Development have been obtained.
- B. The legal instruments referred to above give unto the Corporation a continuous and adequate right-of-way to permit the construction, operation, and maintenance of the Corporation's facilities except as below noted.
- C. Exceptions:

Very truly yours,



Heather K. Whitham

---

• Attorney for San Simeon Community Services

District















NO. 111111  
AS  
COST

PARCEL A: The portion of the above described road right of way whose northerly terminus is the southerly terminus of a part of said road right of way heretofore abandoned by resolution passed by the California Highway Commission at its regular meeting on the 25th day of April, 1933, a copy of said resolution was recorded in Vol. 134, at page 481 of official Records, records of said San Luis Obispo County, and whose southerly terminus is the southerly boundary line of the above mentioned Rancho San Simson in San Simson Creek.

PARCEL B: The portion of the first above described road right of way whose northerly terminus is a line drawn through Engineer's Station 310+00 at right angles to the centerline of the State highway as reconstructed, Road V-SLO-56-B, as said centerline is delineated and described upon a map filed in State Highway Map Book at page 139 therein, records of said San Luis Obispo County, and whose southerly terminus is the prolongation eastwardly of the southerly boundary line of the part of Lot A of the Partition of the Rancho San Simson conveyed to E. Bianchini by Deed dated September 28, 1920, recorded in Book 141 at page 154 of Deeds, records of said County.

PARCEL C: The portion of the first above described road right of way whose southerly terminus is a line drawn concentric with and 40.00 feet northerly of the centerline of the State highway near Engineer's Station 50 thereon, Road V-SLO-56-A, as said centerline is delineated and described on the map filed in State Highway Map Book at page 140 therein, records of said County and whose northerly terminus is a line drawn at right angles to the centerline described in the deed to the County of San Luis Obispo, recorded July 27, 1922, and recorded in Vol. 156, page 462, of Deeds, records of said County, said northerly extremity being Engineer's Station 305+88.58 at the end of that certain course described in the last said deed as "N. 41° 23' W., 2040.9 feet."

PARCEL D: That portion of the State highway right of way formerly the County road between the town of Cambria and 6 miles north of the town of San Simson, State Highway Route No. 56 in San Luis Obispo County, lying southerly of the State highway as reconstructed and between the terminal limits hereinafter set forth. The centerline of the said reconstructed State highway is delineated and described upon a map filed in State Highway Map Book on Sheet 140 therein, records of San Luis Obispo County; the easterly terminus of the right of way hereby abandoned being a line drawn in a southerly direction at right angles to the said centerline of the reconstructed State highway, through Engineer's Station 439+00 thereon; the westerly terminus of the right of way hereby abandoned being a line drawn in a southerly direction at right angles to the said centerline of the reconstructed State highway, through Engineer's Station 472+00 thereon.

This abandonment is made as a part of a transaction with the Hearst Sunical Land and Packing Corporation to clearly define the right of way of said State highway through the lands of said corporation. In connection with said transaction, a deed dated December 27, 1938, to the State of California has been executed by said corporation, bearing the caption "V-SLO-56-B, A"; and an "Agreement for Deed", dated December 27, 1938, by and between the State of California and the Hearst Sunical Land and Packing Corporation, has been negotiated. Said deed will not be delivered to the State of California, nor will said "Agreement for Deed" be permitted to be recorded until this abandonment has been made. This abandonment does not apply to, nor shall it affect any rights of the State of California acquired under or by virtue of said deed or "Agreement for Deed."

See State Highway Map Book Sheet: 218, 219, 220, 221 & 222

THIS IS TO CERTIFY That the foregoing is a full and correct copy of the original resolution passed by the California Highway Commission at its meeting regularly called and held on the 29th day of December, 1938, in the City of Sacramento, a majority of the members of said Commission being present and voting therefor, and that the same has never been rescinded, and



3-24

GRANT DEED

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WALTER R. SOUTHALL and AVONNE A. SOUTHALL, husband and wife, Grantors, for a valuable consideration, receipt of which is hereby acknowledged, do hereby grant to RANCHO SAN SIMEON ACRES SERVICE CORPORATION, a California corporation, the real property in the County of San Luis Obispo, State of California, described on Exhibit "A" attached hereto and made a part hereof; reserving to Grantors, their heirs and assigns, the right to extend the use of water procurable from the demised premises beyond the present limits of real property situate in San Luis Obispo County, California, described as follows: Those portions of Lot A of the partition of that part of the San Simeon Rancho owned by Ira Van Gordon, Sr., in the County of San Luis Obispo, State of California, according to map recorded July 27, 1899, in the office of the County Recorder of said County as shown on Licensed Surveyors map recorded May 22, 1952, in Book 6, at page 49 of Record of Surveys and on Licensed Surveyors map recorded January 4, 1955, in Book 7, at page 58 of Record of Surveys, which property is hereinafter sometimes referred to as "property entitled to primary use of water from property the subject of this deed," which extended area shall not exceed one hundred acres; but which may be owned individually or severally, provided that the property entitled to primary use of water from the property the subject of this deed shall, at all times, have priority and shall be first entitled to subject water for reasonable domestic and business needs and, provided further, that any extended area using water shall pay its proportionate share of the cost of operation, maintenance and replacement of necessary well and pumping facilities. Provided further that Grantors, their heirs and assigns, reserve the right of reasonable access to present or future well, pumping or pipe facilities so as to

CHARLES E. OGLE  
ATTORNEY AT LAW  
770 5TH STREET  
MORRO BAY, CALIF.  
PHONE SPRUCE 2-8071

MAP 4 1958  
3-24



1 accomplish the intent of this reservation. Provided further that  
 2 that the property entitled to primary use of water from property  
 3 the subject of this deed and any other extended area described  
 4 above that may come into active use of water from the demised  
 5 premises, shall cease to use water from the demised parcels, or  
 6 cease to use the demised parcels to facilitate the use and dis-  
 7 tribution of water for a period of five years then, in that  
 8 event, title to the demised premises shall revert to Grantors,  
 9 their heirs or assigns.

10 DATED: February 28th, 1958

11  
 12  
 13 Walter R. Southall  
 14  
 15  
 16 Avonne A. Southall  
 17

18  
 19 ~~Witnessed by me, Notary Public for said County and State~~  
 20 ~~at \_\_\_\_\_~~  
 21 ~~on this \_\_\_\_\_ day of \_\_\_\_\_~~  
 22 ~~1958.~~

23 STATE OF CALIFORNIA )  
 24 COUNTY OF SAN LUIS OBISPO ) ss.

25 On February 28th, 1958, before me, the undersigned, a  
 26 Notary Public, personally appeared WALTER R. SOUTHALL and AVONNE  
 27 A. SOUTHALL, known to me to be the persons whose names are  
 28 subscribed to the within instrument, and acknowledged that they

29 subscribed the same.

Charles E. Goble  
 Notary Public in and for said  
 County and State

CHARLES E. GOBLE  
 ATTORNEY AT LAW  
 770 8TH STREET  
 MORRO BAY, CALIF.  
 PHONE SPRUCE 2-6071

MAR 2 1958  
3304



VOL 930 PAGE 34

## EXHIBIT "A"

**PARCEL ONE:** That portion of Lot A of the partition of that part of the San Simeon Rancho owned by Ira Van Gordon, Sr., in the County of San Luis Obispo, State of California, according to map recorded July 27, 1899, in the office of the County Recorder of said County, described as follows:

Beginning at the intersection of the Northeasterly line of the California State Highway with the Northwesterly line of Pico Avenue as said State Highway and Avenue appear on Licensed Surveyors Map recorded January 4, 1955 in Book 7, at page 58 of Record of Surveys; thence North  $36^{\circ} 01'$  East along the Northwesterly line of Pico Avenue, 1,041.81 feet to the true point of beginning; thence North  $53^{\circ} 59'$  West, 209.38 feet to a point in the boundary line of the property conveyed to Willard H. Allen, et ux, by deed dated July 1, 1954 and recorded August 10, 1954, in Book 767, at page 490 of Official Records; thence along said boundary line, North  $79^{\circ} 50'$  East, 127.99 feet to an angle point therein and South  $40^{\circ} 17'$  East, 124.29 feet; thence leaving said boundary line and continuing South  $40^{\circ} 17'$  East, 32.13 feet, more or less to the center line of Pico Avenue as said Avenue is shown on the Licensed Surveyors Map hereinbefore referred to; thence South  $36^{\circ} 01'$  West along said center line to a point which bears South  $53^{\circ} 59'$  East, 30 feet from the true point of beginning; thence North  $53^{\circ} 59'$  West, 30 feet to the true point of beginning.

Together with a right of way for road purposes over and across Pan Way, Avonne Avenue, Pico Avenue, San Simeon Avenue, Ruta Lane and Balboa Avenue as shown on Licensed Surveyors Map recorded May 22, 1952, in Book 6, at page 49 of Record of Surveys.

Reserving unto the grantors herein a right of way for road purposes over and across that portion of the herein described property lying within the boundary line of Pico Avenue as shown on Licensed Surveyors map last above mentioned.

**PARCEL TWO:** A well site described as that portion of Lot A of the partition of that part of the San Simeon Rancho owned by Ira Van Gordon, Sr., in the County of San Luis Obispo, State of California, according to map recorded July 27, 1899, in the office of the County Recorder of said County, described as follows:

Beginning at the Northwest corner of Rancho San Simeon, being designated as SS #2; thence North  $28^{\circ} 49'$  East, 262.4 feet to the Northeast line of California State Highway 56B; thence South  $44^{\circ} 09'$  East along said Northeast line, 271.25 feet; thence leaving said Northeast line, North  $64^{\circ}$  East, 356.5 feet; thence North  $16^{\circ} 50'$  West, 388.32 feet; thence North  $1^{\circ} 18'$  East, 297.3 feet; thence North  $89^{\circ} 10'$  East, 69.36 feet; thence South  $85^{\circ} 16' 10''$  East, 275.31 feet; thence North  $79^{\circ} 50'$  East, 153.58 feet; thence North  $30^{\circ} 21' 40''$  West, 32.1 feet to the true point of beginning; thence South  $75^{\circ} 49' 20''$  West, 73.85 feet; thence North  $14^{\circ} 10' 40''$  West, 104.36 feet; thence North  $75^{\circ} 49' 20''$  East, 104.36 feet; thence South  $14^{\circ} 10' 40''$  East, 104.36 feet; thence South  $75^{\circ} 49' 20''$  West, 30.51 feet to the true point of beginning.

Together with an easement for ingress and egress for the purposes of the maintenance and construction of any present or future wells upon said well site, as described above.

**PARCEL THREE:** An easement for pipe line purposes 10 feet in width over and across a portion of Lot A of the partition of that part of the San Simeon Rancho owned by Ira Van Gordon, Sr., in the County of San Luis Obispo, State of California, according to map recorded July 27, 1899 in the office of the County Recorder of said County, said easement lying 5 feet on each side of the following described center line:

Beginning at the Northwest corner of Rancho San Simeon being designated as SS #2; thence North  $28^{\circ} 49'$  East, 262.4 feet to the Northeast line of California State Highway 56B; thence South  $44^{\circ} 09'$  East along said Northeast line, 271.25 feet; thence leaving said Northeast line, North  $64^{\circ}$  East, 356.5 feet; thence North  $16^{\circ} 50'$  West, 388.32 feet; thence North  $1^{\circ} 18'$  East, 297.3 feet; thence North  $89^{\circ} 10'$  East, 69.36 feet; thence South  $85^{\circ} 16' 10''$  East, 275.31 feet; thence North  $79^{\circ} 50'$  East, 153.58 feet to the true point of beginning; thence North  $30^{\circ} 21' 40''$  West, 32.1 feet.

Said property is also shown on Licensed Surveyors map recorded July 7, 1954, in Book 7, at page 34 of Record of Surveys.

MAN - 4 1858

3422A



*5 51900-2*  
*Walter M. Keane M. Weston*  
*San Luis Obispo, Calif.*

VOL 930 PAGE 35

Document No. 3624  
RECORDED AT REQUEST OF  
SECURITY TITLE INSURANCE COMPANY  
AT 20 MIN. PAST 8 1/2 M.  
VOL 930 Official Records P. 35  
SAN LUIS OBISPO COUNTY, CAL.

MAR 4 - 1958

*J. E. Maun*  
County Recorder  
By *J. E. Maun* Deputy  
Fee \$ 2.62 Indexed

DRAFT



# RESERVOIR SITE

RECORDING REQUESTED BY:

*San Simbon Acres Community*  
Service District, P.O. Box 14  
San Simbon, Ca 93482

WHEN RECORDED, MAIL TO:

*Same as above*

DOC. NO. **19530**  
OFFICIAL RECORDS  
SAN LUIS OBISPO CO., CALIF.  
WILLIAM E. ZIMARK,  
COUNTY RECORDER

JUN 21 1972  
TIME: **11:20 AM**

03052521F 400000.00 REGS

03052521F 400000.0001

The undersigned declares that the foregoing is a true and correct copy of the original as the same appears in the records of the County Recorder of San Luis Obispo County, California.  
Tax payable hereon is \$ *None*  
Computed on full value of property conveyed.  
Computed on full value less taxes and encumbrances  
proceeding at time of sale.

## EASEMENT AGREEMENT AND DEED

Signature: *Robert H. Landford*

This Agreement made this 9th day of June, 1972,

by and between THE HEARST CORPORATION (hereinafter referred to as "Grantor") and SAN SIMBON ACRES COMMUNITY SERVICES DISTRICT (hereinafter referred to as "Grantee").

WHEREAS, Grantor is the owner of certain real property located in an unincorporated area of San Luis Obispo County, State of California, hereinafter referred to as the "Servient Tenement"; and

WHEREAS, Grantee desires to acquire certain rights in the Servient Tenement; and

WHEREAS, Grantor desires to have made available to it various services which are to be provided by Grantee;

NOW, THEREFORE, the parties hereto agree as follows:

1. Grantor hereby grants to Grantee an easement as herein described for so long as the property is used for the purposes described in Paragraph 4 of this Easement Agreement and Deed (hereinafter referred to as "Agreement"). In the event the property should ever cease to be used for said purposes, then the easement created by this Agreement is to automatically revert to Grantor or its successors and assigns, without the necessity for any further action to effect said reversion, and Grantee shall have no further interest in the Servient Tenement. It is the intention of this Agreement to grant a determinable easement to Grantee and retain for the Grantor, its successors and assigns, a possibility of reverter; provided, however, that nothing

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PLATT & MACKAY  
REAL ESTATE BROKERS  
LOS ANGELES, CALIFORNIA 90017

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RCA RECORDERS

- 1 -

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12/07/2006 11:45  
LVL 1674 REC 336



contained in this Paragraph 1 shall be intended to restrict or limit any other remedies to which Grantor is entitled at law or equity.

2. In consideration of the grant of this easement by Grantor to Grantee, Grantee covenants and agrees to use this easement only for the purposes set forth in Paragraph 4 of this Agreement.

3. The easement granted herein is an easement in gross.

4. The easement granted herein is for ingress and egress purposes and for the construction, operation, maintenance, repair, replacement and removal of water reservoir and water pipeline in, upon, under and across that certain real property located in the County of San Luis Obispo, State of California, and described as follows:

Parcel A.

That portion of Lot A of the map showing Partition of that part of San Simeon Rancho owned by Ira Van Gordon, Sr., in the County of San Luis Obispo, State of California, according to map filed for record July 27, 1899, in the office of the County Recorder of said County, described as follows:

Beginning at a point described as stake LVC 1 in Quitclaim Deed in Book 1398, Page 387, Official Records in the office of said County Recorder; thence,

North 33° 00' 00" West 247.50 feet along a course in said Quitclaim Deed, to a point; thence,

North 56° 30' 00" East 725.00 feet along a course in said Quitclaim Deed, to the True Point of Beginning; thence,

North 33° 30' 00" West 100.00 feet to a point; thence,

North 56° 30' 00" East 150.00 feet to a point; thence,

South 13° 30' 00" East 100.00 feet to the intersection with said course in said Quitclaim Deed; thence

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PLINT & MACKEY  
200 N. WILSON ST.  
LOS ANGELES, CALIFORNIA 90012

P. 003  
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Geo Resources  
(FAX) 805 927 0399

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Geo Resources  
Rx Date/Time 12/07/2006 11:45  
DEC-07-2006 11:45

(VOL. 1674 PAGE 337)



South 56° 30' 00" West 150.00 feet along said course in said Quitclaim Deed to the True Point of Beginning.

Parcel B.

A 20-foot easement, the centerline of which is described as follows:

That portion of Lot A of the map showing Partitions of that part of San Simeon Rancho owned by Ira Van Gordon, Sr., in the County of San Luis Obispo, State of California, according to map filed for record July 27, 1899, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the Northwesterly prolongation of the Southwesterly right-of-way line of abandoned County Road No. 3 as shown in Book 6, Record of Surveys, Page 49, in the office of the County Recorder of said County, said point bearing South 33° 00' 00" East 54.26 feet from a 3/4 inch iron pipe set at the intersection of said prolongation of said line, and the Northwesterly right-of-way line of Pico Ave.; thence,

North 36° 01' 00" East 26.77 feet to a point which bears North 33° 00' 00" West 10.00 feet from a 1 inch pipe at the Northwesterly termination of the centerline of Former County Road No. 3 as shown on said Record of Survey Map, Book 6, Page 49; thence,

Northeasterly 25.00 feet, more or less, to a point which bears North 33° 00' 00" West 257.50 feet from stake LVG 1 as described in Quitclaim Deed in Book 1398, Page 387, Official Records in the office of the County Recorder of said County; thence,

North 56° 30' 00" East 725.00 feet along a line which is 10.00 feet Northwesterly of and parallel with a line described as "South 56 1/2 West, 21.46 chains", in said Quitclaim Deed in Book 1398, Page 387.

The easement granted herein is expressly limited to use by Grantee for the purposes of providing water and related services to the area being served by the Grantee as of the date of this Agreement and described as follows:

All that part of the Arbuckle Tract in Lot A, Rancho San Simeon as shown on map filed for record in Licensed Surveyors Maps in Book 6, Page 49, in the County of San Luis Obispo, described as follows:

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SAN FRANCISCO, CALIFORNIA  
LOS ANGELES, CALIFORNIA 90017

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Eco Resources

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Eco Resources  
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Commencing at station D.N. 2, the southwest corner of said map and running North 25° 30' West 2,606.41' to S.S. No. 2; thence,

North 55° 04' East 509.68'; North 19° 19' East 660'; North 66° 04' East 396'; South 21° 47' East 322.51' to the north line of Pico Avenue; South 33° 00' East 64.26'; North 36° 01' East 26.77' to the centerline of former County Road No. 3 now abandoned; thence,

South 33° 00' East 2,735.00', South 62° 29' West 1,729.89' to the point of beginning.

Grantee agrees that the area described above and to be served by the reservoir shall not be increased in size without the prior express written consent of Grantor having been obtained, and that written notice of any proposed increase in size shall be given to Grantor. Grantee further agrees that no pipeline with an inside diameter in excess of eight (8) inches shall be constructed, operated, or maintained in, upon, under or across the real property described in Paragraph 4 of this Agreement without the prior express written consent of Grantor having been obtained.

