

# Board of Directors San Simeon Community Services District



## REGULAR BOARD MEETING PACKET

**Tuesday, November 9, 2021**  
**Meeting Start Time 5:00 pm**

Virtual Board Meeting via Zoom Webinar  
Webinar Code: **873 0781 0050**

Prepared by:



**AGENDA**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR BOARD MEETING**  
**Tuesday, November 9, 2021**  
**5:00 pm**

Pursuant to San Simeon CSD Resolution 21-434 and in compliance with AB 361 this meeting shall occur as a virtual teleconference using the Zoom app.

**Internet Meeting Location – Via ZOOM**

**Join Zoom for Regular Board Session:**

<https://us02web.zoom.us/j/87307810050>

**Or One tap mobile:**

**US: +16699009128, 87307810050#**

**Or Telephone:**

**Dial (for higher quality, dial a number based on your current location):**

**US: +1 669 900 9128**

**Webinar ID: 873 0781 0050**

**NOTE:** On the day of the meeting, the virtual meeting room will be open beginning at 4:30 PM. If you are unable to access the meeting please contact Cortney Murguia at (805) 927-4778 prior to the 5:00 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.

**1. REGULAR SESSION: 5:00 PM - <https://us02web.zoom.us/j/87307810050>**

**A. Roll Call**

**2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

**Public Comment** - Any member of the public may address 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 October.
- ii. CHP Report** – Report for October.
- iii. Superintendent's Report** – Summary of October activities.

- iv. **General Manager's Report** – Summary of October Activities.
- v. **District Financial Summary** – Summary of October Financials.
- vi. **District Counsel's Report** – Summary of October Activities.
- vii. **Board Member Report** – Summary of October Activities.

**B. AD-HOC COMMITTEE REPORTS:**

- i. **Status Update** – Disbursements Journal Review Committee.
- ii. **Status Update** – Policy & Procedures Committee.
- iii. **Status Update** – Update on District Ordinance 107 Parking on District Streets and draft Ordinance 122 Parking on District Streets.
- iv. **Status Update** – Budget Committee.
- v. **Status Update** – Water Committee.

**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 at this time, Public Comment is limited to three (3) minutes.

**4. CONSENT AGENDA ITEMS:**

**Public Comment** – This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Agenda Item #4 Consent Agenda Items. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes.

- A. REVIEW AND APPROVAL OF MINUTES FOR THE REGULAR MEETING ON OCTOBER 12, 2021.**
- B. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL.**
- C. ADOPTION OF RESOLUTION 21-435 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.**
- D. ADOPTION OF RESOLUTION 21-436 TO ALLOW THE DISTRICT RENTAL OF A SAFE DEPOSIT BOX.**

**5. PUBLIC HEARING:**

**Public Comment** – Public comment will be allowed for each individual public hearing item. Members of the public wishing to speak on public hearing items may do so when recognized by the Presiding Officer. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes per person for each public hearing item.

- A. INTRODUCTION OF ORDINANCE NO. 123 OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT TO ADOPT MANDATORY SOLID WASTE, ORGANIC WASTE, AND RECYCLING MATERIALS RULES AND REGULATIONS AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA.**

**6. BUSINESS ACTION ITEMS:**

**Public Comment** – Public comment will be allowed for each individual business item. 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 at this time, Public Comment is limited to three (3) minutes per person for each business item.

- A. CONSIDERATION OF CANDIDATES TO REPLACE THE BOARD OF DIRECTOR VACANCY CREATED BY THE RESIGNATION OF WILLIAM MAURER AND BOARD APPOINTMENT OF THE NEW DIRECTOR.**
- B. APPROVAL OF A PROPOSAL FROM AKEL ENGINEERING GROUP, INC. FOR THE URBAN WATER MANAGEMENT PLAN NOT TO EXCEED THE AMOUNT OF \$25,090.00.**
- C. APPROVAL OF A PROPOSAL FROM STILLWATER SCIENCES FOR THE INFLOW STREAM MANAGEMENT PLAN TASKS 1 THROUGH 5 NOT TO EXCEED THE AMOUNT OF \$ 84,900.00.**
- D. APPROVAL OF A PROPOSAL FROM COOPERATIVE STRATEGIES FOR REDISTRICTING SERVICES NOT TO EXCEED THE AMOUNT OF \$25,090.00.**
- E. CONSIDERATION OF APPROVAL OF THE DRAFT POLICY ON CREDITS TO CUSTOMERS UTILITY BILLS.**
- F. AUTHORIZE THE CHAIRPERSON TO (1) EXECUTE THE MEMORANDUM OF AGREEMENT (“MOA”) BY AND BETWEEN THE MEMBER JURISDICTIONS OF THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY (“IWMA”); (2) EXECUTE AMENDMENT ONE TO THE MOA; AND (3) EXECUTE A LETTER OF DESIGNATION WITH THE IWMA REGARDING SENATE BILL 1383 COMPLIANCE.**
- G. DIRECTION TO STAFF TO SEND A LETTER OF INTENT NOTIFYING THE COUNTY OF SAN LUIS OBISPO THAT THE CSD INTENDS TO ASSUME SOLID WASTE AUTHORITY.**
- H. APPROVAL OF LIMITED TERM ENCROACHMENT EASEMENT AND AGREEMENT BETWEEN HEARST HOLDINGS, LLC AND THE SAN SIMEON CSD.**