5. In order to preserve the natural appearance and beauty of the property, Grantee agrees that: (i) None of the facilities to be constructed by Grantee on the Servient Tenement shall be in excess of ten (10) feet in height; (ii) Any and all pipelines shall be placed underground and at a sufficient depth so as to allow Grantor to continue to use the property for the grazing of livestock; provided, however, that in the event it is impossible due to geological strata to place such pipelines underground, such pipelines may be placed on the surface of the property; (iii) All such facilities (including surface pipelines, if applicable) shall by appropriate landscaping be camouflaged, and said landscaping shall be thereafter properly maintained; (iv) The method, design and type of construction shall be subject to the prior express written consent of Grantor; and (v) No roads shall be constructed on or over the Servient Tenement.

FLINT & MCELROY  
CIVIL ENGINEERS  
100 AVENUE, CALIFORNIA 9007

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Eco Resources  
VOL 1674 PAGE 339

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6. The easement granted herein is exclusive and Grantor hereby retains each and every incident of ownership which is not inconsistent with the purposes for which this easement is granted. Grantee shall have the right to construct and maintain security fencing on the periphery of the property described as Parcel A in Paragraph 4 of this Agreement; provided, however; that the type and style of such security fencing shall be subject to the prior express written approval of Grantor.

7. The easement granted herein shall not be assigned by Grantee without the prior express written consent of Grantor having been obtained. Any attempted assignment without such consent shall be voidable at the option of Grantor. For the purposes of this Paragraph 7, the term "assigned" shall include the merger or other reorganization of Grantee with any other legal entity, public or private, incorporated or unincorporated.

8. This Agreement contains the entire agreement between the parties relating to the rights granted herein. Any oral representations or modifications concerning this instrument and the rights granted herein shall be of no force and effect, excepting a subsequent modification in writing signed by the party to be charged.

9. In the event of any controversy, claim or dispute relating to this instrument or any breach hereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys' fees and costs.

10. This instrument shall bind and insure to the benefit of the respective successors and assigns and the parties hereto as expressly provided herein.

11. Nothing contained in this Agreement shall be interpreted to restrict or limit the rights and/or remedies to which

PLANT & MACHINERY  
AND EQUIPMENT SCHEDULE  
LOS ANGELES, CALIFORNIA 90017

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Eco Resources  
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PAGE 340



Grantor is entitled at law or equity. Any action brought by Grantor to quiet title to the Servient Tenement shall not bar an action for damages or injunctive relief, nor shall an action for damages or injunctive relief bar an action to quiet title.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.



SAN SIMEON ACRES  
COMMUNITY SERVICES DISTRICT

By Louise Price, President  
Director

By \_\_\_\_\_

"Grantee"

THE BEARST CORPORATION

By [Signature]

By \_\_\_\_\_

"Grantor"

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PLANT & MACHINERY  
AND SUPPLIES  
LOS ANGELES, CALIFORNIA 90017

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880/008

ECO Resources  
(FAX) 805 927 0399

- 6 -

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12/07/2006 11:46

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STATE OF CALIFORNIA }  
COUNTY OF SAN LUIS OBISPO } SS.

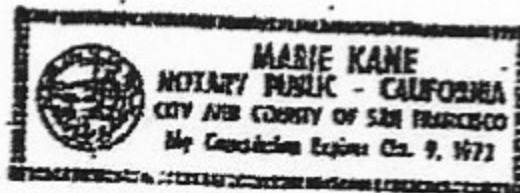
On June 9, 1972, before me, the undersigned,  
a Notary Public in and for said County and State, personally  
appeared Lonnie Price, known to me to be the President,  
and \_\_\_\_\_, known to me to be the \_\_\_\_\_  
of the corporation that executed the within Instrument, known to  
me to be the persons who executed the within Instrument on behalf  
of the corporation therein named, and acknowledged to me that such  
corporation executed the within Instrument pursuant to its By-Laws  
or resolution of its Board of Directors.



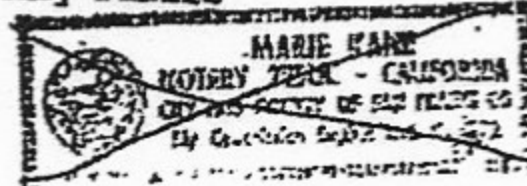
Ethel R. Head  
Notary Public

STATE OF CALIFORNIA }  
CITY AND }  
COUNTY OF SAN FRANCISCO } SS.

On June 13, 1972, before me, the undersigned,  
a Notary Public in and for said County and State, personally  
appeared AMORY J. COOKE, known to me to be the Vice-President,  
and \_\_\_\_\_, known to me to be the \_\_\_\_\_  
of the corporation that executed the within Instrument, known to  
me to be the persons who executed the within Instrument on behalf  
of the corporation therein named, and acknowledged to me that such  
corporation executed the within Instrument pursuant to its By-Laws  
or resolution of its Board of Directors.



Marie Kane  
Notary Public



PLINT & SACKAY  
222 WILSON AVENUE  
LOS ANGELES, CALIFORNIA 90012

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FED OF MOUNTAIN

(415) 927-0399  
Eco Resources

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Eco Resources

18530





Charles Grace <graceenvironmental@gmail.com>

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**Re: Fw: San Simeon Well Head Treatment Project Building Permit**

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scallado@co.slo.ca.us <scallado@co.slo.ca.us>  
To: Charles Grace <graceenvironmental@gmail.com>  
Cc: mjanssen@co.slo.ca.us

Thu, May 7, 2015 at 10:42 AM

Charles,  
The fee waiver is done and construction can begin.  
Susan

From: Charles Grace <graceenvironmental@gmail.com>  
To: scallado@co.slo.ca.us  
Date: 05/01/2015 11:21 AM  
Subject: Re: Fw: San Simeon Well Head Treatment Project Building Permit

Susan,

[Quoted text hidden]

[attachment "2015 05 01 Completed Fee Waiver Form.pdf" deleted by Susan Callado/Planning/COSLO] [attachment "2015 05 01 Completed Land Use Permit Application.pdf" deleted by Susan Callado/Planning/COSLO]

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## REVOCABLE ENCROACHMENT LICENSE AGREEMENT

This REVOCABLE ENCROACHMENT LICENSE AGREEMENT (the “**Agreement**”), effective as of October 26, 2020 (the “**Effective Date**”), is by and between **HEARST HOLDINGS, INC.**, a Delaware corporation (“**Hearst**”), and **SAN SIMEON COMMUNITY SERVICES DISTRICT**, a California special district (“**District**”).

### RECITALS

A. Hearst owns certain real property located in San Luis Obispo County, California (the “**Conservation Property**”) encumbered by a conservation easement (the “**Conservation Easement**”) held by California Rangeland Trust, a California nonprofit public benefit corporation (“**CRT**”), pursuant to that certain Deed of Conservation Easement and Agreement Concerning Easement Rights recorded on February 18, 2005 in the Official Records of San Luis Obispo County, California, as Instrument No. 2005013388, as assigned pursuant to that certain Assignment and Assumption of Conservation Easement and Related Grant Agreement (East Side Conservation Area) recorded on February 18, 2005 in the Official Records of San Luis Obispo County, California, as Instrument No. 2005013391 (as assigned, the “**Conservation Easement Agreement**”).

B. On or about March 16, 2015, Hearst provided a copy of the Conservation Easement Agreement to the District.

C. In or about October 2015, the District commenced construction of certain Potable Water Well Head Treatment Project improvements including a reverse osmosis unit (collectively, the “**Improvements**”), and completed construction of the Improvements on or about April 2016.

D. In July 2020, Hearst and the District discovered that a portion of the Improvements encroaches (the “**Encroachment**”) on a portion of the Conservation Property (the “**Encroachment Area**”) as set forth in that certain survey report dated August 18, 2020, prepared by Wallace Group, a copy of which is attached hereto as Exhibit A, and incorporated herein by this reference (the “**Survey Report**”).

E. District desires to obtain from Hearst and Hearst desires to grant to District, a license to temporarily leave the existing Encroachment on the Encroachment Area pending final resolution of the Encroachment, on the terms and conditions set forth in this Agreement.

### AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing recitals which are specifically incorporated into the body of this Agreement, the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

#### 1. License Terms.

(a) Grant of License. Subject to the terms and conditions of this Agreement, Hearst hereby grants to the District a license (the “**License**”) for the sole and exclusive purpose



of temporarily leaving the Encroachment in its current location on the Encroachment Area as described in the Survey Report (the “**Permitted Use**”). District shall have no rights whatsoever to use or conduct any activities upon the Encroachment Area other than the Permitted Use, and shall have no rights under this Agreement with respect to any portion of the Conservation Property other than the Encroachment Area.

(b) Term. The term of the License (the “**License Term**”) shall commence on the Effective Date and shall terminate ninety (90) days after District’s receipt of written notice from Hearst terminating the License, unless earlier terminated pursuant to Section 5 below. Hearst may provide written notice to District terminating this License at any time and for any reason.

(c) Acknowledgements and Release by District. District acknowledges and agrees that, in consideration of the grant of the License by Hearst to District as provided herein, District releases, relinquishes and waives any and all claims or rights that it may have with respect to the Encroachment Area, including without limitation any claims or rights of inverse condemnation, adverse possession, or prescriptive easement pertaining to the Encroachment. For purposes of any requirement that Hearst must file a claim under the Government Claims Act (California Government Code Section 810-996.6) with respect to the Encroachment, District further acknowledges and agrees as follows: (1) no claim by Hearst accrued until August 18, 2020 when the Encroachment was confirmed by the Survey Report; and (2) Hearst shall not be required to file a claim until the later of (A) expiration of the required filing period under the Government Claims Act, or (B) thirty (30) days after written notice from District to Hearst.

(d) License Fee. As additional consideration for the grant of the License by Hearst to District as provided herein, commencing on the Effective Date, District covenants and agrees to pay to Hearst an annual license fee in the amount of Five Thousand Dollars (\$5,000.00) (the “**License Fee**”). The License Fee shall be payable in advance on the Effective Date and thereafter on each anniversary of the Effective Date through the License Term; provided that District shall have three (3) business days after the Effective Date to make the first License Fee payment. Except as may otherwise be provided in the Resolution Agreement (as defined and provided in Section 2 below), (i) the payment obligations of the District under this Section 1(d) shall survive any termination of the License and this Agreement; and (ii) the License Fee shall not be prorated and shall be non-refundable to District upon any termination of the License and this Agreement pursuant to Section 1(b) above or Section 5 below.

(e) Reimbursement of Damages Resulting from Encroachment. As a direct result of the Encroachment, Hearst has incurred damages as of the Effective Date as set forth on the schedule attached hereto as Exhibit B, and incorporated herein by this reference (the “**Preliminary Damages Schedule**”). As additional consideration for the grant of the License by Hearst to District as provided herein, District shall pay to Hearst the following: (i) the total amount shown on the Preliminary Damages Schedule within three (3) business days of the Effective Date, and (ii) additional damages incurred by Hearst during the License Term as a result of the Encroachment promptly upon written demand by Hearst therefor (which demand shall include reasonable supporting documentation therefor). The payment obligations of the District under this Section 1(e) shall survive any termination of the License and this Agreement.



2. **Resolution of Encroachment.** The parties agree to use good faith and commercially reasonable efforts to agree on and enter into a definitive agreement for final resolution of the Encroachment (including, without limitation, the reconciliation of such Encroachment with the Conservation Easement) ("**Resolution Agreement**") as soon as practicable after the Effective Date that includes the following terms and conditions:

(a) **CRT Approval.** CRT, as the holder of the Conservation Easement, shall have approved the final form of such Resolution Agreement and any proposed long-term authorization by Hearst for the Encroachment in accordance with the Conservation Easement Agreement required under such Resolution Agreement (collectively, the "**Conservation Easement Documentation**"). Hearst expects that, as conditions to such approval, CRT may engage third party consultant(s) to confirm the impact of the Encroachment on the "Easement Area" and the "Conservation Values" (as such terms are defined in the Conservation Easement Agreement), and may engage legal counsel to review such Resolution Agreement and any Conservation Easement Documentation.

(b) **Approval by Hearst of Report from Hearst Rangeland Ecologists.** Hearst may require that its Rangeland Ecologists, Sage Associates (Orrin Sage and Cindy Sage), conduct a study to confirm the impacts of the Encroachment. If Hearst requires such report, then approval by Hearst, in its sole and absolute discretion, of the results of such report will be a condition to Hearst's approval of the Resolution Agreement and any Conservation Easement Documentation.

(c) **Encroachment Fee.** District shall pay to Hearst an encroachment fee in an amount and on payment terms to be agreed upon by the parties in the Resolution Agreement, which shall replace the License Fee under this Agreement. The Resolution Agreement shall include the right of District to apply a prorated amount of the License Fee to such encroachment fee on the terms and conditions set forth in the Resolution Agreement.

(d) **Costs of Resolution of Encroachment.** All costs associated with resolution of the Encroachment shall be paid by the District including, but not limited to:

(i) Any reasonable, demonstrated and documented, out-of-pocket costs paid or to be paid by CRT to a third party (including a reasonable allocation of internal review and/or internal personnel costs) directly related to the Encroachment and any proposed resolution thereof, such as reasonable costs of review of the Resolution Agreement and/or the Conservation Easement Documentation by any third party consultants retained by CRT including, without limitation, the costs provided for in Section 2(a) above and any applicable transfer fee under the Conservation Easement Agreement; and

(ii) Any reasonable, demonstrated and documented, out-of-pocket costs paid or to be paid by Hearst to a third party (including a reasonable allocation of internal review and/or internal personnel costs plus a fifteen percent (15%) administrative fee) directly related to the Encroachment and any proposed resolution thereof, such as reasonable costs of review of the Resolution Agreement and/or the Conservation Easement Documentation by any third party consultants retained by Hearst including, without limitation, the costs provided for in Section 2(b) above, any work by Wallace Group with respect to the Encroachment in addition to the Survey Report, and legal counsel fees and costs.



3. **Indemnity.** District agrees to wholly indemnify, protect, defend and hold harmless Hearst, its parent, affiliates, subsidiaries, officers, directors, employees, stockholders, managers, property managers, mortgagees, successors, assigns, and insurers, from and against all liability, claims and demands arising out of the existence of the Encroachment on the Encroachment Area. District agrees to investigate, handle, respond to, and to provide defense for and defend against any such liability, claims or demands at its sole expense, or, at the option of Hearst, agrees to pay Hearst or reimburse Hearst for the defense costs incurred by Hearst in connection with any such liability, claims or demands. District also agrees to bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not any such liability, claims or demands alleged are groundless, false or fraudulent.

4. **Insurance.** At all times during the License Term, District shall, at its sole cost and expense, maintain a commercial general liability in the amount of not less than Two Million Dollars (\$2,000,000) per occurrence, naming Hearst and its parent, affiliates, subsidiaries, officers, directors, employees, stockholders, managers, property managers, mortgagees, successors, assigns as an additional insured for ongoing and completed operations and CRT as an additional insured for claims arising out of the Encroachment and District's exercise of its rights granted under this Agreement on a primary and noncontributory basis. District shall also, at its sole cost and expense, maintain workers compensation insurance with statutory limits and employer's liability coverage of One Million (\$1,000,000) per accident, One Million (\$1,000,000) per employee for injury by disease, and One Million (\$1,000,000) policy aggregate; automobile liability coverage of not less than Two Million Dollars (\$2,000,000); property insurance for the District's real and personal property; and environmental liability insurance for any first party or third party clean-up. A waiver of subrogation shall be included on all policies in favor of Hearst and its parent, affiliates, subsidiaries, officers, directors, employees, stockholders, managers, property managers, mortgagees, successors, assigns. On or before the Effective Date, District shall deliver to Hearst a certificate verifying that such insurance has been obtained. Further, at any time during the License Term, Hearst may request of District, and District shall deliver to Hearst within five (5) days, evidence satisfactory to Hearst that the insurance required hereunder is still in full force and effect.

5. **Default by District; Hearst Remedies and Right to Terminate.**

(a) In the event District fails to perform any of its obligations as required under this Agreement, Hearst shall, in addition to any other remedies available at law or in equity, have the right to immediately terminate the License and this Agreement.

(b) If District fails to make any payment to Hearst when due as provided in Sections 1(d) or 1(e) above, then:

(i) the outstanding amount shall bear interest at the maximum rate allowed by law until paid in full ("**Default Interest**"); and

(ii) a late charge by way of damages shall be immediately due and payable to Hearst. District recognizes that any default by District in paying such amounts when due will result in Hearst incurring additional expenses and in Hearst's loss of the use of the money due. District agrees that, if for any reason District fails to pay any amount owed under this Agreement when due, Hearst shall be entitled to damages for the detriment caused thereby,



but that it is extremely difficult and impractical to ascertain the extent of such damages. District therefore agrees that an amount equal to Five Cents (\$0.05) for each dollar Hearst fails to pay when due (the “**Late Charge**”) is a reasonable estimate of said damages to Hearst, which sum District agrees to pay on demand.

Hearst’s right to payment of such Default Interest and Late Charge as provided in this Section 5(b) shall be in addition to, and not in substitution for, any other remedies available to Hearst by reason of any default, including, without limitation, Hearst’s right set forth in this Agreement to be paid its costs and expenses as provided in Section 14 below.

(c) District shall not be in default of any of its obligations under this Agreement unless Hearst first provides to District written notice of default and District thereafter fails within five (5) days after receipt of such notice of default to either cure such default or diligently commence such actions reasonably necessary to cure such default within such five (5) day period, and thereafter cures such default not later than thirty (30) days after receipt of such notice of default.

6. **No Assignment.** District’s rights and obligations under this Agreement are personal to District, and District shall not assign this Agreement without the express written consent of Hearst, which consent may be withheld for any reason or for no reason.

7. **No Recording.** Neither this Agreement nor any memorandum of this Agreement shall be recorded in the Official Records of San Luis Obispo County, California.

8. **Notices.** Any notice, demand, approval, consent, or other communication required or desired to be given under this Agreement in writing shall be given in the manner set forth below, addressed to the party to be served at the addresses set forth below or at such other address for which that party may have given notice under the provisions of this Section. Any notice, demand, approval, consent, or other communication given by: (a) mail shall be deemed to have been given on the second (2nd) business day immediately following the date it was deposited in the United States mail, first class and postage prepaid; (b) overnight common carrier courier service shall be deemed to be given on the business day immediately following the date it was deposited with such common carrier; (c) delivery in person or by messenger shall be deemed to have been given upon delivery in person or by messenger; or (d) electronic transmission shall be deemed to have been given on the date of transmission of the entire communication, provided that (i) such transmission occurs during 8:00 a.m. and 5:00 p.m., Pacific Time, on normal business days, and (ii) the receiving party receives delivery of a hard copy of the original transmitted document(s) not later than the first (1st) business day following such transmission.

To Hearst:

Hearst Holdings, Inc.  
5 Third Street, Suite 200  
San Francisco, CA 94103-3202  
Attn:  
Email:

To District:

San Simeon Community Services District  
111 Pico Avenue  
San Simeon, CA 93452  
Attn:  
Email:



9. **Time of the Essence; Dates.** Time is of the essence in the performance of each of the parties' respective obligations contained in this Agreement. In the event that any date specified in this Agreement falls on Saturday, Sunday or other day on which public agencies and major banks in San Luis Obispo County, California, are not open for business (each a "**Non-Business Day**"), such date shall be deemed to be the succeeding business day. For purposes of this Agreement, a "business day" shall mean a day other than a Non-Business Day.

10. **Severability.** Each provision of this Agreement is severable from any and all other provisions of this Agreement. Should any provision(s) of this Agreement be for any reason unenforceable, the balance shall nonetheless be of full force and effect.

11. **Entire Agreement; Modification; Waiver.** This Agreement constitutes the entire agreement between Hearst and the District pertaining to the subject matter contained in it and supersedes all prior and contemporaneous agreements, representations, and understandings. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing by all the parties. No waiver of any of the provisions of this Agreement shall be deemed or shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.

12. **Relationship of Parties.** Nothing contained in this Agreement shall be deemed or construed by the parties or by any third person to create the relationship of principal and agent or of partnership or of joint venture or of any association between Hearst and the District, and no provision contained in this Agreement nor any acts of the parties shall be deemed to create any relationship between Hearst and the District.

13. **Drafting.** The parties to this Agreement agree that this Agreement is the product of joint authorship and negotiation and that should any of the terms be determined by a court, or in any type of quasi-judicial or other proceeding, to be vague, ambiguous and/or unintelligible, that the same sentences, phrases, clauses or other wordage or language of any kind shall not be construed against the drafting party in accordance with California Civil Code Section 1654, and that each such party to this Agreement waives the effect of such statute.

14. **Legal Costs.** If any party to this Agreement shall take any action to enforce this Agreement or bring any action or commence any proceeding for any relief against any other party, declaratory or otherwise, arising out of this Agreement, the losing party shall pay to the prevailing party a reasonable sum for attorneys' and experts' fees and costs incurred in taking such action, bringing such suit and/or enforcing any judgment granted therein, all of which shall be deemed to have accrued upon the commencement of such action and shall be paid whether or not such action is prosecuted to judgment. Any judgment or order entered in such action shall contain a specific provision providing for the recovery of attorneys' and experts' fees and costs due hereunder, and such provision shall be determined by a court of competent jurisdiction and not by a jury. For the purposes of this Section, attorneys' and experts' fees and costs shall include, without limitation, fees incurred in the following: (a) postjudgment motions; (b) contempt proceedings; (c) garnishment, levy, and debtor and third party examinations; (d) discovery; (e) bankruptcy litigation; and (f) appeals.



15. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original (including copies sent to a party by electronic transmission) as against the party signing such counterpart, but which together shall constitute one and the same instrument.

IN WITNESS WHEREOF: the parties hereto have executed this Agreement as set forth below.

**HEARST:**

HEARST HOLDINGS, INC., a Delaware corporation

By: Glenn Eagens  
Name: GLENN EAGENS  
Title: ASSISTANT TREASURER &  
ASSISTANT SECRETARY

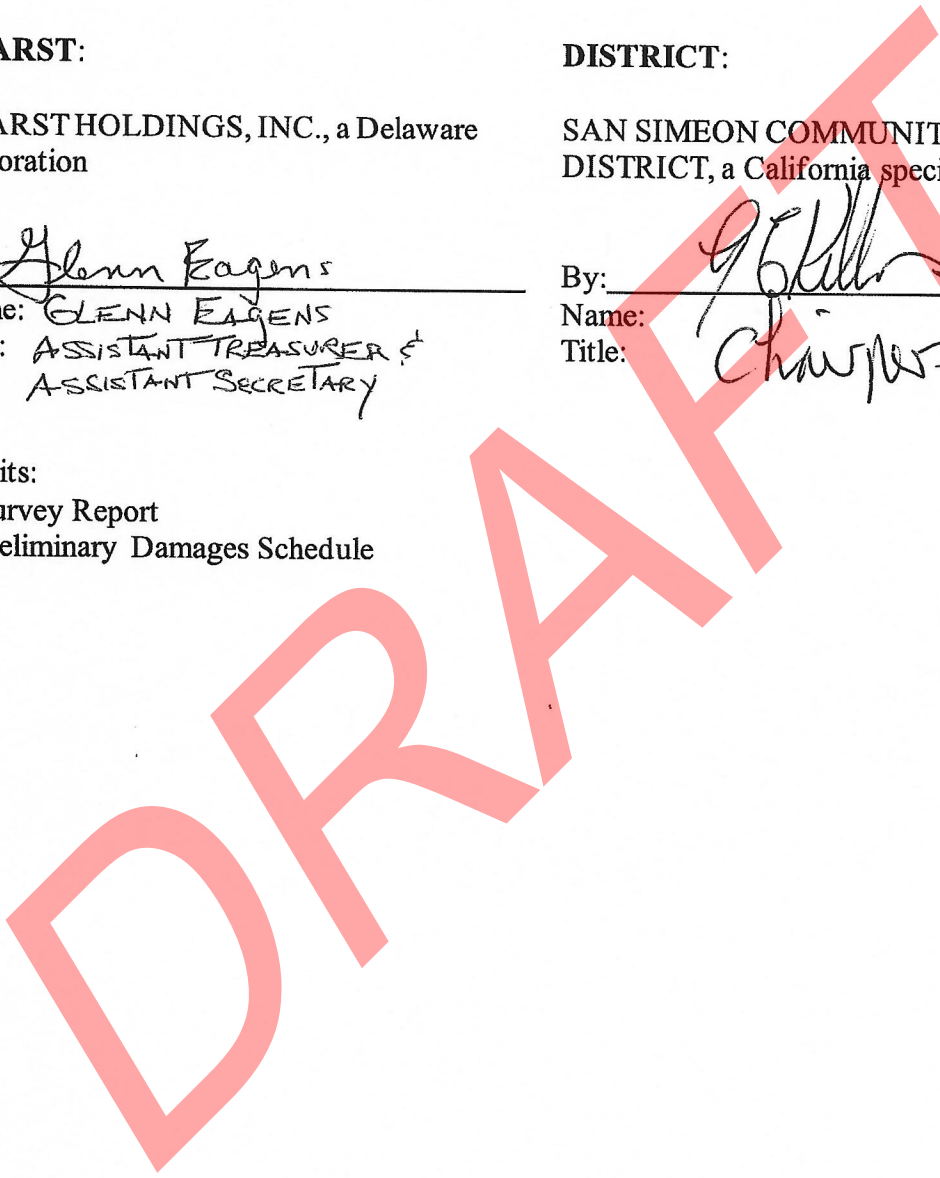
**DISTRICT:**

SAN SIMEON COMMUNITY SERVICES DISTRICT, a California special district

By: [Signature]  
Name: [Signature]  
Title: Chairman

Exhibits:

- A - Survey Report
- B - Preliminary Damages Schedule





**SURVEY REPORT**

(See Attached)

DRAFT



August 18, 2020

Kerry O'Toole  
Hearst Corporation  
5 3rd Street, The Hearst Building, Suite 200  
San Francisco, California 94103

Subject: Surveyor's Summary of the Location of San Simeon Community Services District Facilities in Relation to Hearst Holding, Inc. Property

Dear Ms. O'toole,

The information below summarizes Wallace Group's findings as related to the boundary lines of APNs 013-041-014 and 013-011-024 [Hearst Holdings Inc. (Hearst)] and 013-041-005 [San Simeon Acres Community Services District (CSD)] with respect to physical above ground and visible improvements near these property boundary lines, including those improvements being a part of the CSD *Potable Water Well Head Treatment Project* (PW Project).

Our findings are based on the below research, including available County of San Luis Obispo survey map records, the CSD record drawings for the PW Project, County of San Luis Obispo record official documents and Wallace Group performed field measurements to establish the position of the boundary lines and improvements in question. Below is a summary of the record documents reviewed as part of this effort. Note: Numbers within parenthesis and italicized represent the circa date of the record document (shown as *(07/30/1954)* for example):

1. Record of Survey, Book 6, Page 49 (*05/22/1952*)
2. Record of Survey, Book 7, Page 35 (*07/30/1954*)
3. Record of Survey, Book 7, Page 58 (*01/04/1955*)
4. Grant Deed, Official Records, Volume 930, page 32 (03/04/1958)
5. Certificate of Compliance, Official Records, Document #2002-028663 (*04/05/2002*)
6. Certificate of Compliance, Official Records, Document #2002-055088 (*07/08/2002*)
7. Record of Survey, Book 91, Page 96 (06/03/2005)
8. Accessor's Parcel Map 013-01 (06/12/2006)
9. Accessor's Parcel Map 013-04 (03/20/2006)
10. San Simeon Community Services District, San Simeon, California, Potable Water Well Head Treatment Project Record Drawing (07/29/2016)

The research for this effort did not include chain of title type research and is therefore dependent and limited to those items listed above. The review of these documents indicates harmony and agreement in the line common between Hearst and the CSD and is also consistent that a portion of County Road #3 is now together and a part of Hearst APN 013-011-024 fee title property.

Based on our research the boundary line between CSD APN 013-041-005 and Hearst APN 013-041-014 was first surveyed and shown on the map filed for record in Book 7, at page 35 of Record of Surveys and the location as shown on this map is consistent with the location described in the CSD's vesting deed, Book 930, page 32



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WATER RESOURCES

No Chain of title

WALLACE GROUP  
A California Corporation

612 CLARION CT  
SAN LUIS OBISPO  
CALIFORNIA 93401

T 805 544-4011  
F 805 544-4294

www.wallacegroup.us



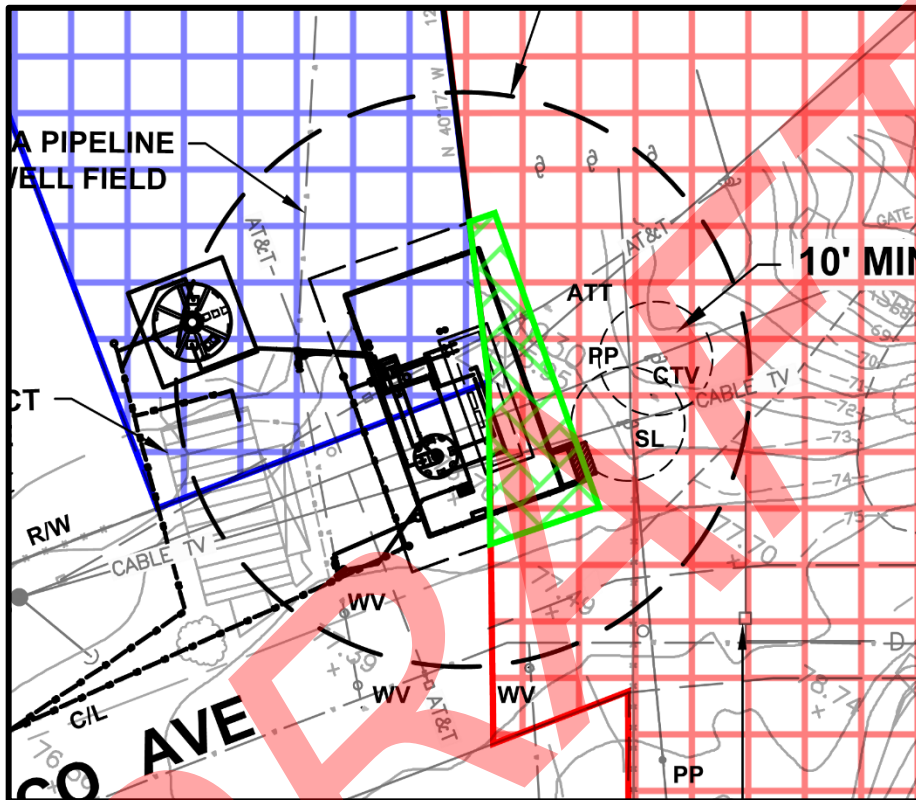






question (hatching and coloring the same as Figure #1). Which, based on the information shown in the PW Project record drawings, the property boundary lines appear to have been re-established as part of the design and engineering phase and the building was located over said lines as part of the design.

**FIGURE #2**



In conclusion, and based on our research and field measurements, it is my opinion that the CSD's PW Project infrastructure encroaches onto the Hearst properties discussed herein.

Sincerely,

WALLACE GROUP

A handwritten signature in blue ink, appearing to read "CABh".

Clayton Bradshaw, PLS, PE  
P.L.S. 8298  
Date signed: August 18, 2020



Attachment: Exhibit #1

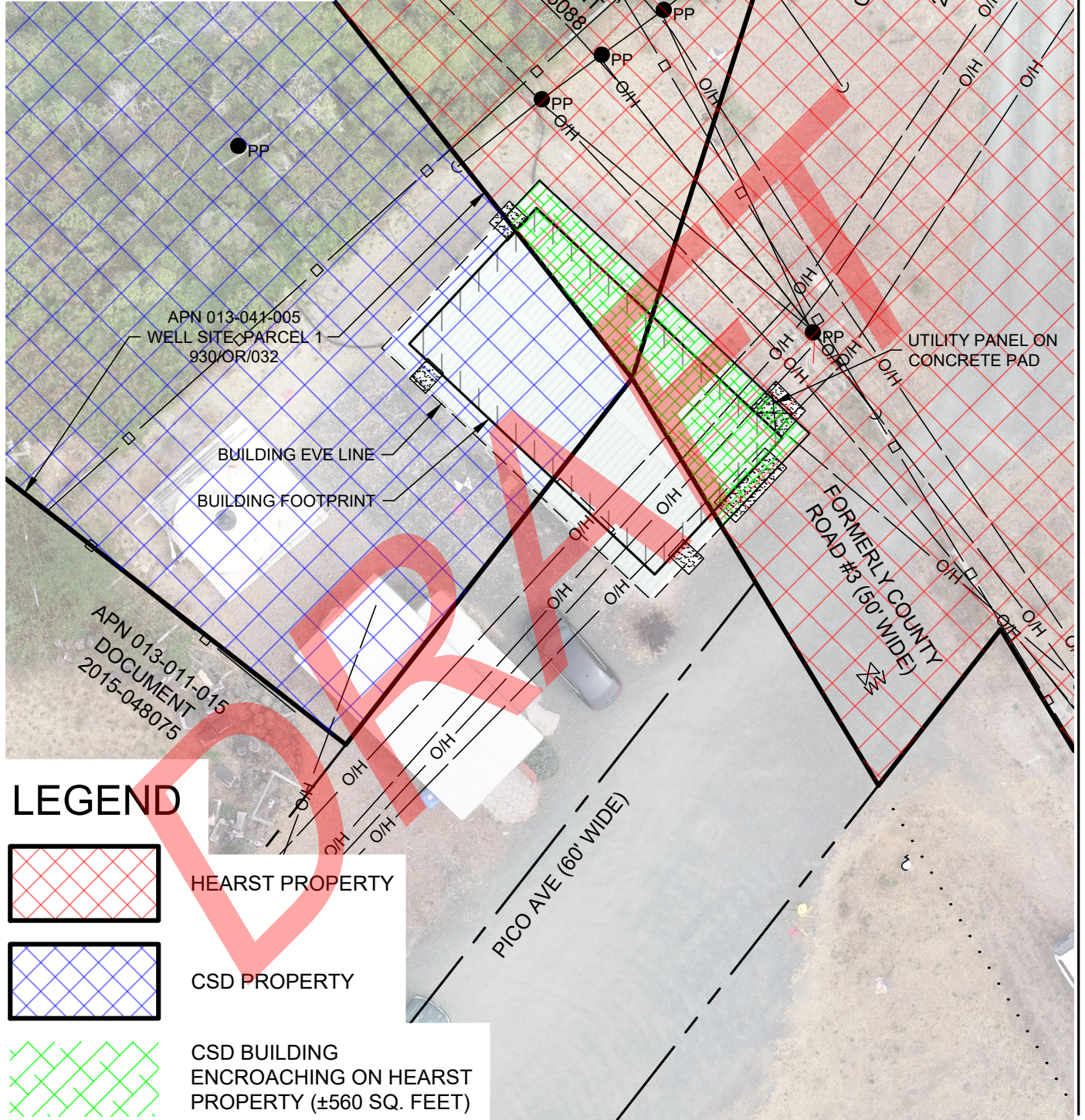


**GRAPHIC SCALE**

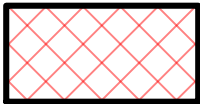


(IN FEET)

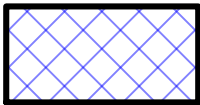
1 IN = 20 FT



**LEGEND**



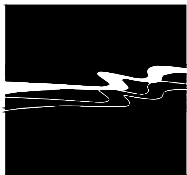
HEARST PROPERTY



CSD PROPERTY



CSD BUILDING ENCROACHING ON HEARST PROPERTY (±560 SQ. FEET)



612 CLARION COURT  
 SAN LUIS OBISPO, CA 93401  
 T 805 544-4011  
 F 805 544-4294  
 www.wallacegroup.us

**WALLACE GROUP**

**HEARST SAN SIMEON PROPERTY  
 CSD & HEARST PROPERTY SURVEY  
 SAN SIMEON, CA  
 EXHIBIT #1**

JOB No. :	0731-0009
DRAWING :	RECD-PROP
DRAWN BY :	CLB
DATE :	8/18/2020
SCALE :	1" = 20'



**PRELIMINARY DAMAGES SCHEDULE**

<u>Description</u>	<u>Amount</u>
Survey Report Costs	\$5,000_
Legal Fees and Costs Up to 10/1/20	\$15,037
California Rangeland Trust Review Fee	\$6,680
Title Work	\$1,500
15% Administrative Fee	\$4,232
<b>Total:</b>	<b>\$32,449</b>

DRAFT



RO Building  
minimum 9 feet 9  
inches from fence

Historical  
fence installed  
by Hearst

Hearst  
Corp sign



Hearst Corp  
Sign

**NO TRESPASS**  
**PRIVATE PROPERTY**  
The Hearst Corporation  
California Penal Code Section 60284







Hank K &lt;hank@hanksphotos.com&gt;

---

## Your inquiry

---

**Henry Krzciuk** <hkrzciuk@gmail.com>  
To: MM McGuire <mmsansimeon@gmail.com>

Wed, Dec 12, 2018 at 9:28 AM

Hi Mary Marguet,

I was hoping for a more specific response like which month will the easement agreement will be submitted to Hearst [et.al.](#) for review and approval etc. More issues need to be addressed.

I don't want to see the District do what appears to have been done with the RO/Desalination Unit and Building. To this day, the actual RO/Desalination Unit and a good portion of the containment building is outside of District boundaries and sitting on the Hearst Ranch and Ranchland Conservation easement. Without a recorded easement, this would be an encroachment on a conservation easement.

Maybe an easement has been obtained but I cannot find it in County records. If such an easement has been obtained, could you help me obtain the recording number and consider this matter closed.

The Board was also requested to and approved a move of the unit and building several feet more to the East placing it further outside of District boundaries and further onto the Hearst Ranch/Ranch Land conservation easement. I do not believe the District was aware of the boundary limits.

The RO project Prop 1 Grant documents clearly state that the unit and building were on District property and no easement was required. This was stated in multiple places in the grant application despite attached documentation showing otherwise. One would assume that the engineering company did a survey to enable the company to complete the detailed design documents. So, do we have an easement or not?

Before the desalination unit was put in place and before the building was constructed, two residents advised our General Manager of this concern.

There are recent survey markers that clearly delineate the District's boundaries.

This matter should be clarified and addressed now. If the District is encroaching, it would be proper and appropriate for the District to include the Desalination plant location in the new tank easement process.

Our community should not be haunted with another after-the-fact problem like the WWTP.

In addition to the above potential encroachment, and as pointed out in an earlier letter to the Board, the old reservoir easement requires removal of the old reservoir and return of that land to its original state thus ending that easement. This is required to happen when the reservoir's intended use has ended.

I happen to appreciate conservation easements and want to see them respected.

There is a fair amount of easement work to done here and as a concerned resident, I am requesting a basic task list and timeline for completion of the easement(s). And an answer to the question of the existence of a desalination plant easement.