**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. 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.

**3. A. ii. SUPERINTENDENT REPORT**  
**Jerry Copeland**  
**Facilities Update for October 2021**



## SUPERINTENDENT'S REPORT

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### Item 3.A.ii

Prepared by: Jerry Copeland

#### **1. Wastewater Treatment Plant**

- All sampling, testing and reporting at the Wastewater Treatment Plant was performed as required by the Regional Water Quality Control Board (RWQCB).
- The monthly report was submitted to the State Water Resources Control Board (SWRCB).
- Routine cleaning of the Aerobic Digester was performed.
- Five loads of sludge were hauled away in part to facilitate the above-mentioned cleaning.

#### **2. Water Treatment and Distribution System**

- All routine sampling, testing and reporting was performed as required by the SWRCB, Division of Drinking Water (DDW).
- The monthly report was submitted to the SWRCB, DDW.
- Monthly water meter reading was performed.

#### **3. District and Equipment Maintenance**

- Staff continues with all the scheduled preventive maintenance for equipment at the facilities.

San Simeon Community Services District

Superintendent's Report

October 2021

MONTHLY DATA REPORT

Date	Day	Wastewater Influent Daily Flow	Wastewater Effluent Daily Flow	Well 1 Total Daily Produced	Well 2 Total Daily Produced	Total Daily Water Produced	R.O. Daily Influent Flow	R.O. Daily Effluent Flow	R.O. Daily Brine Flow	Distribution Chloride	Chloride Wells 1 2	Recycled Water Distributed	Water Level Well 1	Water Level Well 2	Rainfall in Inches	State Flows	
10/01/21	Friday	57,519	62,180	28,798	0	28,798	0	0	0	-	-	-	0	13.2	13.1	0.00	1,524
10/02/21	Saturday	58,116	61,360	66,497	0	66,497	0	0	0	-	-	-	0	13.1	12.9	0.00	1,618
10/03/21	Sunday	70,446	72,330	77,418	0	77,418	0	0	0	-	-	-	0	13.1	12.9	0.00	2,976
10/04/21	Monday	56,854	58,390	67,769	0	67,769	0	0	0	-	-	-	0	13.2	13.1	0.00	2,761
10/05/21	Tuesday	55,635	55,060	58,643	0	58,643	0	0	0	-	-	-	0	13.3	13.1	0.00	1,502
10/06/21	Wednesday	38,999	40,040	1,646	70,312	71,958	0	0	0	53	67	-	0	13.2	13.0	0.00	1,952
10/07/21	Thursday	49,974	53,560	2,169	43,309	45,478	0	0	0	-	-	<30	0	13.3	13.1	0.00	1,900
10/08/21	Friday	51,604	60,320	60,289	11,744	72,032	0	0	0	-	-	-	0	13.3	13.1	0.00	759