Thanks,  
Hank Krzciuk  
[www.coastcentralphoto.com](http://www.coastcentralphoto.com)

[Quoted text hidden]





Hank K <hank@hanksphotos.com>

---

## Your inquiry

---

**Mary Margaret McGuire** <mmsansimeon@gmail.com>  
To: Henry Krzciuk <hkrzciuk@gmail.com>

Tue, Dec 11, 2018 at 5:16 PM

re: Easements

The District is working under a letter of intent with the property manager, and we keep him informed of our progress. Easement application documents will be submitted to the county when appropriate.

DRAFT



**OGDEN & FRICKS LLP**  
656 Santa Rosa Street, Suite 2B  
San Luis Obispo, California 93401  
Phone: 805•544•5600 Fax: 805•544•7700  
www.ogdenfricks.com

February 25, 2021

*Via E-Mail*

[jminnery@ammcglaw.com](mailto:jminnery@ammcglaw.com)

Jeff Minnery, Esquire  
Adamski Moroski Madden Cumberland & Green LLP  
6633 Bay Laurel Place  
Avila Beach CA. 93424

**Re: San Simeon CSD- Encroachment Allegation**

Dear Jeff:

We hope this letter finds you well. We were asked to review the situation concerning an allegation that the San Simeon CSD built a portion of its improvements on land owned by the Hearst Corporation. Based upon our research, the encroachment allegation is unfounded. The purpose of this letter is to show that the CSD's reverse osmosis improvement at issue (CSD Improvement) is located on CSD-owned land.

Prior to the subdivision of Rancho San Simeon by Ira Van Gordon Sr. on July 27, 1899, the County of San Luis Obispo acquired a 50 foot right of way (R.O.W). for the proposed 'Stage Coach Road,' which was to connect San Luis Obispo to San Simeon. This R.O.W. was assembled by the taking of land from various property owners who owned the land along the intended R.O.W. route. In most instances, the R.O.W. was centered on an existing boundary line between two different properties, with a twenty-five foot section being taken from each side of the shared property line.

The CSD owns APN 013-041-005 (See Exhibit A). This parcel is contiguous to the R.O.W. known as the County Road #3 Easement and was the original parcel from which the twenty-five foot "half" of the R.O.W. was taken. This 50 foot R.O.W. was officially abandoned through two actions: the first on June 2, 1933 and the second on January 9, 1939. (See Exhibits B and C)

The abandonment left the owners of properties abutting the subject portion of the R.O.W. with fee title unencumbered by a public right of way. (Streets and Highways §§960, 960.5, Civil Code §§831, 1112, *Safwenberg v. Marquez* (1975) 50 CA3d 301)



Based on the foregoing, the CSD now holds fee title to its "half" of the abandoned R.O.W. (from the westerly edge to the centerline of the abandoned R.O.W.). The CSD Improvement is located on land owned by the CSD. The encroachment allegation is false.

Very truly yours,

Ogden & Fricks LLP

Roy E. Ogden

cc: client

DRAFT



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GRANT DEED

WALTER R. SOUTHALL and AVONNE A. SOUTHALL, husband and wife, Grantors, for a valuable consideration, receipt of which is hereby acknowledged, do hereby grant to RANCHO SAN SIMEON ACRES SERVICE CORPORATION, a California corporation, the real property in the County of San Luis Obispo, State of California, described on Exhibit "A" attached hereto and made a part hereof; reserving to Grantors, their heirs and assigns, the right to extend the use of water procurable from the demised premises beyond the present limits of real property situate in San Luis Obispo County, California, described as follows: Those portions of Lot A of the partition of that part of the San Simeon Rancho owned by Ira Van Gordon, Sr., in the County of San Luis Obispo, State of California, according to map recorded July 27, 1899, in the office of the County Recorder of said County as shown on Licensed Surveyors map recorded May 22, 1952, in Book 6, at page 49 of Record of Surveys and on Licensed Surveyors map recorded January 4, 1955, in Book 7, at page 58 of Record of Surveys, which property is hereinafter sometimes referred to as "property entitled to primary use of water from property the subject of this deed," which extended area shall not exceed one hundred acres; but which may be owned individually or severally, provided that the property entitled to primary use of water from the property the subject of this deed shall, at all times, have priority and shall be first entitled to subject water for reasonable domestic and business needs and, provided further, that any extended area using water shall pay its proportionate share of the cost of operation, maintenance and replacement of necessary well and pumping facilities. Provided further that Grantors, their heirs and assigns, reserve the right of reasonable access to present or future well, pumping or pipe facilities so as to

CHARLES E. COLE  
ATTORNEY AT LAW  
270 6TH STREET  
MORRO BAY, CALIF.  
PHONE 899RU2-6071

8-18-55  
3124







VJL 930 PAGE 34

EXHIBIT "A"

**PARCEL ONE:** That portion of Lot A of the partition of that part of the San Simeon Rancho owned by Ira Van Gordon, Sr., in the County of San Luis Obispo, State of California, according to map recorded July 27, 1899, in the office of the County Recorder of said County, described as follows:

Beginning at the intersection of the Northeastly line of the California State Highway with the Northwestly line of Pico Avenue as said State Highway and Avenue appear on Licensed Surveyors Map recorded January 4, 1955 in Book 7, at page 58 of Record of Surveys; thence North 36° 01' East along the Northwestly line of Pico Avenue, 1,041.81 feet to the true point of beginning; thence North 53° 59' West, 209.38 feet to a point in the boundary line of the property conveyed to Willard H. Allen, et ux, by deed dated July 1, 1954 and recorded August 10, 1954, in Book 767, at page 490 of Official Records; thence along said boundary line, North 79° 50' East, 127.99 feet to an angle point therein and South 40° 17' East, 124.29 feet; thence leaving said boundary line and continuing South 40° 17' East, 32.13 feet, more or less to the center line of Pico Avenue as said Avenue is shown on the Licensed Surveyors Map hereinbefore referred to; thence South 36° 01' West along said center line to a point which bears South 53° 59' East, 30 feet from the true point of beginning; thence North 53° 59' West, 30 feet to the true point of beginning.

Together with a right of way for road purposes over and across Pen Way, Avenida Avenue, Pico Avenue, San Simeon Avenue, Ruta Lane and Balboa Avenue as shown on Licensed Surveyors Map recorded May 22, 1952, in Book 6, at page 49 of Record of Surveys.

Reserving unto the grantors herein a right of way for road purposes over and across that portion of the herein described property lying within the boundary line of Pico Avenue as shown on Licensed Surveyors map last above mentioned.

**PARCEL TWO:** A well site described as that portion of Lot A of the partition of that part of the San Simeon Rancho owned by Ira Van Gordon, Sr., in the County of San Luis Obispo, State of California, according to map recorded July 27, 1899, in the office of the County Recorder of said County, described as follows:

Beginning at the Northwest corner of Rancho San Simeon, being designated as SS #2; thence North 28° 49' East, 262.4 feet to the Northeast line of California State Highway 568; thence South 44° 09' East along said Northeast line, 271.25 feet; thence leaving said Northeast line, North 64° East, 356.5 feet; thence North 16° 50' West, 388.32 feet; thence North 1° 18' East, 297.3 feet; thence North 89° 10' East, 69.36 feet; thence South 85° 16' 10" East, 275.31 feet; thence North 79° 50' East, 153.58 feet; thence North 30° 21' 40" West, 32.1 feet to the true point of beginning; thence South 75° 49' 20" West, 73.85 feet; thence North 14° 10' 40" West, 104.36 feet; thence North 75° 49' 20" East, 104.36 feet; thence South 14° 10' 40" East, 104.36 feet; thence South 75° 49' 20" West, 30.51 feet to the true point of beginning.

Together with an easement for ingress and egress for the purposes of the maintenance and construction of any present or future wells upon said well site, as described above.

**PARCEL THREE:** An easement for pipe line purposes 10 feet in width over and across a portion of Lot A of the partition of that part of the San Simeon Rancho owned by Ira Van Gordon, Sr., in the County of San Luis Obispo, State of California, according to map recorded July 27, 1899 in the office of the County Recorder of said County, said easement lying 5 feet on each side of the following described center line:

Beginning at the Northwest corner of Rancho San Simeon being designated as SS #2; thence North 28° 49' East, 262.4 feet to the Northeast line of California State Highway 568; thence South 44° 09' East along said Northeast line, 271.25 feet; thence leaving said Northeast line, North 64° East, 356.5 feet; thence North 16° 50' West, 388.32 feet; thence North 1° 18' East, 297.3 feet; thence North 89° 10' East, 69.36 feet; thence South 85° 16' 10" East, 275.31 feet; thence North 79° 50' East, 153.58 feet to the true point of beginning; thence North 30° 21' 40" West, 32.1 feet.

Said property is also shown on Licensed Surveyors map recorded July 7, 1954, in Book 7, at page 34 of Record of Surveys.

MAP - 4 1958

3424



*5 51901-2*

*Writ for Max. Recall Mr. [unclear]*  
*Inspector's [unclear]*

VOLUME 930 PAGE 35

Document No. 3528  
 RECORDED AT REQUEST OF  
 SECURITY TITLE INSURANCE COMPANY  
 AT 30 MIN. PAST 5:11 P.M.  
 VOL 930 Official Records P. 35  
 SAN LUIS OBISPO COUNTY, CAL.

MAR 4 - 1958

*J. E. [unclear]*  
 County Recorder  
 By *[Signature]*  
 Fee \$ 2.60 Indexed

DRAFT















NOV 1938

PARCEL A: The portion of the above described road right of way whose northerly terminus is the southerly terminus of a part of said road right of way heretofore abandoned by resolution passed by the California Highway Commission at its regular meeting on the 25th day of April, 1938, a copy of said resolution was recorded in Vol. 134, at page 481 of Official Records, records of said San Luis Obispo County, and whose southerly terminus is the southerly boundary line of the above mentioned Rancho San Simeon in San Simeon Creek.

PARCEL B: The portion of the first above described road right of way whose northerly terminus is a line drawn through Engineer's Station 310+00 at right angles to the centerline of the State highway as reconstructed, Road V-SLO-56-B, as said centerline is delineated and described upon a map filed in State Highway Map Book at page 139 therein, records of said San Luis Obispo County, and whose southerly terminus is the prolongation eastwardly of the southerly boundary line of the part of Lot A of the Partition of the Rancho San Simeon conveyed to E. Bianchini by Deed dated September 28, 1920, recorded in Book 141 at page 154 of Deeds, records of said County.

PARCEL C: The portion of the first above described road right of way whose southerly terminus is a line drawn concentric with and 40.00 feet northerly of the centerline of the State highway near Engineer's Station 50 thereon, Road V-SLO-56-A, as said centerline is delineated and described on the map filed in State Highway Map Book at page 140 therein, records of said County and whose northerly terminus is a line drawn at right angles to the centerline described in the deed to the County of San Luis Obispo, recorded July 27, 1922, and recorded in Vol. 156, page 462, of Deeds, records of said County, said northerly extremity being Engineer's Station 305+88.58 at the end of that certain course described in the last said deed as "N. 41° 23' W., 2040.9 feet."

PARCEL D: That portion of the State highway right of way formerly the County road between the town of Cambria and 6 miles north of the town of San Simeon, State Highway Route No. 56 in San Luis Obispo County, lying southerly of the State highway as reconstructed and between the terminal limits hereinafter set forth. The centerline of the said reconstructed State highway is delineated and described upon a map filed in State Highway Map Book on Sheet 140 therein, records of San Luis Obispo County; the easterly terminus of the right of way hereby abandoned being a line drawn in a southerly direction at right angles to the said centerline of the reconstructed State highway, through Engineer's Station 459+00 thereon; the westerly terminus of the right of way hereby abandoned being a line drawn in a southerly direction at right angles to the said centerline of the reconstructed State highway, through Engineer's Station 472+00 thereon.

This abandonment is made as a part of a transaction with the Hearst Sunical Land and Packing Corporation to clearly define the right of way of said State highway through the lands of said corporation. In connection with said transaction, a deed dated December 27, 1938, to the State of California has been executed by said corporation, bearing the caption "V-SLO-56-B, A"; and an "Agreement for Deed", dated December 27, 1938, by and between the State of California and the Hearst Sunical Land and Packing Corporation, has been negotiated. Said deed will not be delivered to the State of California, nor will said "Agreement for Deed" be permitted to be recorded until this abandonment has been made. This abandonment does not apply to, nor shall it effect any rights of the State of California acquired under or by virtue of said deed or "Agreement for Deed."

See State Highway Map Book Sheet: 218, 219, 220, 221 & 222

THIS IS TO CERTIFY That the foregoing is a full and correct copy of the original resolution passed by the California Highway Commission at its meeting regularly called and held on the 29th day of December, 1938, in the City of Sacramento, a majority of the members of said Commission being present and voting therefor, and that the same has never been rescinded, and



DRAFT

**ATTACHMENT 6**



Proposition 1 IRWM Disadvantaged Community Involvement Grant  
Program. Agreement No. 4600012296

Request No. 11	Documentation of process in selection of Phoenix Civil Engineering	Not Provided	Provide documentation per SSCSD procurement policy, including, without limitation, analysis of compliance with SSCSD Policy 4042.11 (if in effect at time)
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1. June 7, 2018 Potable Water Reservoir Design Proposal from Phoenix Engineering.
2. June 13, 2018 District Agenda (Item 6.E.) Consideration of Potable Water Reservoir Engineering Design from Phoenix Engineering.
3. June 13, 2018 Meeting Minutes (Item 6.E.) Board approval of agreement regarding Potable Water Reservoir Engineering Design.





## Phoenix Civil Engineering, Inc.

535 East Main Street, Santa Paula, California 93060 805.658.6800  
info@phoenixcivil.com www.phoenixcivil.com

Mr. Charles Grace  
San Simeon Community Services District  
111 Pico Ave.  
San Simeon, CA 93452

June 7, 2018

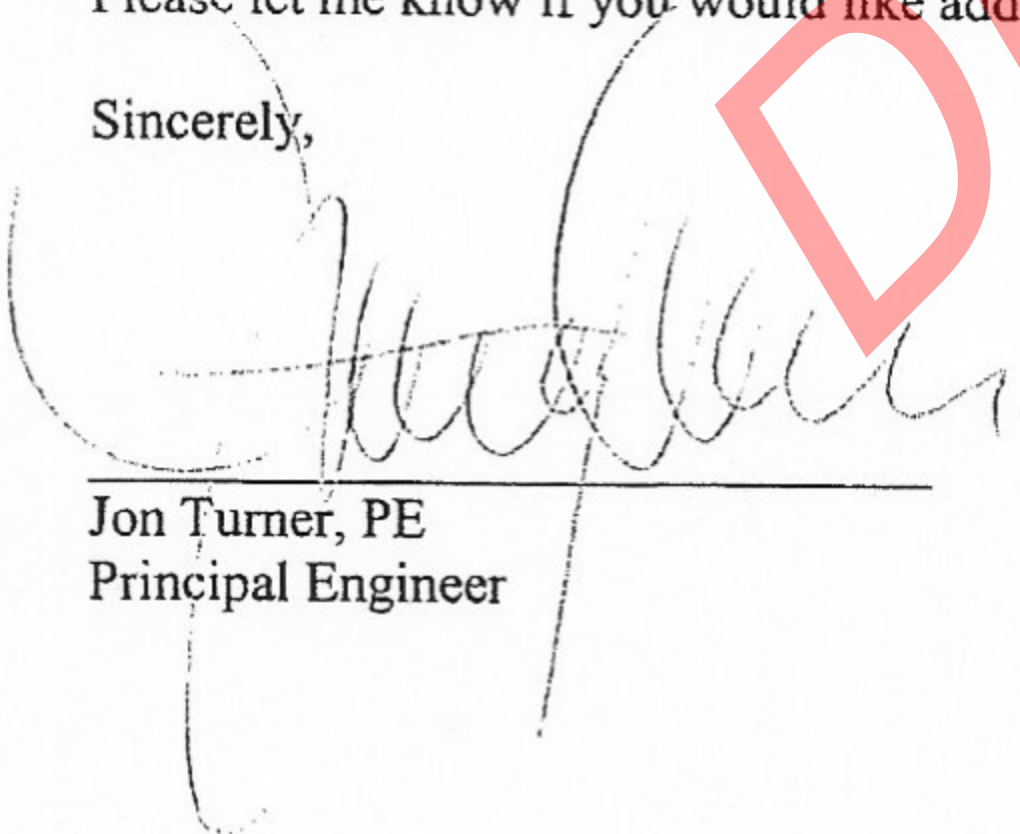
### **San Simeon Community Services District – Potable Water Reservoir – Engineering Design Proposal**

Dear Mr. Grace-

I am pleased to provide you with this proposal for engineering services associated with the final design of the potable water storage reservoir. The District existing potable water reservoir is in place for potable water consumption, emergency storage and fire protection purposes. The existing facility is not sized for the current needs of the community. Insufficient storage volume in the tank results in the need for water moratorium implementation sooner than would be necessary if sufficient storage existed. At this time, the District is seeking to develop construction plans for an additional 400,000 Gallon reservoir and second pad site (2<sup>nd</sup> phase reservoir) to provide adequate capacity for the existing and future needs of the community. The plans will be based on the 30% concept plans and the recommendations from the SSCSD Master Plan Update (2018).

Please let me know if you would like additional information or want to discuss my proposal.

Sincerely,

  
\_\_\_\_\_  
Jon Turner, PE  
Principal Engineer



## Scope of Services

### Background/Project Understanding

Located in an easement above the District office on Pico Avenue, the San Simeon Community Services District potable water storage reservoir collects the groundwater from the two District wells and provides water to the community. The District existing potable water reservoir is in place for potable water consumption, emergency storage and fire protection purposes. The existing facility is not sized for the current needs of the community. Insufficient storage volume in the tank results in the need for water moratorium implementation sooner than would be necessary if sufficient storage existed. At this time, the District is seeking to design construction plans for an additional 400,000 Gallon reservoir to provide adequate capacity for the existing and future needs of the community. A second site and pad will also be designed for the future second tank. Design will include civil improvements including tank appurtenances and grading. This will allow the District to abandon the existing reservoir. The plan set will build off of the 30% design completed for the District. Design efforts will include supplemental ground topographical survey (only aerial survey was done for the 30% design), final geotechnical analysis and recommendations based on the location selected by the District for the tanks, design document preparation, and an Opinion of Probable Construction Cost (OPCC) for the improvements.

This proposal incorporates bid phase services to assist the District in advertising the 95% designed civil improvement plans to prospective tank manufacturers. Many tank manufacturers provide internal engineering services for their respective products. Rather than retain the services of a structural engineer to be part of the design team on this project, it was decided to prepare the plans and specifications for the site work to a 95% level and then solicit competitive tank project bids from prospective manufacturers. Once selected, the design team would work with the tank designer to finalize the improvement plans based on their specific product.

Additional piping design will be required to connect to the previously designed piping in the access road that connects to the rest of the distribution system as well as upgrade the piping to the RO system. This design will be combined with the previous piping design for the potable water lines within Pico Avenue (Avonne to existing tank site), Jasper Way (between cul-de-sac and Pico Ave) and the 10-inch diameter line between Avonne Ave and Castillo Drive (west side).

SCADA design services have been included in the project. The SCADA design will allow communication between the proposed reservoir and the District well field and the field office within the Wastewater Treatment Plant. The SCADA installation will allow the operator to monitor the system remotely. An electrical engineer will design a minor electrical system for the reservoir system. This proposal does not include environmental analysis/permitting as those are services provided by others. Based on our discussions, I have the following list of tasks included in our proposal. The 30% design is considered Task 1 so the numbering in this proposal continues based on that numbering:

### **Task 2: Supplemental Survey, Final Geotechnical Investigation and Final Design**

*This task covers only the Tank 1 and 2 site designs as well as the Pico Avenue pipeline plan improvements (updated from the previous design) between the tank site and the intersection of Pico Ave and Avonne Ave.*

#### **Task 201: Supplemental Topographic Survey**

Benner and Carpenter, as a subconsultant to Phoenix Civil Engineering, will perform supplemental topographic ground survey of the proposed tank sites and strip area leading to the existing tank site. This survey will include documenting the existing reservoir elevation, appurtenances and any nearby utilities with additional ground shots. Previously prepared aerial survey will be used as a starting point. Preparation of a



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project legal description for the proposed reservoir on private property as well as a temporary construction easement legal description will be performed. Recordation of the documents will be performed by the District. No additional ground topographic survey is needed for the pipelines that were previously designed.

The following efforts are included in this task:

- Supplemental ground topographic surveying of the proposed reservoir sites.
- Preparation of temporary construction and permanent easement legal description and exhibit for recordation.

*Deliverable:* The legal descriptions and easement exhibits will be provided to the District electronically (.pdf) along with two copies of the signed and stamped documents prepared by the surveyor. The topographic survey will be used in other tasks below. It will be delivered to the District in the deliverable packages associated with those future tasks (below).

**Task 202: 50% Preferred Option and OPCC Deliverable**

The preferred 30% tank concept option will be used as the starting point to develop the construction plans and OPCCs. The 30% design plans will be finalized as a 50% design package, incorporating the review comments, discussions during the Master Planning effort and the incorporation of the identified improvements from the previous pipeline design in Pico Avenue.

The following efforts are included in this task:

- Incorporation of District review comments on the 30% preferred tank site design.
- Updating the previously prepared pipeline plans to incorporate the recommendations in the Master Plan document.
- Preparation of 50% level concept preferred option and OPCCs.

*Deliverable:* Three (3) 11x17 sets of the 50% level concept preferred option and OPCCs will be provided to the District. One electronic copy of the project deliverables package will be provided.

**Task 203: Final Geotechnical Study**

Oakridge Geoscience, Inc., as a subconsultant to Phoenix will drill an additional bore hole within the preferred site and utilize the previously obtained site soil materials to complete the final geotechnical design parameters recommendation report for the tank sites.

The following efforts are included in this task:

- Field exploration and analysis (boring).
- Finalize laboratory information and sampling investigation.
- Preparation of a final project specific geotechnical recommendations report.

*Deliverable:* Once the comments are received and incorporated, two bound paper copies of the final geotechnical recommendation report will be provided to the District for their files. Information gathered in this task will be used in Tasks 204 and 208.

**Task 204: 95% Plans and Specifications Preparation**

This task involves preparation of project plans and project technical specifications. It is anticipated that the project plans will consist of the following sheets:

- Title Sheet, Site Plan
- Notes and Abbreviations



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- Site Layout Sheet
- Elevation and Sections
- Grading Sheets
- Structural Detail Sheets
  - To Be Included in Final Design (provided by tank manufacturer)
- Pipeline Plan Sheets
  - Pipeline Connection Details
  - Tank Drain Line Details/Profile
- Tank Accessories and Details
- Tank Access Road Site Plan and Details
- Electrical Plans
- SCADA/Instrumentation Plans

In addition, project technical specifications will be prepared for this project. The technical specifications will be in CSI format. Project front end documents will be provided by the District.

The following efforts are included in this task:

- Incorporation of data gathered as part of 50% design comments onto project plans sheets.
- Preparation of plan set, specifications and OPCC to a 95% level.

*Deliverable:* 95% level plans and technical specifications will be prepared. One set of 11 x 17 plans and project technical specifications will be provided electronically (.pdf) to the District for their internal review.

**Task 205: Coordination with Regulatory Agencies**

This task involves research and coordination with reviewing agencies as well as the United States Department of Agriculture (USDA).

The following efforts are included in this task:

- Coordinate with County of San Luis Obispo.
- Coordinate with USDA.

*Deliverable:* No deliverable. This information will be used in planning and the final design.

**Task 206: Tank Bid Phase Services**

This task is intended to solicit proposals from aboveground steel tank design firms who will contract with the District to provide tank design services as well as construction of the tank improvements.

Phoenix Civil Engineering will provide bid phase services to the District once the 95% Plans and Specifications from Task 205 are approved. Bid phase services include reviewing and responding to requests for information, attendance at and conducting a prebid meeting/site visits on behalf of the District, reviewing construction bids and providing a recommendation of award to the District for the Board meeting.

The following efforts are included in this task:

- Response to RFIs.
- Lead and attend one pre-bid meeting.
- Prepare addenda (2).
- Review construction bids.
- Prepare award letter



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*Deliverable:* Request for information responses and the recommendation of award letters will be provided to the District for their files as well as one electronic copy of the files (MSWord and .pdf).

**Task 207: Coordination with Tank Contractor**

It is the District's intent to bid the project using the 95% planset. Once the project is awarded to the approved bidder, it is assumed that the District, Contractor and Phoenix Civil will review the plans. At this time final details and tank requirements will be discussed and the plans will be updated to reflect the requirements of the tank manufacturer and their structural calculations. This task involves research and coordination with the tank manufacturer and the contractor retained by the District.

The following efforts are included in this task:

- Coordinate with District retained contractor.
- Coordinate with tank manufacturer.

*Deliverable:* No deliverable. This information will be used in planning and the final design.

**Task 208: Final Plans and Specifications Preparation**

This task involves incorporation of review comments from the 95% level project documents and coordination with the tank manufacturer and contractor. A final set of project plans, technical specifications and OPCC will be completed.

The following efforts are included in this task:

- Incorporation of review comments from Tasks 204 and 207.
- Finalization of any outstanding project items/issues.

*Deliverable:* Final project documents (plans and technical specifications) will be delivered to the District. Final project plans will consist of one set of reproducible 22 x 34 bond plans and one set of 8.5 x 11 reproducible technical specifications. The OPCC will be transmitted electronically. In addition, one electronic copy of all of the documents will be provided on a CD.

**Task 3: Supplemental Survey and Final Pipeline Design**

*This task covers only the remainder of the Phase 1 pipeline designs identified in the Master Plan. These pipelines are Jasper Way pipeline from the cul de sac to Avonne Avenue; Otter Way pipeline from Avonne Avenue to Hearst Drive; Avonne Avenue pipeline from Pico Ave to Otter Way and Castillo Drive pipeline from Pico Avenue to Otter Way. These pipeline improvements were not previously designed.*

**Task 301: Topographic Survey**

Benner and Carpenter, as a subconsultant to Phoenix Civil Engineering, will perform topographic ground survey of the proposed pipeline alignments. This survey will include documenting the above ground culture (at grade utilities, power poles, curb/gutter/sidewalks. The limits of the survey will be from property boundary to property boundary.

The following efforts are included in this task:

- Ground topographic surveying of the proposed pipeline alignments identified above.

*Deliverable:* The topographic survey will be used in other tasks below. It will be delivered to the District in the deliverable packages associated with those future tasks (below).



**Task 302: 75% Plans and Specifications Preparation**

This task involves preparation of project plans and project technical specifications. It is anticipated that the project plans will consist of the following sheets:

- Title Sheet, Site Plan
- Notes and Abbreviations
- Pipeline Plan Sheets
- Connection Details

In addition, project technical specifications will be prepared for this project. The technical specifications will be in CSI format. Project front end documents will be provided by the District.

The following efforts are included in this task:

- Site visit.
- Incorporation of the project survey prepared as part of Task 301.
- Preparation of plan set, specifications and OPCC to a 75% level.

*Deliverable:* 75% level plans and technical specifications will be prepared. One set of 11 x 17 plans and project technical specifications will be provided electronically (.pdf) to the District for their internal review.

**Task 303: Final Plans and Specifications Preparation**

This task involves incorporation of review comments from the 75% level project documents. A final set of project plans, technical specifications and OPCC will be completed.

The following efforts are included in this task:

- Incorporation of review comments from Task 302.
- Finalization of any outstanding project items/issues.

*Deliverable:* Final project documents (plans and technical specifications) will be delivered to the District. Final project plans will consist of one set of reproducible 22 x 34 bond plans and one set of 8.5 x 11 reproducible technical specifications. The OPCC will be transmitted electronically. In addition, one electronic copy of all of the documents will be provided on a CD.

**Schedule**

The work associated with Tasks 201 through 303 will be made a top priority. Every effort will be made to keep the project schedule moving along. Review times are anticipated to be one week by the District.

**Fees**

Work associated with Tasks 201 through 303 is estimated to cost \$225,960. A breakdown of the level of effort is listed below:

**Task 2: Supplemental Survey, Final Geotechnical Investigation and Final Design**

Task 201:	Supplemental Topographic Survey	\$22,480
Task 202:	50% Design Preferred Option and OPCC Deliverable	\$45,320
Task 203:	Final Geotechnical Study	\$28,420
Task 204:	95% Plans and Specifications Preparation	\$35,460
Task 205:	Coordination with Regulatory Agencies	\$4,720
Task 206:	Bid Phase Services	\$7,480
Task 207:	Coordination with Tank Contractor	\$9,490



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Task 208: Final Plans and Specifications Preparation \$25,180

**Total Phase 2 \$178,550**

**Task 3: Supplemental Survey and Final Pipeline Design**

Task 301: Topographic Survey \$16,500

Task 302: 75% Plans and Specifications Preparation \$22,290

Task 303: Final Plans and Specifications Preparation \$8,620

**Total Phase 3 \$47,410**

**Assumptions**

The following assumptions apply to this proposal:

- Task 1 is considered to be the 30% Design effort already performed.
- All Public agency or project permit fees to be paid by client.
- Additional large format printing costs (beyond what included in this proposal) will be billed at cost in addition to the contract amount.
- No environmental engineering or landscape design services are included. This can be negotiated if the design plans require this work.
- Plan sheet size is 22 x 34.
- Project will be designed in Autodesk Civil 3D 2016/17.





**PHOENIX**  
CIVIL ENGINEERING, INC

## Professional Services Hourly Rate Sheet 2017-18

### Engineering

Principal Engineer	\$165
Resident Engineer	\$150
Professional Engineer	\$150
Associate Engineer II	\$140
Associate Engineer I	\$130
Assistant Engineer	\$105

### CADD

Senior Designer	\$120
Assistant Designer	\$100

### General

Construction Manager	\$145
Construction Observer	\$105
Technical Assistant	\$85
Clerical/Administrative Assistant	\$55

Costs associated with printing and computer time are calculated in the rates. Large quantities of printing (multiple sets of specifications, reports, etc.) will be billed at the actual rate without markup. Subconsultants will be marked up by 10%.



## AGENDA

### SAN SIMEON COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS REGULAR MEETING

Wednesday, June 13, 2018  
6:00 pm

CAVALIER BANQUET ROOM  
250 San Simeon Avenue  
San Simeon, CA 93452

#### 1. REGULAR SESSION: 6:00 PM

A. Roll Call

B. Pledge of Allegiance

#### 2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

**Public Comment** - Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda. Presentations are limited to three (3) minutes or less with additional time at the discretion of the Chair. Your comments should be directed to the Board as a whole and not directed to individual Board members. The Brown Act restricts the Board from taking formal action on matters not published on the agenda.

#### 3. SPECIAL PRESENTATIONS AND REPORTS:

##### A. STAFF REPORTS:

- i. **Sheriff's Report** – Report for May.
- ii. **General Manager's Report** – Summary of May Activities.
- iii. **Superintendent's Report** - Summary of May Activities.
- iv. **District Financial Summary** – Update on Monthly Financial Status.
- v. **District Counsel's Report** – Summary of May activities

##### B. BOARD OF DIRECTORS AND COMMITTEE REPORTS:

##### C. SPECIAL PRESENTATION:

##### D. PUBLIC COMMENTS ON SPECIAL PRESENTATIONS AND REPORTS:

**Public Comment** - This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Agenda Item #3 – Special Presentations and Reports. If a member of the public wishes to speak to this time, Public Comment is limited to three (3) minutes.

#### 4. CONSENT AGENDA ITEMS:

**Public Comment** - Members of the public wishing to speak on consent agenda items may do so when recognized by the Presiding Officer. If a member of the public wishes to speak to this time, Public Comment is limited to three (3) minutes.

A. Review and approval of Minutes for the Regular Meeting on May 9, 2018.

B. Review and approval of Disbursements Journal.

C. Review and approval of Minutes for the Special Meeting on May 9, 2018.



**5. PUBLIC HEARING:**

A. Consideration of Adoption of Resolution 18-399 Adopting the 2018-2019 Fiscal Budget.

**6. BUSINESS ITEMS:**

**Public Comment** - Members of the public wishing to speak on business items may do so when recognized by the Presiding Officer. If a member of the public wishes to speak to this time, Public Comment is limited to three (3) minutes.

A. Consideration of adoption of Board resolution 18-400 declaring a public nuisance for the weed abatement program.

B. Consideration of adoption of Board Resolution 18-401 authorization signatures for banking services on behalf of the District.

C. Consideration of adoption of Board Resolution 18-402 requesting Consolidation of the District's Bi-Annual Election with the November 8, 2018 Consolidated General Election.

D. Authorization for the General Manager to retain Mid State Roofing, Inc. to reroof the District Office work not to exceed the amount of \$4,400.00.

E. Consideration of approval of the proposal for the Potable Water Reservoir Engineering Design from Phoenix Engineering.

**7. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS** – Requests from Board members to Staff to receive feedback, prepare information, and/or place an item on a future agenda(s).

**8. PUBLIC COMMENT** -This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Agenda Item #9. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes.

**9. CLOSED SESSION. The Board will hold a Closed Session to discuss the following item:**

A. **Conference with Legal Counsel – Anticipated Litigation.** Decide whether to initiate litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: Number of case(s): 1.

**10. RECONVENE TO OPEN SESSION** – An announcement of any reportable action taken in closed session will be made in open session.

**11. ADJOURNMENT**

All staff reports or other written documentation, including any supplemental material distributed to a majority of the Board within 72 hours of a regular meeting, relating to each item of business on the agenda are available for public inspection during regular business hours in the District office, 111 Pico Avenue, San Simeon. If requested, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. To make a request for a disability-related modification or accommodation, contact the District Administrator at 805-927-4778 as soon as possible and at least 48 hours prior to the meeting date. This agenda was prepared and posted pursuant to Government Code Section 54954.2.



**MINUTES**

**SAN SIMEON COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS REGULAR MEETING  
Wednesday, June 13, 2018  
6:00 pm**

**CAVALIER BANQUET ROOM  
250 San Simeon Avenue  
San Simeon, CA 93452**

**1. REGULAR SESSION: @ 6:00 PM**

**A. Roll Call**

Chairperson Williams – present

General Manager, Charles Grace

Vice-Chairperson McGuire – present

District Counsel, Natalie Frye Laacke

Director Russell – present

Director Kellas – present

Director Stanert – present

**2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Cam Arnold commented on behalf of Friends of the Elephant Seals (FES). She stated that the FES Board asked her to attend the SSCSD meeting to provide clarification about some comments that had been made at the May SSCSD Board meeting. She stated that the FES did not intend to mislead tourists or members of the public who were looking for the elephant seals and were led to the incorrect location based on a problem with Google maps. She clarified that FES had been working to get the problem corrected.

**3. SPECIAL PRESENTATIONS AND REPORTS:**

**A. STAFF REPORTS:**

**i. Sheriff's Report – Report for May.**

During the month of May there were 17 calls for service including disturbing the peace, suspicious suspects and one petty theft. On June 12, 2018 there was a report of theft on Avonne Avenue.

**ii. General Manager's Report –**

**1. Staff Activity – Report on Staff activities for the month of May.**

Regular activities performed by District staff include:

Processing of utility payments, customer service duties, answering phone calls, mailing of regular monthly utility bills, along with the preparation and distribution of the Agenda and Board packet.

During the month of May, staff also attended to the following items:

- Responded to two (2) public records requests.
- Mailed the consumer confidence report (CCR).
- Finalized activation of the weed abatement power with the Local Area Formation Commission Office (LAFCO). A copy of the final approval letter is included as part of the handout.
- Met with the policy and procedures ad-hoc committee to continue working on recommended changes to the manual.
- Researched potential grant opportunities for the District.



**Agenda item request** –At the end of the May Board meeting the directors discussed adding an item to the June meeting agenda to discuss a sign on Highway One noting the location of the elephant seal viewing point. Staff has contacted the entities that are responsible for this type of project, and therefore, the item was not added to the June meeting agenda.

**Grant Update – Prop 1 DAC reimbursement (Planning/Design):**

In May, DWR informed the County that invoices should be submitted quarterly. This first invoice to DWR will cover the time period of 1/22/2016 to 3/31/2018. This is a deviation from previous DWR/IRWM grants, but the RWMF has confirmed that it must be this way.

Staff has submitted all of our invoices to date which totaled \$63,347.00. These invoices fit into the 1/22/16-3/31/2018 time frame. There was only one invoice that did not fit into this time frame for \$831.50 dated 11/10/15 from Jon Turner. At this time, there was no estimated time frame for receiving the actual reimbursement. As soon as staff hears of a reimbursement date, we will let the Board know. This portion of the grant does not have a matching funds requirement.

The deadline for the submittal of invoices related to project design is fast approaching. This means that there is a pressing need for the completion of the remaining 70% tank design portion to ensure that we meet the deadlines for the invoice submission. If the SSCSD fails to perform the remaining portion of the design and then not meet the invoice submittal dates, we may be required to pay for all costs related to the design of the project.

**Prop 1 Implementation Grant (Construction):**

As far as the upcoming grant is concerned, the time frame continues to be pushed back by the DWR. The final guidelines will not be out until late summer.

Applications will not be due until 2019. Because there are no actionable items for next week at the RWMG, the meeting has been canceled for June. This portion of the grant has a matching funds requirement because of the amount of funds available to San Luis Obispo County. (6 million est. for the entire county.)

**Federal Emergency Projects Grant:**

In response to last year's natural disaster Congress recently passed a fiscal year (FY) 2018 Emergency Disaster Assistant (EDA) Supplemental that provides funding to support federally designated disaster areas. This investment assistance will help communities and regions devise and implement long-term economic recovery strategies through a variety of non-construction and construction projects, as appropriate, and to address economic challenges in areas where a disaster declaration occurred.

Renee Osborne attended the grant workshop on behalf of San Simeon. Based on the grant guidelines, staff is submitting a project which includes improvements to the south facing protection of the Pico Stairs. Renee will be working with Oliveria Consulting on the project submittal. As more information becomes available staff will keep the Board apprised.

**Caltrans traffic survey update** – Staff spoke with a representative from Caltrans regarding the timeline for a traffic survey for San Simeon. At this time there is no definitive timeline set for survey in our area. However, Caltrans responded with the following information:

Coastal communities throughout California are beginning to plan for the California Coastal Trail project. The purpose of the trail will be to connect the entire coast of California by forming an extensive hiking trail. When complete, the trail will be 1,200 miles long—spanning from Oregon to Mexico. The San Luis Obispo Council of Governments (SLOCOG) has completed planning for the California Coastal Trail/bikeway components within San Luis Obispo County. These recommended strategies cover various features of the trail. One of the strategies will be to enhance and address future needs for bicyclists and pedestrian mobility where feasible.



District staff has scheduled a meeting with SLOCOG to discuss the plans for the trail. At this meeting staff will also find out about the potential for a traffic survey to occur in our area that includes State Highways and County roads. Staff will report to the Board at the next meeting with a summary of the findings.