10/09/21	Saturday	78,269	77,280	2,244	71,658	73,902	0	0	0	-	-	-	0	13.4	13.1	0.00	1,526
10/10/21	Sunday	56,986	64,320	81,457	0	81,457	0	0	0	-	-	-	0	13.3	13.1	0.00	2,333
10/11/21	Monday	51,324	53,510	51,687	17,653	69,340	0	0	0	-	-	-	0	13.3	13.3	0.00	1,133
10/12/21	Tuesday	58,091	53,960	14,736	60,513	75,249	0	0	0	-	-	-	0	13.3	13.1	0.00	1,066
10/13/21	Wednesday	48,177	52,170	50,415	0	50,415	0	0	0	53	78	<30	0	13.3	13.0	0.00	1,501
10/14/21	Thursday	47,247	53,260	6,208	67,170	73,379	0	0	0	-	-	-	0	13.3	13.0	0.00	1,187
10/15/21	Friday	61,519	61,480	64,552	21,019	85,571	0	0	0	-	-	-	0	13.3	13.0	0.00	2,046
10/16/21	Saturday	77,343	77,830	0	81,158	81,158	0	0	0	-	-	-	0	13.3	13.2	0.00	1,094
10/17/21	Sunday	58,590	59,730	50,864	8,228	59,092	0	0	0	-	-	-	0	13.5	13.3	0.00	1,182
10/18/21	Monday	41,142	58,870	0	57,746	57,746	0	0	0	-	-	-	0	13.3	13.1	0.00	3,253
10/19/21	Tuesday	76,799	71,670	61,860	0	61,860	0	0	0	-	-	-	0	13.4	13.2	0.00	2,025
10/20/21	Wednesday	44,157	46,930	0	54,604	54,604	0	0	0	62	78	<30	0	13.4	13.2	0.00	1,816
10/21/21	Thursday	45,692	49,890	69,115	0	69,115	0	0	0	-	-	-	0	13.5	13.2	0.00	1,224
10/22/21	Friday	56,582	56,850	55,726	0	55,726	0	0	0	-	-	-	0	13.5	13.3	0.00	2,417
10/23/21	Saturday	59,590	61,550	12,342	61,635	73,977	0	0	0	-	-	-	0	13.5	13.3	0.00	1,299
10/24/21	Sunday	63,916	73,520	53,108	598	53,706	0	0	0	-	-	-	0	13.4	13.4	0.00	2,658
10/25/21	Monday	73,503	71,920	40,093	47,498	87,591	0	0	0	78	143	37	0	13.3	13.2	1.56	6,638
10/26/21	Tuesday	46,957	51,820	4,413	14,287	18,700	0	0	0	78	123	30	0	11.0	10.6	0.08	761
10/27/21	Wednesday	56,518	59,050	62,533	823	63,356	0	0	0	78	88	32	0	10.5	10.0	0.00	2,282
10/28/21	Thursday	38,896	45,340	673	51,537	52,210	4,615	3,036	1,579	88	88	<30	0	10.5	10.3	0.00	1,123
10/29/21	Friday	36,327	40,200	48,470	1,720	50,191	0	0	0	81	69	32	0	10.5	10.5	0.00	1,462
10/30/21	Saturday	37,968	46,710	0	59,990	59,990	0	0	0	-	-	-	0	10.6	10.3	0.00	1,063
10/31/21	Sunday	48,870	50,120	58,942	0	58,942	0	0	0	-	-	-	0	10.7	10.4	0.00	2,985
<b>TOTALS</b>		<b>1,703,610</b>	<b>1,801,220</b>	<b>1,152,668</b>	<b>803,202</b>	<b>1,955,870</b>	<b>4,615</b>	<b>3,036</b>	<b>1,579</b>				<b>0</b>			<b>1.64</b>	<b>59,066</b>
Average		54,955	58,104	37,183	25,910	63,093	149	98	51	71	92	33	0	12.8	12.6	0.05	1,905
Minimum		36,327	40,040	0	0	18,700	0	0	0	53	67	30	0	10.5	10.0	0.00	759
Maximum		78,269	77,830	81,457	81,158	87,591	4,615	3,036	1,579	88	143	37	0	13.5	13.4	1.56	6,638