**Outfall Findings** – A copy of the report from Marine Diving Solutions was provided to the Board.

iii. **Superintendent’s Report - Summary of May Activities.**

**Wastewater Treatment Plant**

- All sampling, testing and reporting at the Wastewater Treatment Plant and the Recycled Water Facility was performed as required by the RWQCB.
- One load of sludge was hauled away.
- Annual Laboratory proficiency testing was completed to renew Laboratory Certification.
- A load of grit was removed from the bottom of the Equalization Basin.
- The Variable Frequency Drives that run the EQ Basin pumps and the blowers were removed and cleaned and put back into service.

**Water Distribution System**

- All routine sampling and testing was performed. The monthly report was submitted to the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW), including additional reporting required with filter operation.
- We continued to operate the HARMSCO filter daily.
- Monthly water meter reading was performed.
- At 4:53 a.m. on Sunday, May 27th, staff responded to a low reservoir alarm. It was discovered that a 1 ½” PVC pipe had broken in the median on the east side of the highway. At 12:00 p.m. that day the broken pipe was repaired.

**District and Equipment Maintenance**

- Staff continues with all of the scheduled preventive maintenance for all the equipment at the facilities. We are recording all of these activities.
- Weed abatement was performed around the district.

iv. **District Financial Summary –**

<b>April Billing Revenue</b>	<b>\$</b>	<b>69,184.20</b>
<b>May Billing Revenue</b>	<b>\$</b>	<b>67,048.19</b>
Past Due (31 to 60 days)	\$	53.61
Past Due (60 days)	\$	277.51

**ENDING BANK BALANCES**

**May 31, 2018**

**RABOBANK SUMMARY:**

Well Rehab Project/USDA Checking Account	\$	29.00
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**Pacific Premiere Bank:**  
**Money Marketing Account Closing Balance April 30, 2018** \$ 836,946.12  
**Interest for May 2018** \$ 248.83

**Money Marketing Account Closing Balance May 31, 2018** \$ 837,194.95

Reserve Fund (\$ 250,000.00)  
 Wait-list Deposits (\$ 45,750.00)  
 Customer Deposits (\$ 9,450.00)  
**Available Funds \$ 531,994.95**

**General Checking Account May 31, 2018** \$ 51,768.73

**LAIF Closing Balance May 31, 2018** \$ 530.97

- v. **District Counsel's Report** – Summary of May activities  
 Natalie Frye Laacke reported that Counsel had performed all of her regular duties.
- B. **BOARD OF DIRECTORS AND COMMITTEE REPORTS** –  
 Vice Chairperson McGuire provided information on the 3<sup>rd</sup> annual District Cleanup on July 10, 2018 at 10 am.
- C. **SPECIAL PRESENTATION:**  
 None
- D. **PUBLIC COMMENTS ON SPECIAL PRESENTATIONS AND REPORTS:**  
 Public Comment – None

\*\* Item 6.E. was moved to be heard before the consent agenda items. Chairperson Williams asked for Public Comment related to this item. There was no public comment on this item.

**4. CONSENT AGENDA ITEMS:**  
**Public Comment – None**

- A. Review and approval of Minutes for the Regular Meeting on May 9, 2018.

Director Russell referenced page 6 and asked that a D be added to “agenized”.

- B. Review and approval of Disbursements Journal.

- C. Review and approval of Minutes for the Special Meeting on May 9, 2018.

A motion was made to approve consent agenda items 4A-4C with the recommended changes.

Motion by: Chairperson Williams  
 2<sup>nd</sup>: Director Russell  
 All in: 5 / 0



**5. PUBLIC HEARING:**

**A. Consideration of Adoption of Resolution 18-399 Adopting the 2018-2019 Fiscal Budget.**

Chairperson Williams asked for public comment related to this item. There was no public comment on this item.

A motion to approve Board Resolution 18-399 adopting the 2018-2019 Fiscal Budget.

Motion by: Vice-Chairperson McGuire

2<sup>nd</sup>: Director Kellas

All in: 5 / 0

Roll Call: Chairperson Williams: YES Vice-Chairperson McGuire: YES Director Russell: YES  
Director Kellas: YES Director Stanert: YES

**6. BUSINESS ITEMS:**

**Public Comment – None**

**A. Consideration of adoption of Board resolution 18-400 declaring a public nuisance for the weed abatement program.**

Director Russell asked that the language in the public notice be changed from 19\_\_ to 20\_\_, to reflect the correct year. He also asked that in the resolution under section 2 the sentence "That the vegetation and located" have the word "and" be removed.

Vice-Chairperson McGuire pointed out a typo in the staff report. She also asked that on page 2 of the public notice that "th" be added to the July 13, 2018 date reference and that under the last bullet point the word "is" be removed.

A motion was made to approve Board Resolution 18-400 declaring a public nuisance with the changes discussed by the Board.

Motion by: Director Kellas

2<sup>nd</sup>: Director Stanert

All in: 5 / 0

Roll Call: Chairperson Williams: YES Vice-Chairperson McGuire: YES Director Russell: YES  
Director Kellas: YES Director Stanert: YES

**B. Consideration of adoption of Board Resolution 18-401 authorization signatures for banking services on behalf of the District.**

A motion was made to approve Board Resolution 18-401 authorizing signatures for banking services.

Motion by: Chairperson Williams

2<sup>nd</sup>: Director Kellas

All in: 5 / 0

Roll Call: Chairperson Williams: YES Vice-Chairperson McGuire: YES Director Russell: YES  
Director Kellas: YES Director Stanert: YES



**C. Consideration of adoption of Board Resolution 18-402 requesting Consolidation of the District's Bi-Annual Election with the November 8, 2018 Consolidated General Election.**

Vice-Chairperson McGuire asked that the word "their" be removed from the header of the resolution.

A motion was made to approve Board Resolution 18-402 with the changes discussed by the Board.

Motion by: Director Kellas  
2<sup>nd</sup>: Director Stanert  
All in: 5 / 0

Roll Call: Chairperson Williams: YES Vice-Chairperson McGuire: YES Director Russell: YES  
Director Kellas: YES Director Stanert: YES

**D. Authorization for the General Manager to retain Mid State Roofing, Inc. to reroof the District Office work not to exceed the amount of \$4,400.00.**

Chairperson Williams asked for public comment related to this item. There was no public comment on this item.

There was discussion related to the potential of dry rot being found.

Chairperson Williams asked for further information about the life-span of the material, the type of material that was going to be used, and the material warranty timeline.

Charlie Grace replied that he would research the answers to these questions and provide the follow up information to Chairperson Williams.

A motion was made to approve the General Manager to retain Mid State Roofing, Inc. to reroof the District Office.

Motion by: Director Russell  
2<sup>nd</sup>: Chairperson Williams  
All in: 5 / 0

**E. Consideration of approval of the proposal for the Potable Water Reservoir Engineering Design from Phoenix Engineering.  
(\*This item was discussed before 4.A)**

Charlie Grace introduced the item and provided an explanation of various items from the Phoenix proposal. He also acknowledged that the proposal had language about Supervisory Control and Data Acquisition (SCADA) and instrumentation plans.

Director Russell asked a question about the well pumps and if the system would need to be modified.



Jon Turner (Phoenix Engineering) introduced himself and replied that no modifications would be needed to the system at this time.

Director Kellas asked about the fire hydrants being part of the design process.

Jon Turner replied that this was included in the scope of the design work.

Chairperson Williams, Jon Turner and Charlie Grace discussed the funding options, the tasks that were referenced in the proposal and the items related to the USDA loan options.

A motion was made to direct staff to enter into the standard agreement with Phoenix Engineering to complete the proposal for the potable water reservoir engineering design.

Motion by: Director Russell  
2<sup>nd</sup>: Vice-Chairperson McGuire  
All in: 5 / 0

**7. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS –**

Julia Stanert commented about dead trees on Avonne that are hanging over the sidewalk by the tennis courts.

Charlie Grace responded that staff would work with the property owners regarding this matter.

**8. PUBLIC COMMENT –**

None

**9. CLOSED SESSION – 7:20 PM**

**A. Conference with Legal Counsel – Anticipated Litigation.** Decide whether to initiate litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: Number of case(s): 1.

**10. RECONVENE TO OPEN SESSION – 7:50 PM**

No reportable action was taken regarding this matter.

**11. ADJOURNMENT @ 7:51 PM**



DRAFT

**ATTACHMENT 7**



Proposition 1 IRWM Disadvantaged Community Involvement Grant  
Program. Agreement No. 4600012296

Request No. 14	Copy of SSCSD current procurement policy at the time of process and approval of Phoenix Civil Engineering	Incomplete	Provide effective date(s) of policies provided by SSCSD and any additional responsive policy
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1. Effective 2004; District Policy 4042 “Employment of Outside Contractors and Consultants”.
2. Effective April 11, 2012; District Resolution 12-348 election to subject District to the Uniform Public Construction Cost Accounting Procedures.
3. Effective April 11, 2012; Ordinance No. 111 providing informal bidding procedures under the Uniform Public Construction Cost Accounting Act.
4. Effective June 11, 2014; District Resolution 14-363 election to subject District to the Uniform Public Construction Cost Accounting Procedures.
5. June 13, 2018 District Agenda (Item 6.E.) Consideration of Potable Water Reservoir Engineering Design from Phoenix Engineering.
6. June 13, 2018 Meeting Minutes (Item 6.E.) Board approval of agreement regarding Potable Water Reservoir Engineering Design.



# SAN SIMEON COMMUNITY SERVICES DISTRICT POLICY HANDBOOK

**POLICY TITLE:** Employment of Outside Contractors and Consultants  
**POLICY NUMBER:** 4042

**4042.1** The District may employ outside contractors or consultants for construction, engineering or office projects. The independent auditor is also a consultant for the purposes of this policy. The District's selection procedure is as follows:

**4042.11** Engineering or construction projects will be advertised for bid in newspapers of local and regional circulation, and with the Contractors Exchange (construction projects only). The bid opening is open to the public and will be so specified in the bid documents. The Board of Directors will make its selection on the basis of the lowest qualified bid, or as statutorily provided.

**4042.12** Consultants will be selected by the Board of Directors. The Board of Directors will make its selection based on the consultant's experience and qualifications. The consultant will also be required to make a cost estimate for his/her services that will be used in his/her evaluation in the selection process.



RESOLUTION NO. 12-348

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES**

**WHEREAS**, prior to the passage of Assembly Bill No. 1666, Chapter 1054, Stats. 1983, which added Chapter 2 commencing with Section 22000 to Part 3 of Division 2 of the Public Contract Code, existing law did not provide a uniform cost accounting standard for construction work performed or contracted by local public agencies; and

**WHEREAS**, Public Contract Code Section 22000 *et seq.*, the Uniform Cost Construction Accounting Act (the "Act") establishes such a uniform accounting standard; and

**WHEREAS**, the Commission established under the Act has developed uniform public construction cost accounting procedures for implementation by local public agencies in the performance of, or in the contracting for, construction of public projects.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT** that said Board:

**SECTION 1.** The Board of Directors of the San Simeon Community Services District hereby elects under Public Contract Code Section 22030 to become subject to the uniform public construction cost accounting procedures set forth in the Act and to the Commission's policies and procedures manual and cost accounting review procedures, as each may be amended from time to time.

**SECTION 2.** The Board of Directors directs that the District Secretary to notify the State Controller of this election.

**SECTION 3.** This Resolution shall take at the same time as Ordinance No. , establishing informal bidding procedures, takes effect.

**UPON MOTION** of Director Price seconded by Director Fields, and on the following roll call vote to wit:

AYES: 5

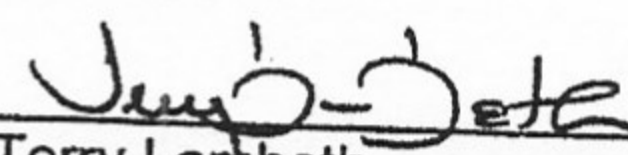
NOES:

ABSTAIN:

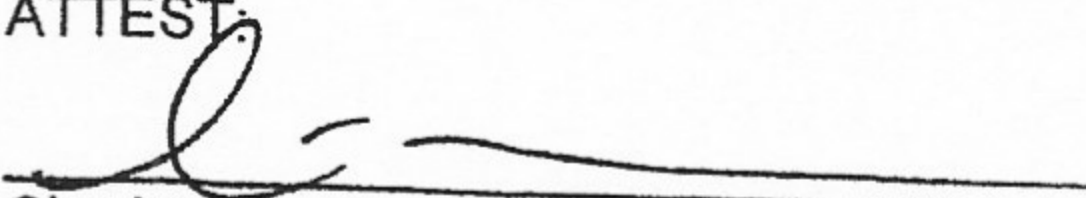
ABSENT:

The foregoing Resolution is hereby adopted this 11th day of April 2012.

ATTEST:

  
Terry Lambeth  
Chairperson of the Board of Directors

ATTEST:

  
Charles Grace  
General Manager/Secretary, SSCSD



ORDINANCE NO. 111

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN SIMEON  
COMMUNITY SERVICES DISTRICT TO PROVIDE INFORMAL BIDDING PROCEDURES  
UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT

(SECTION 22000, ET SEQ. OF THE PUBLIC CONTRACT CODE)

Be it ordained by the Board of Directors of the San Simeon Community Services District that:

**SECTION I. INFORMAL BIDDING PROCEDURES FOR DISTRICT PROJECTS.**

Except as otherwise provided herein, the provisions of the Section 22000, et seq., of the Public Contract Code shall be controlling.

- (1) Public projects, as defined by the Uniform Public Construction Cost Accounting Act and in accordance with limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.
- (2) A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.
- (3) Where a public project is to be performed which is subject to the provisions of this Ordinance, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 1.02.010(2), and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the District, provided, however, if there is no list of qualified contractors maintained by the District for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.
- (4) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.
- (5) The mailing of notices to contractors and construction trade journals shall be completed not less than ten calendar days before bids are due.



**THE** *Newspaper of the Central Coast*  
**TRIBUNE**

3825 South Higuera • Post Office Box 112 • San Luis Obispo, California 93406-0112 • (805) 781-7800

In The Superior Court of The State of California  
In and for the County of San Luis Obispo  
AFFIDAVIT OF PUBLICATION

AD # 6984677  
SAN SIMEON CSD

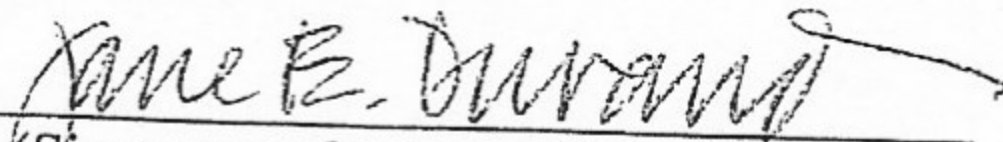
STATE OF CALIFORNIA

ss.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; MAY 1, 2012 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
(Signature of Principal Clerk)

DATED: MAY 1, 2012  
AD COST: \$43.00

ORD. NO. 111

AN ORD OF THE BOARD OF DIR.  
OF SAN SIMEON CSD TO PROVIDE  
INFORMAL BIDDING PROCEDURES  
UNDER THE UNIFORM PUBLIC  
CON. COST ACCT. ACT (SEC.  
22000, ET SEQ. OF THE PUBLIC  
CONTRACT CODE)

If you would like to see the full  
Ordinance, please go to  
sansimeoncsd.com or call 805-927-4778.  
May 1, 2012 6984677



(6) The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place for the submission of bids.

(7) Authority to award informal contracts is hereby delegated to the general manager.

(8) In accordance with Section 22034(f) of the Public Contract Code, or its statutory successor, if all bids received are in excess of one hundred and twenty-five thousand dollars (\$125,000), the board may, by adoption of a resolution by a four-fifths vote, award the contract at one hundred and thirty-seven thousand five hundred dollars (\$137,500) or less to the lowest responsible bidder, if it determines the cost estimate of the General Manager was reasonable

## SECTION II: EFFECTIVE DATE AND PUBLICATION

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Directors voting for and against the same, in a newspaper of general circulation published in the District, if there is one, and if not, then this Ordinance shall be posted for one week in three (3) public places in the District.

## SECTION III: VOTE

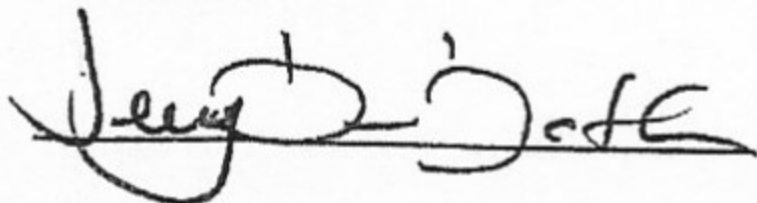
**PASSED AND ADOPTED** at a special meeting of the Board of Directors of San Simeon Community Services District held on this 11th day of April 2012 by the following vote:

Upon motion of Director Price and seconded by Director Fields and the following roll call vote to witness:

Chairperson Lambeth Yes    Vice-Chair Ricci Yes    Director McAdams Yes

Director Fields Yes    Director Price Yes

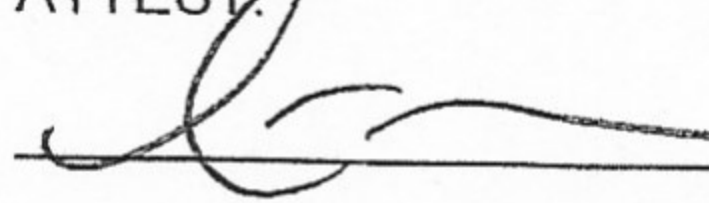
ATTEST:



Terry Lambeth

President, Board of Directors

ATTEST:



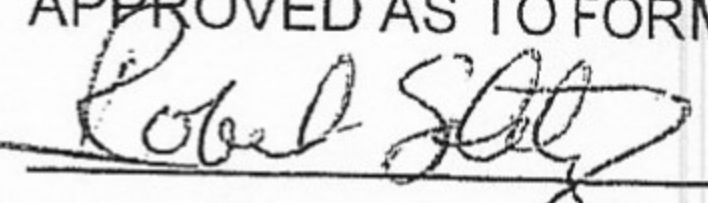
Charles Grace

General Manager/

District Secretary

Page 2 of 2

APPROVED AS TO FORM



Robert Schultz

District Counsel



RESOLUTION NO. 14-363

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT  
ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC  
CONSTRUCTION COST ACCOUNTING PROCEDURES**

**WHEREAS**, prior to the passage of Assembly Bill No. 1666, Chapter 1054, Statutes of 1983, which added Chapter 2, commencing with Section 22000, to Part 3 of Division 2 of the Public Contract Code, existing law did not provide a uniform cost accounting standard for construction work performed or contracted by local public agencies; and

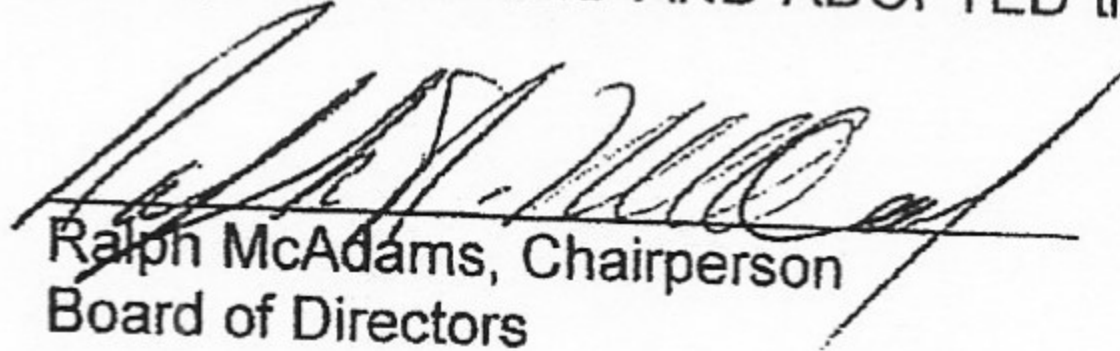
**WHEREAS**, Public Contract Code Section 22000 et seq., the uniform Public Construction Cost Accounting Act (the "Act"), establishes such a uniform cost accounting standard; and

**WHEREAS**, the California Uniform Construction Cost Accounting Commission (the "Commission") established under the Act has developed uniform public construction accounting procedures for implementation by local public agencies in the performance of or in the contracting for construction of public projects; and


**WHEREAS**, the Board of Directors of the San Simeon Community Services District (the "District") deems it appropriate and in the best interests of the District to become subject to the Act.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the San Simeon Community Services District hereby elects under Public Contract Code Section 22030 to become subject to the uniform public construction cost accounting procedures set forth in the Act and to the Commission's policies and procedures manual and cost accounting review procedures, as they may each from time to time be amended, and directs that the District Secretary to the Board of Directors notify the State Controller forthwith of this election.