**DATA SUMMARY SHEET**

<b>2021</b>													
	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Total for 2021
Wastewater Influent	2,399,103	1,705,622	1,820,175	1,763,875	1,619,717	1,901,547	2,158,434	1,943,680	1,675,426	1,703,610			18,691,189
Wastewater Final Effluent (Month Cycle)	2,546,130	1,747,000	1,874,290	1,827,000	1,826,280	2,057,550	2,281,620	1,997,150	1,837,180	1,801,220			19,795,420
Adjusted Wastewater Influent (- State Flow)	2,148,485	1,645,420	1,765,245	1,705,967	1,552,211	1,825,611	2,078,540	1,854,274	1,603,573	1,644,544			17,823,870
Water Produced (month cycle)	1,851,150	1,682,402	1,907,250	2,114,147	2,080,786	2,385,297	2,699,083	2,171,145	2,100,384	1,955,870			20,947,516
Sewer Influent/Water Produced Ratio	1.30	1.05	0.95	0.83	0.78	0.80	0.80	0.90	0.80	0.87			N/A
Adjusted Sewer/Water Produced Ratio	1.16	0.95	0.93	0.81	0.75	0.77	0.77	0.85	0.76	0.84			N/A
Well 1 Water Production	90,358	3,590	101,952	972,774	1,010,847	1,793,480	2,693,847	2,169,948	2,098,963	1,152,668			12,088,428
Well 2 Water Production	1,760,792	1,678,811	1,805,298	1,141,373	1,069,939	591,818	5,236	1,197	1,421	803,202			8,859,088
Total Well Production	1,851,150	1,682,402	1,907,250	2,114,147	2,080,786	2,385,297	2,699,083	2,171,145	2,100,384	1,955,870			20,947,516
Water Well 1 Avg Depth to Water	10.6	9.9	9.8	10.1	10.2	10.6	11.5	12.3	12.8	12.8			N/A
Water Well 2 Avg Depth to Water	10.4	9.6	9.5	9.8	9.9	10.3	11.1	12.0	12.6	12.6			N/A
Average Depth to Water of Both Wells	10.5	9.7	9.7	10.0	10.1	10.5	11.3	12.1	12.7	12.7			N/A
Change in Average Depth to Water from 2020	+0.2	-0.4	-0.3	0.0	-0.2	+0.3	+1.4	+1.7	+1.4	+0.6			N/A
Average Chloride mg/L at the Wells	352	169	77	41	31	30	30	30	30	63			N/A
State Wastewater Treated	250,618	60,202	125,914	57,908	67,506	75,936	79,894	89,406	71,853	59,066			938,303
State % of Total WW Flow	10%	4%	7%	3%	4%	4%	4%	5%	4%	4%			N/A
Recycled Water Sold (Gallons)	0	0	0	0	0	0	0	0	0	0			0
Biosolids Removal (Gallons)	0	4,500	0	4,500	9,000	4,500	9,000	4,500	4,500	22,500			63,000
<b>WW Permit Limitation Exceeded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>			<b>0</b>
<b>RW Permit Limitation Exceeded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>			<b>0</b>
<b>Constituent Exceeded</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>			<b>N/A</b>
<b>Sample Limit</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>			<b>N/A</b>
<b>Sample Result</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>			<b>N/A</b>
<b>2020</b>													
	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Total for 2020
Wastewater Influent	2,215,755	1,971,958	1,944,913	1,583,618	1,850,716	2,266,319	2,341,110	2,516,424	1,858,385	1,825,386	1,542,483	1,305,557	23,222,624
Wastewater Final Effluent (Month Cycle)	2,168,690	1,922,920	1,846,450	1,555,350	1,707,500	2,045,070	2,304,980	2,397,730	1,907,070	1,915,400	1,661,370	1,431,330	22,863,860
Adjusted Wastewater Influent(- State Flow) *	1,958,507	1,780,122	1,818,999	1,500,460	1,748,006	2,201,429	2,262,301	2,440,274	1,798,005	1,763,948	1,490,514	1,257,657	22,020,222
Water Produced (month cycle)	1,843,670	1,872,693	1,514,688	1,215,724	1,962,303	2,261,129	2,673,502	2,726,684	2,321,568	2,242,803	1,894,160	1,785,252	24,314,177
Sewer Influent/Water Produced Ratio	1.20	1.05	1.28	1.31	0.94	1.00	0.88	0.92	0.80	0.81	0.81	0.73	N/A
Adjusted Sewer/Water Ratio	0.94	0.95	1.20	1.24	0.89	0.91	0.85	0.90	0.78	0.79	0.79	0.71	N/A
Average Depth of Both Wells	10.3	10.1	10.0	10.0	10.4	10.2	9.9	10.4	11.3	12.2	12.8	12.5	N/A
Change in Average Depth to Water from 2019	+1.0	+1.1	+0.7	-0.2	+0.2	+0.1	+0.1	+0.1	+0.6	+0.5	+0.6	+1.1	N/A
Average Chloride mg/L at the Wells	32	32	32	-	-	-	-	-	-	<30	<30	55	N/A
State Wastewater Treated	257,248	191,836	125,914	83,158	102,710	64,890	78,809	76,150	60,380	61,438	51,969	47,900	1,202,402
State % of Total WW Flow	12%	10%	6%	5%	6%	3%	3%	3%	3%	3%	3%	4%	N/A
Recycled Water Sold (Gallons)	0	0	0	0	0	0	0	0	0	0	0	0	0
Biosolids Removal (Gallons)	4,500	9,000	9,000	0	4,500	4,500	9,000	0	4,500	4,500	4,500	4,500	58,500
<b>WW Permit Limitation Exceeded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>N/A</b>
<b>RW Permit Limitation Exceeded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>N/A</b>
<b>Constituent Exceeded</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>N/A</b>
<b>Sample Limit</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Sample Result</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