This Resolution shall take effect upon its adoption. **PASSED AND ADOPTED** this 11<sup>th</sup> day of June, 2014.

  
Ralph McAdams, Chairperson  
Board of Directors

ATTEST:

  
Charles Grace,  
Secretary/General Manager




I, Charles Grace, Secretary/General Manager of the San Simeon Community Services District, County of San Luis Obispo, State of California, do hereby certify that the following above resolution, proposed by Chairperson McAdams and seconded by Director Williams, was duly passed and adopted by the San Simon Community Services District Board of Directors at a regular meeting thereof assembled this 11<sup>th</sup> day of June, 2014, by the following vote, to wit:

AYES: 5 Directors: McAdams, Fields, Price, Patel, Williams.

NOES: 0 Directors:

ABSENT: 0 Directors:

  
\_\_\_\_\_  
Charles Grace,  
Secretary/General Manager  
San Simeon Community Services District



**AGENDA**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR MEETING**  
Wednesday, June 13, 2018  
6:00 pm

**CAVALIER BANQUET ROOM**  
250 San Simeon Avenue  
San Simeon, CA 93452

**1. REGULAR SESSION: 6:00 PM**

A. Roll Call

B. Pledge of Allegiance

**2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

**Public Comment** - Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda. Presentations are limited to three (3) minutes or less with additional time at the discretion of the Chair. Your comments should be directed to the Board as a whole and not directed to individual Board members. The Brown Act restricts the Board from taking formal action on matters not published on the agenda.

**3. SPECIAL PRESENTATIONS AND REPORTS:**

**A. STAFF REPORTS:**

- i. **Sheriff's Report** – Report for May.
- ii. **General Manager's Report** – Summary of May Activities.
- iii. **Superintendent's Report** - Summary of May Activities.
- iv. **District Financial Summary** – Update on Monthly Financial Status.
- v. **District Counsel's Report** – Summary of May activities

**B. BOARD OF DIRECTORS AND COMMITTEE REPORTS:**

**C. SPECIAL PRESENTATION:**

**D. PUBLIC COMMENTS ON SPECIAL PRESENTATIONS AND REPORTS:**

**Public Comment** - This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Agenda Item #3 – Special Presentations and Reports. If a member of the public wishes to speak to this time, Public Comment is limited to three (3) minutes.

**4. CONSENT AGENDA ITEMS:**

**Public Comment** - Members of the public wishing to speak on consent agenda items may do so when recognized by the Presiding Officer. If a member of the public wishes to speak to this time, Public Comment is limited to three (3) minutes.

A. Review and approval of Minutes for the Regular Meeting on May 9, 2018.

B. Review and approval of Disbursements Journal.

C. Review and approval of Minutes for the Special Meeting on May 9, 2018.



**5. PUBLIC HEARING:**

A. Consideration of Adoption of Resolution 18-399 Adopting the 2018-2019 Fiscal Budget.

**6. BUSINESS ITEMS:**

**Public Comment** - Members of the public wishing to speak on business items may do so when recognized by the Presiding Officer. If a member of the public wishes to speak to this time, Public Comment is limited to three (3) minutes.

A. Consideration of adoption of Board resolution 18-400 declaring a public nuisance for the weed abatement program.

B. Consideration of adoption of Board Resolution 18-401 authorization signatures for banking services on behalf of the District.

C. Consideration of adoption of Board Resolution 18-402 requesting Consolidation of the District's Bi-Annual Election with the November 8, 2018 Consolidated General Election.

D. Authorization for the General Manager to retain Mid State Roofing, Inc. to reroof the District Office work not to exceed the amount of \$4,400.00.

E. Consideration of approval of the proposal for the Potable Water Reservoir Engineering Design from Phoenix Engineering.

**7. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS** – Requests from Board members to Staff to receive feedback, prepare information, and/or place an item on a future agenda(s).

**8. PUBLIC COMMENT** -This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Agenda Item #9. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes.

**9. CLOSED SESSION.** The Board will hold a Closed Session to discuss the following item:

A. **Conference with Legal Counsel – Anticipated Litigation.** Decide whether to initiate litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: Number of case(s): 1.

**10. RECONVENE TO OPEN SESSION** – An announcement of any reportable action taken in closed session will be made in open session.

**11. ADJOURNMENT**

All staff reports or other written documentation, including any supplemental material distributed to a majority of the Board within 72 hours of a regular meeting, relating to each item of business on the agenda are available for public inspection during regular business hours in the District office, 111 Pico Avenue, San Simeon. If requested, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. To make a request for a disability-related modification or accommodation, contact the District Administrator at 805-927-4778 as soon as possible and at least 48 hours prior to the meeting date. This agenda was prepared and posted pursuant to Government Code Section 54954.2.



**MINUTES**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR MEETING**  
Wednesday, June 13, 2018  
6:00 pm

**CAVALIER BANQUET ROOM**  
250 San Simeon Avenue  
San Simeon, CA 93452

**1. REGULAR SESSION: @ 6:00 PM**

**A. Roll Call**

Chairperson Williams – present

General Manager, Charles Grace

Vice-Chairperson McGuire – present

District Counsel, Natalie Frye Laacke

Director Russell – present

Director Kellas – present

Director Stanert –present

**2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Cam Arnold commented on behalf of Friends of the Elephant Seals (FES). She stated that the FES Board asked her to attend the SSCSD meeting to provide clarification about some comments that had been made at the May SSCSD Board meeting. She stated that the FES did not intend to mislead tourists or members of the public who were looking for the elephant seals and were led to the incorrect location based on a problem with Google maps. She clarified that FES had been working to get the problem corrected.

**3. SPECIAL PRESENTATIONS AND REPORTS:**

**A. STAFF REPORTS:**

**i. Sheriff's Report – Report for May.**

During the month of May there were 17 calls for service including disturbing the peace, suspicious suspects and one petty theft. On June 12, 2018 there was a report of theft on Avonne Avenue.

**ii. General Manager's Report –**

**1. Staff Activity – Report on Staff activities for the month of May.**

Regular activities performed by District staff include:

Processing of utility payments, customer service duties, answering phone calls, mailing of regular monthly utility bills, along with the preparation and distribution of the Agenda and Board packet.

During the month of May, staff also attended to the following items:

- Responded to two (2) public records requests.
- Mailed the consumer confidence report (CCR).
- Finalized activation of the weed abatement power with the Local Area Formation Commission Office (LAFCO). A copy of the final approval letter is included as part of the handout.
- Met with the policy and procedures ad-hoc committee to continue working on recommended changes to the manual.
- Researched potential grant opportunities for the District.



**Agenda item request** –At the end of the May Board meeting the directors discussed adding an item to the June meeting agenda to discuss a sign on Highway One noting the location of the elephant seal viewing point. Staff has contacted the entities that are responsible for this type of project, and therefore, the item was not added to the June meeting agenda.

**Grant Update – Prop 1 DAC reimbursement (Planning/Design):**

In May, DWR informed the County that invoices should be submitted quarterly. This first invoice to DWR will cover the time period of 1/22/2016 to 3/31/2018. This is a deviation from previous DWR/IRWM grants, but the RWMF has confirmed that it must be this way.

Staff has submitted all of our invoices to date which totaled \$63,347.00. These invoices fit into the 1/22/16-3/31/2018 time frame. There was only one invoice that did not fit into this time frame for \$831.50 dated 11/10/15 from Jon Turner. At this time, there was no estimated time frame for receiving the actual reimbursement. As soon as staff hears of a reimbursement date, we will let the Board know. This portion of the grant does not have a matching funds requirement.

The deadline for the submittal of invoices related to project design is fast approaching. This means that there is a pressing need for the completion of the remaining 70% tank design portion to ensure that we meet the deadlines for the invoice submission. If the SSCSD fails to perform the remaining portion of the design and then not meet the invoice submittal dates, we may be required to pay for all costs related to the design of the project.

**Prop 1 Implementation Grant (Construction):**

As far as the upcoming grant is concerned, the time frame continues to be pushed back by the DWR. The final guidelines will not be out until late summer.

Applications will not be due until 2019. Because there are no actionable items for next week at the RWMG, the meeting has been canceled for June. This portion of the grant has a matching funds requirement because of the amount of funds available to San Luis Obispo County. (6 million est. for the entire county.)

**Federal Emergency Projects Grant:**

In response to last year's natural disaster Congress recently passed a fiscal year (FY) 2018 Emergency Disaster Assistant (EDA) Supplemental that provides funding to support federally designated disaster areas. This investment assistance will help communities and regions devise and implement long-term economic recovery strategies through a variety of non-construction and construction projects, as appropriate, and to address economic challenges in areas where a disaster declaration occurred.

Renee Osborne attended the grant workshop on behalf of San Simeon. Based on the grant guidelines, staff is submitting a project which includes improvements to the south facing protection of the Pico Stairs. Renee will be working with Oliveria Consulting on the project submittal. As more information becomes available staff will keep the Board apprised.

**Caltrans traffic survey update** – Staff spoke with a representative from Caltrans regarding the timeline for a traffic survey for San Simeon. At this time there is no definitive timeline set for survey in our area. However, Caltrans responded with the following information:

Coastal communities throughout California are beginning to plan for the California Coastal Trail project. The purpose of the trail will be to connect the entire coast of California by forming an extensive hiking trail. When complete, the trail will be 1,200 miles long—spanning from Oregon to Mexico. The San Luis Obispo Council of Governments (SLOCOG) has completed planning for the California Coastal Trail/bikeway components within San Luis Obispo County. These recommended strategies cover various features of the trail. One of the strategies will be to enhance and address future needs for bicyclists and pedestrian mobility where feasible.



District staff has scheduled a meeting with SLOCOG to discuss the plans for the trail. At this meeting staff will also find out about the potential for a traffic survey to occur in our area that includes State Highways and County roads. Staff will report to the Board at the next meeting with a summary of the findings.

**Outfall Findings** – A copy of the report from Marine Diving Solutions was provided to the Board.

iii. **Superintendent's Report - Summary of May Activities.**

**Wastewater Treatment Plant**

- All sampling, testing and reporting at the Wastewater Treatment Plant and the Recycled Water Facility was performed as required by the RWQCB.
- One load of sludge was hauled away.
- Annual Laboratory proficiency testing was completed to renew Laboratory Certification.
- A load of grit was removed from the bottom of the Equalization Basin.
- The Variable Frequency Drives that run the EQ Basin pumps and the blowers were removed and cleaned and put back into service.

**Water Distribution System**

- All routine sampling and testing was performed. The monthly report was submitted to the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW), including additional reporting required with filter operation.
- We continued to operate the HARMSCO filter daily.
- Monthly water meter reading was performed.
- At 4:53 a.m. on Sunday, May 27th, staff responded to a low reservoir alarm. It was discovered that a 1 ½" PVC pipe had broken in the median on the east side of the highway. At 12:00 p.m. that day the broken pipe was repaired.

**District and Equipment Maintenance**

- Staff continues with all of the scheduled preventive maintenance for all the equipment at the facilities. We are recording all of these activities.
- Weed abatement was performed around the district.

iv. **District Financial Summary –**

<b>April Billing Revenue</b>	<b>\$ 69,184.20</b>
<b>May Billing Revenue</b>	<b>\$ 67,048.19</b>
Past Due (31 to 60 days)	\$ 53.61
Past Due (60 days)	\$ 277.51

**ENDING BANK BALANCES**

**May 31, 2018**

**RABOBANK SUMMARY:**

<b>Well Rehab Project/USDA Checking Account</b>	<b>\$ 29.00</b>
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**Pacific Premiere Bank:**  
**Money Marketing Account Closing Balance April 30, 2018** \$ 836,946.12  
**Interest for May 2018** \$ 248.83

**Money Marketing Account Closing Balance May 31, 2018** \$ 837,194.95

Reserve Fund (\$ 250,000.00)  
 Wait-list Deposits (\$ 45,750.00)  
 Customer Deposits (\$ 9,450.00)  
**Available Funds \$ 531,994.95**

**General Checking Account May 31, 2018** \$ 51,768.73

**LAIF Closing Balance May 31, 2018** \$ 530.97

- v. **District Counsel's Report** – Summary of May activities  
 Natalie Frye Laacke reported that Counsel had performed all of her regular duties.
- B. **BOARD OF DIRECTORS AND COMMITTEE REPORTS** –  
 Vice Chairperson McGuire provided information on the 3<sup>rd</sup> annual District Cleanup on July 10, 2018 at 10 am.
- C. **SPECIAL PRESENTATION:**  
 None
- D. **PUBLIC COMMENTS ON SPECIAL PRESENTATIONS AND REPORTS:**  
 Public Comment – None

\*\* Item 6.E. was moved to be heard before the consent agenda items. Chairperson Williams asked for Public Comment related to this item. There was no public comment on this item.

**4. CONSENT AGENDA ITEMS:**  
 Public Comment – None

- A. Review and approval of Minutes for the Regular Meeting on May 9, 2018.  
 Director Russell referenced page 6 and asked that a D be added to “agenized”.
- B. Review and approval of Disbursements Journal.
- C. Review and approval of Minutes for the Special Meeting on May 9, 2018.

A motion was made to approve consent agenda items 4A-4C with the recommended changes.

Motion by: Chairperson Williams  
 2<sup>nd</sup>: Director Russell  
 All in: 5 / 0



**5. PUBLIC HEARING:**

**A. Consideration of Adoption of Resolution 18-399 Adopting the 2018-2019 Fiscal Budget.**

Chairperson Williams asked for public comment related to this item. There was no public comment on this item.

A motion to approve Board Resolution 18-399 adopting the 2018-2019 Fiscal Budget.

Motion by: Vice-Chairperson McGuire  
2<sup>nd</sup>: Director Kellas  
All in: 5 / 0

Roll Call: Chairperson Williams: YES    Vice-Chairperson McGuire: YES    Director Russell: YES  
Director Kellas: YES    Director Stanert: YES

**6. BUSINESS ITEMS:**

**Public Comment – None**

**A. Consideration of adoption of Board resolution 18-400 declaring a public nuisance for the weed abatement program.**

Director Russell asked that the language in the public notice be changed from 19\_\_ to 20\_\_, to reflect the correct year. He also asked that in the resolution under section 2 the sentence "That the vegetation and located" have the word "and" be removed.

Vice-Chairperson McGuire pointed out a typo in the staff report. She also asked that on page 2 of the public notice that "th" be added to the July 13, 2018 date reference and that under the last bullet point the word "is" be removed.

A motion was made to approve Board Resolution 18-400 declaring a public nuisance with the changes discussed by the Board.

Motion by: Director Kellas  
2<sup>nd</sup>: Director Stanert  
All in: 5 / 0

Roll Call: Chairperson Williams: YES    Vice-Chairperson McGuire: YES    Director Russell: YES  
Director Kellas: YES    Director Stanert: YES

**B. Consideration of adoption of Board Resolution 18-401 authorization signatures for banking services on behalf of the District.**

A motion was made to approve Board Resolution 18-401 authorizing signatures for banking services.

Motion by: Chairperson Williams  
2<sup>nd</sup>: Director Kellas  
All in: 5 / 0

Roll Call: Chairperson Williams: YES    Vice-Chairperson McGuire: YES    Director Russell: YES  
Director Kellas: YES    Director Stanert: YES



**C. Consideration of adoption of Board Resolution 18-402 requesting Consolidation of the District's Bi-Annual Election with the November 8, 2018 Consolidated General Election.**

Vice-Chairperson McGuire asked that the word "their" be removed from the header of the resolution.

A motion was made to approve Board Resolution 18-402 with the changes discussed by the Board.

Motion by: Director Kellas  
2<sup>nd</sup>: Director Stanert  
All in: 5 / 0

Roll Call: Chairperson Williams: YES Vice-Chairperson McGuire: YES Director Russell: YES  
Director Kellas: YES Director Stanert: YES

**D. Authorization for the General Manager to retain Mid State Roofing, Inc. to reroof the District Office work not to exceed the amount of \$4,400.00.**

Chairperson Williams asked for public comment related to this item. There was no public comment on this item.

There was discussion related to the potential of dry rot being found.

Chairperson Williams asked for further information about the life-span of the material, the type of material that was going to be used, and the material warranty timeline.

Charlie Grace replied that he would research the answers to these questions and provide the follow up information to Chairperson Williams.

A motion was made to approve the General Manager to retain Mid State Roofing, Inc. to reroof the District Office.

Motion by: Director Russell  
2<sup>nd</sup>: Chairperson Williams  
All in: 5 / 0

**E. Consideration of approval of the proposal for the Potable Water Reservoir Engineering Design from Phoenix Engineering.  
(\*This item was discussed before 4.A)**

Charlie Grace introduced the item and provided an explanation of various items from the Phoenix proposal. He also acknowledged that the proposal had language about Supervisory Control and Data Acquisition (SCADA) and instrumentation plans.

Director Russell asked a question about the well pumps and if the system would need to be modified.



Jon Turner (Phoenix Engineering) introduced himself and replied that no modifications would be needed to the system at this time.

Director Kellas asked about the fire hydrants being part of the design process.

Jon Turner replied that this was included in the scope of the design work.

Chairperson Williams, Jon Turner and Charlie Grace discussed the funding options, the tasks that were referenced in the proposal and the items related to the USDA loan options.

A motion was made to direct staff to enter into the standard agreement with Phoenix Engineering to complete the proposal for the potable water reservoir engineering design.

Motion by: Director Russell  
2<sup>nd</sup>: Vice-Chairperson McGuire  
All in: 5 / 0

**7. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS –**

Julia Stanert commented about dead trees on Avonne that are hanging over the sidewalk by the tennis courts.

Charlie Grace responded that staff would work with the property owners regarding this matter.

**8. PUBLIC COMMENT –**

None

**9. CLOSED SESSION – 7:20 PM**

**A. Conference with Legal Counsel – Anticipated Litigation.** Decide whether to initiate litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: Number of case(s): 1.

**10. RECONVENE TO OPEN SESSION – 7:50 PM**

No reportable action was taken regarding this matter.

**11. ADJOURNMENT @ 7:51 PM**



DRAFT

**ATTACHMENT 8**



## Proposition 1, Round 1 IRWM Grant Program

Request Nos. 17-24	No Legal Challenges letter; Land Use Permit from County; Grading Permit from County; Any other applicable permit(s) for project; Proof of right to construct and operate project (i.e. easement); Project Monitoring Plan; Other funding secured; Explanation of status, schedule, and steps to complete incomplete documents	Not Provided	Provide status, schedule, and steps to complete incomplete grant-required documentation.
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1. Initial Study and Mitigated Negative Declaration Section 7 (Mitigation Monitoring and Reporting Program).
2. October 9, 2019 Resolution No. 19-414 adopting Initial Study and Mitigated Negative Declaration.
3. No Legal Challenges Letter.



## 7. MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<b><i>Aesthetics</i></b>							
<p><b>AES-1.</b> The following project features shall be required:</p> <ul style="list-style-type: none"> <li>Project outdoor lighting shall be limited to the minimum required for security and safety;</li> <li>Outdoor lighting shall be of a minimal wattage required for security and safety;</li> <li>The height of outdoor light fixtures shall be limited to the minimum height allowed;</li> <li>Outdoor light fixtures shall include a solid/metal hood to direct light downward and shall be designed to avoid the spilling of light off-site; and</li> <li>The tanks shall include a painting schematic that shows the application of a color palate that disguises and blends the tanks into the natural environmental to the extent feasible.</li> </ul>	Required mitigation shall be shown on building plans and shall be incorporated into project design prior to final approvals.	County staff shall ensure required measures are included in project design prior to project approval.	Prior to project approval.	County of San Luis Obispo, SSCSD			
<b><i>Air Quality/Greenhouse Gas Emissions/Energy</i></b>							
<p><b>AQ-1.</b> To mitigate fugitive dust emissions related to project construction, the following shall be implemented:</p> <ol style="list-style-type: none"> <li>Reduce the amount of the disturbed area where possible;</li> <li>Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;</li> <li>All dirt stock pile areas should be sprayed daily as needed;</li> <li>Permanent dust control measures identified in the approved project revegetation and landscape plans</li> </ol>	Required mitigation shall be shown on building plans and shall be incorporated into project design prior to final approvals.	County staff shall ensure required measures are included in project design prior to project approval.	Prior to project approval.	County of San Luis Obispo, SSCSD			



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>should be implemented as soon as possible following completion of any soil disturbing activities;</p> <p>e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;</p> <p>f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;</p> <p>g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;</p> <p>h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;</p> <p>i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;</p> <p>j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;</p> <p>k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;</p> <p>l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and</p> <p>m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible</p>							



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.							
<p><b>AQ-2.</b> The required mitigation measures for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment are listed below:</p> <ul style="list-style-type: none"> <li>• Maintain all construction equipment in proper tune according to manufacturer’s specifications;</li> <li>• Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);</li> <li>• Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;</li> <li>• Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;</li> <li>• Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;</li> <li>• All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;</li> </ul>	Required mitigation shall be shown on building plans and shall be incorporated into project design prior to final approvals.	County staff shall ensure required measures are included in project design prior to project approval.	Prior to project approvals.	County of San Luis Obispo, SSCSD			



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<ul style="list-style-type: none"> <li>• Diesel idling within 1,000 feet of sensitive receptors is not permitted;</li> <li>• Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;</li> <li>• Electrify equipment when feasible;</li> <li>• Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,</li> <li>• Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.</li> </ul>							
<p><b>AQ-3.</b> Any scheduled disturbance, removal, or relocation of utility pipelines shall be coordinated with the APCD Enforcement Division at (805) 781-5912 to ensure compliance with NESHAP, which include, but are not limited to: 1) written notification, within at least 10 business days of activities commencing, to the APCD, 2) asbestos survey conducted by a Certified Asbestos Consultant, and, 3) applicable removal and disposal requirements of identified ACM.</p>	Verification of required mitigation measure shall be provided prior to construction.	Prior to construction.	Prior to construction activities.	SSCSD			
<b>Biological Resources</b>							
<p><b>BIO-1.</b> All vegetation removal, excavation of the tank pads, and trenching for the segment of new water line between the existing reservoir and new tanks shall occur from middle of May to late October, depending on weather conditions. If other phases of construction cannot take place during this period, Mitigation Measure BIO-2 shall apply.</p>	Measure shall be factored into construction schedule.	At time of construction	Prior to construction kick off.	SSCSD			
<p><b>BIO-2.</b> If construction activities cannot be completed within the dry season window as described in Mitigation Measure BIO-1, a qualified biologist shall complete a daily pre-activity survey of all areas in which construction activities are planned for the day, including an inspection of stored materials, parked vehicles and any trenches that were open overnight. If any</p>	Measure shall be factored into construction schedule and reported to County for monitoring.	At time of construction.	Prior to construction kick off	SSCSD			



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
California red-legged frogs are found on-site, the biologist shall immediately contact the USFWS and work shall be halted until proper clearance has been given by the USFWS. If any southwestern pond turtles, San Simeon slender salamanders, California newts or two-striped gartersnakes are found, the qualified biologist shall ensure that these individuals are not killed or injured by the work.							
<b>BIO-3.</b> A pre-construction survey for all special-status wildlife species shall be conducted within 24 hours prior to the commencement of initial vegetation removal and/or site grading and/or trenching. If work commences on different areas at different times, a separate preconstruction survey shall be conducted before the start of work in each area. A qualified biologist shall inspect underneath any objects such as lumber, boards, logs, rocks, and brush piles for wildlife species that may be present in impact areas. If any federally listed species are found, the USFWS shall be notified as described in Mitigation Measure BIO-2. If any birds' nests are found, the measures described below in Mitigation Measure BIO-5 shall be followed.	Measure shall be factored into construction schedule and reported to County for monitoring.	Measure shall be implemented prior to and during construction.	Periodically per Measure.	SSCSD			
<b>BIO-4.</b> Conduct the initiation of construction activities outside of the nesting season. All initial site disturbance shall be limited to the time period between September 1 and November 1, if feasible. If initial site disturbance such as vegetation removal, grading, and trenching cannot be conducted during this time period, implementation of Mitigation Measure BIO-5 is required.	Measure shall be factored into construction schedule.	Prior to construction scheduling.	Once, prior to construction scheduling.	SSCSD			
<b>BIO-5.</b> Conduct a pre-construction nesting bird survey. If it is not possible to schedule the initiation of construction between September 1 and November 1, a qualified biologist shall conduct a pre-construction survey for nesting birds within 250 feet of project impact areas to ensure that no active nests will be disturbed. The pre-construction survey shall be conducted	Survey shall be scheduled by qualified biologist and coordinated with SSCSD and construction crew.	Prior to construction scheduling.	Once, per mitigation measure.	SSCSD			



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
no more than seven days before the initiation of construction activities in any given area of the project site. During this survey, the qualified biologist shall inspect all potential nest substrates in the impact area, and any nests identified will be monitored to determine if they are active. If no active nests are found, construction may proceed. If an active nest is found within 50 feet (250 feet for raptors) of the construction area, the biologist, in consultation with CDFW, shall determine the extent of a buffer to be established around the nest. The buffer will be delineated with flagging, and no work shall take place within the buffer area until the young have left the nest, as determined by a qualified biologist.							
<b>BIO-6.</b> Prepare and present a Worker Environmental Awareness Program. A qualified biologist shall prepare a Worker Environmental Awareness Program that will be presented to all construction personnel and employees before any ground-disturbing activities commence at the project site. This program shall detail the measures undertaken during project implementation to avoid and minimize impacts on biological resources. It shall include a description of special-status species potentially occurring on the project site and their natural history; the status of the species and their protection under the FESA, CESA, Bald and Golden Eagle Protection Act, MBTA, and California Fish and Game Code; and the penalties for take. All attendees of the Worker Environmental Awareness Program shall sign an attendance form.	Program shall be implemented as required and sign in sheet shall be provided to SSCSD and County.	Prior to construction kick off.	Once per mitigation measure.	SSCSD			
<b>BIO-7.</b> Observe construction standard operating and Best Management Practices (BMPs). The following standard practices are recommended to reduce various project impacts on biological resources.  a. Prior to the start of construction, the limits of disturbance shall be clearly delineated by stakes,	Measures shall be listed on project plans and implemented as required. Regular reports shall be submitted to SSCSD and County.	As part of regular construction monitoring.	Measures shall be inspected by construction monitor during site visits.	SSCSD			



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>construction fencing, flags, or another clearly identifiable system.</p> <p>b. All pipes, metal tubing, or similar materials stored or stacked on the project site for one or more overnight periods shall be either securely capped before storage or thoroughly inspected for wildlife before the materials are moved, buried, capped, or otherwise used. In addition, materials such as lumber, plywood, and rolls of silt fence stored on site shall be thoroughly inspected before use. Materials that could provide shelter/nesting habitat for birds shall be covered with netting or other exclusion methods during the nesting season, where feasible and appropriate, to prevent birds from building nests. If encountered, wildlife shall be allowed to escape unimpeded, or relocated by a qualified biologist to a designated appropriate habitat area away from construction activities. Any wildlife relocations shall be authorized as necessary by CDFW and/or USFWS.</p> <p>c. To prevent entrapment of wildlife, all excavations (e.g., steep-walled holes or trenches) more than 6 inches deep shall be covered with plywood or similar materials when not in use or contain escape ramps constructed of dirt fill, wooden planks, or other material that wildlife could ascend. The amount of time trenches or other excavations are left open shall be minimized. All excavations more than 6 inches deep shall be inspected daily prior to the start of construction and immediately before being covered or filled. Any wildlife discovered shall be allowed to escape unimpeded before construction activities resume or shall be relocated by an authorized biologist in accordance with CDFW and/or USFWS regulations.</p> <p>d. Dust suppression shall occur during construction activities when necessary to meet air quality standards and protect biological resources. Dust control is an important component to minimize impacts on native</p>							



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>vegetation growing on or adjacent to the site. BMPs for dust abatement shall be a component of the project's construction documents.</p> <p>e. To minimize disturbance, all vehicle traffic shall be restricted to established roads, construction areas, and other designated areas.</p> <p>f. No vehicles or equipment shall be refueled within 100 feet of wetlands or streams (including offsite areas) unless a bermed and lined refueling area is constructed. No vehicles or construction equipment shall be stored overnight within 100 feet of these areas unless drip pans or ground covers are used. Spill kits shall be maintained on the site, and a spill response plan shall be in place.</p> <p>g. No concrete washout shall be conducted on the site outside of an appropriate containment system.</p> <p>h. The use of chemicals, fuels, lubricants, or biocides shall be in compliance with all local, state, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation.</p> <p>i. All food-related trash items (e.g., wrappers, cans, bottles, food scraps), small construction debris (e.g., nails, bits of metal and plastic), and other human-generated debris (e.g., cigarette butts) shall be stored in animal-proof containers and/or removed from the site on a weekly basis. No deliberate feeding of wildlife shall be allowed.</p>							
<p><b>BIO-8.</b> Install appropriate erosion controls and revegetated graded areas. All areas where temporary construction-related impacts have taken place shall have appropriate erosion controls and other stormwater protection BMPs installed to prevent erosion potential. As part of the local approval process, a Sediment and Erosion Control Plan shall be</p>	<p>Measure shall be shown on project plans and implemented per measure.</p>	<p>Erosion controls shall be monitored as part of construction</p>	<p>Monitoring to occur at regular intervals per construction progress.</p>	<p>SSCSD</p>			



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification																
					Initial	Date	Comments														
<p>prepared that specifically seeks to protect the drainages and wetland and riparian habitat adjacent to the construction area. Silt fencing, straw bales, sand bags, fiber rolls and/or other types of materials shall be prescribed in the plan to prevent erosion and sedimentation. Biotechnical approaches using native vegetation shall be used as feasible. Areas with disturbed soils shall be restored under the direction of a qualified restoration ecologist. Methods may include recontouring graded areas to blend in with existing natural contours, covering the areas with salvaged topsoil containing native seedbank from the site, and/or applying the native seed mix described in Table 2 to the graded areas through either direct hand seeding or hydroseeding methods.</p> <p><b>Table 2. Native Grassland Erosion Control Seed Mix.</b></p> <table border="1"> <thead> <tr> <th>Species</th> <th>Application Rate (lbs./acre)</th> </tr> </thead> <tbody> <tr> <td><i>Bromus carinatus</i> (California brome)</td> <td>5</td> </tr> <tr> <td><i>Hordeum brachyantherum</i> (meadow barley)</td> <td>5</td> </tr> <tr> <td><i>Vulpia microstachys</i> (six weeks fescue)</td> <td>3</td> </tr> <tr> <td><i>Stipa pulchra</i> (purple needle grass)</td> <td>10</td> </tr> <tr> <td><i>Trifolium wildenvii</i> (tomcat clover)</td> <td>5</td> </tr> <tr> <td><b>Total</b></td> <td><b>28</b></td> </tr> </tbody> </table> <p><i>Table Source: SSCSD Water System Improvement Project Biological Resources Assessment (Kevin Merk Associates, 2018).</i></p>	Species	Application Rate (lbs./acre)	<i>Bromus carinatus</i> (California brome)	5	<i>Hordeum brachyantherum</i> (meadow barley)	5	<i>Vulpia microstachys</i> (six weeks fescue)	3	<i>Stipa pulchra</i> (purple needle grass)	10	<i>Trifolium wildenvii</i> (tomcat clover)	5	<b>Total</b>	<b>28</b>		monitoring effort.					
Species	Application Rate (lbs./acre)																				
<i>Bromus carinatus</i> (California brome)	5																				
<i>Hordeum brachyantherum</i> (meadow barley)	5																				
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<i>Stipa pulchra</i> (purple needle grass)	10																				
<i>Trifolium wildenvii</i> (tomcat clover)	5																				
<b>Total</b>	<b>28</b>																				
<b>Cultural Resources</b>																					
<b>CR-1.</b> In the event that archaeological resources are unearthed or discovered during any construction activities, the following standards shall apply:	Measure shall be printed on project plans and implemented as needed.	During initial construction efforts.	During initial construction activity.	SSCSD, County of SLO																	



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
Construction shall cease and the County of San Luis Obispo Project Manager and the SSCSD representative shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and a protection plan can be implemented to protect or remove the resources in accordance with State or Federal law. In the event of accidental discovery of human remains, all work is required to stop and the County Coroner will be contacted and the Most Likely Descendent will be identified and contacted.							
<b>Geology and Soils</b>							
<b>GEO-1.</b> In order to address the potential for geologic impacts related to the proposed project construction, the mitigation measure recommendations listed in Section 3.0 of the project geotechnical report shall be implemented as required elements of the project. The following is a summary of the required measures (please refer to the geotechnical report for a detailed discussion of these recommended mitigation measures). Measures listed in MND above and in project geotechnical report.	Measures shall be incorporated into project design.	Prior to issuance of construction permit.	Once prior to issuance of construction permit.	SSCSD, County of SLO			
<b>Noise</b>							
<b>N-1.</b> Stationary construction equipment used for proposed utility and infrastructure upgrades within the community that generates noise exceeding 65 dBA at the project boundaries shall be shielded with the most modern and effective noise control devices (i.e., mufflers, lagging, and/or motor enclosures). Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction within the community shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. All equipment shall be properly maintained to ensure that no additional noise, due to	Required mitigation measures shall be printed on building plans.	Monitoring shall be required at periodic inspections.	Throughout construction activities.	SSCSD, County of SLO			



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
worn or improperly maintained parts, is generated. Stockpiling and vehicle staging areas shall be located as far as practical from sensitive noise receptors. Every effort shall be made to create the greatest distance between noise sources and sensitive receptors during construction activities within the community.							

DRAFT



**RESOLUTION NO. 19-414**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN FOR THE COMMUNITY WATER TANK PROJECT AND MAKING THE REQUIRED ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, the San Simeon Community Services District (the “District”) proposes to implement the Community Water Tank Project (the “Project”); and

**WHEREAS**, the Project consists of installation of two new water storage tanks at 400,000 gallons each with each tank being approximately 25.5 feet tall and having a diameter of 50 feet total. The new water tanks would be located approximately 530 feet northeast of the existing water reservoir and up-slope from the existing reservoir. The new tanks would be located on a new concrete pad approximately 175 feet long by 87 feet wide, with approximately 300 feet of proposed utility trenching in native soils. The tank pad would be graded into the existing on-site slope resulting in 2:1 finished slope along the tank pad; and

**WHEREAS**, the District is the lead agency for the preparation and consideration of environmental documents for the Project, as defined in the California Environmental Quality Act (“CEQA”) and the State of California Guidelines for Implemental of the California Environmental Quality Act; and

**WHEREAS**, an Initial Study for the Project has been completed pursuant to CEQA which identifies potentially significant effects on the environment which would result from the Project, and concludes that these impacts can be avoided or reduced to a level of insignificance with adoption and implementation of certain mitigation measures therein identified and listed; and

**WHEREAS**, based on this Initial Study, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan has been prepared in accordance with CEQA, which finds that any potentially significant environmental effects of the proposed project would be sufficiently mitigated to a level of insignificance with implementation of mitigation measures specified therein; a complete copy of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and all supporting exhibits and documents are on file and can be viewed at the District office; and

**WHEREAS**, the District published a notice of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Project on September 7, 2019, which started a 30-day public review period. The notice was posted at the District office, posted on the District’s website, included in the District’s Board packet of its September 11, 2019 Regular meeting, distributed through the State Clearinghouse, published in *The Tribune*; and comments from the public and interested persons were invited; and

**WHEREAS**, at its October 9, 2019 Board meeting, the District Board reviewed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Project, any comments received to-date and the responses prepared, invited additional comments from the public, and intends to take actions on the Project in compliance with CEQA and its guidelines; and



**WHEREAS**, the District conducted its own independent analysis of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and determined that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan were appropriate as there is substantial evidence the Project would not result in any significant environmental impacts and the mitigated negative declaration reflects the District's independent judgment and analysis; and

**WHEREAS**, the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan are, by this reference, incorporated into this Resolution as if fully set forth herein.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Directors that:

1. The recitals set forth above are held to be true and correct and, by this reference, are hereupon incorporated as findings.
2. The Board of Directors has independently reviewed, analyzed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and the whole record before it (including the Initial Study and any comments received) and based on the foregoing, the Board of Directors hereby finds that all environmental impacts of the Project with mitigation measures are below a level of significance and there is no substantial evidence supporting a fair argument that the Project will have a significant effect on the environment.
3. The Board of Directors find the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan has been completed in compliance with CEQA and consistent the State of California Guidelines for the Implementation of the California Environmental Quality Act.
4. The Board of Directors finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan represents the independent judgment and analysis of the District as the lead agency for the Project.
5. The Board of Directors further finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan is adequate to serve the required CEQA environmental documentation for the Project and hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan.
6. The District's General Manager is the custodian of the records of the proceedings on which this decision is based. The records are located at 111 Pico Avenue, San Simeon, CA 93452.
7. The Board of Directors directs staff to file a notice of determination with the County of San Luis Obispo within five (5) working days of adoption of this Resolution.

**PASSED AND ADOPTED** by the San Simeon Community Services District Board of Directors at a regular meeting held on October 9, 2019, by the following roll-call vote:

Chairperson Kellas: *yes*

Director Russell: *yes*

Vice-Chairperson McGuire: *yes*

Director Carson: *yes*

Director Stanert: *yes*



*G. Killo*

Chairperson Board of Directors of the  
San Simeon Community Services District

**ATTEST:**

*[Signature]*

Board Secretary of the  
San Simeon Community Services

**APPROVED AS TO FORM:**

*Doluis F. haadre*  
District Counsel

**DRAFT**