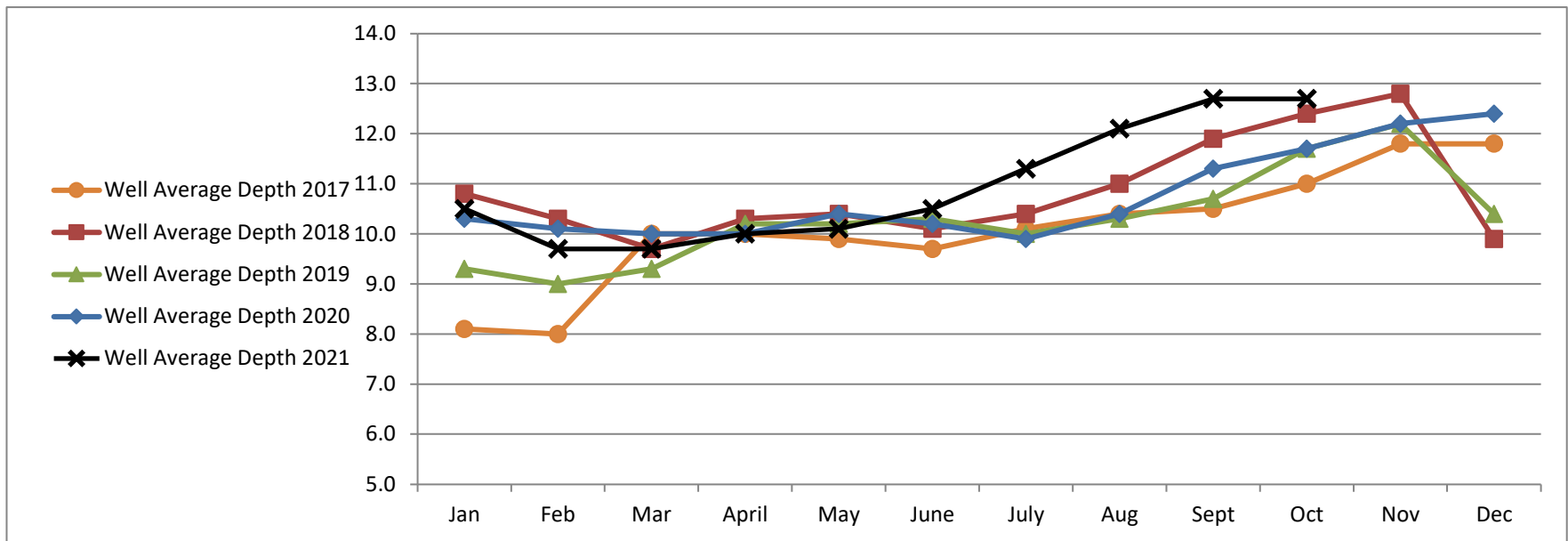


**San Simeon Community Services District**

**Superintendent's Report**

**October 2021**

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Well Average Depth 2017</b>	8.1	8.0	10.0	10.0	9.9	9.7	10.1	10.4	10.5	11.0	11.8	11.8
<b>Well Average Depth 2018</b>	10.8	10.3	9.7	10.3	10.4	10.1	10.4	11.0	11.9	12.4	12.8	9.9
<b>Well Average Depth 2019</b>	9.3	9.0	9.3	10.2	10.2	10.3	10.0	10.3	10.7	11.7	12.2	10.4
<b>Well Average Depth 2020</b>	10.3	10.1	10.0	10.0	10.4	10.2	9.9	10.4	11.3	11.7	12.2	12.4
<b>Well Average Depth 2021</b>	10.5	9.7	9.7	10.0	10.1	10.5	11.3	12.1	12.7	12.7		



page 4

**3. A. iii GENERAL MANAGER'S REPORT**  
**Charles Grace**  
**Update for October 2021**



## GENERAL MANAGER'S REPORT

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### Item 3.A.iii

**GES Staff Activity** – Report on staff activities for the month of October 2021. Regular activities performed by staff include:

Processing of utility payments, customer service duties, answering phone calls, mailing of the regular monthly utility bills. Prepared and distributed the agenda and Board packet for a regular Board meeting.

GES Staff also attended to the following items:

- Responded to fourteen (14) public records requests.

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### Update on District Grants:

**OPC Grant** – No update.

**LCP Grant** – No update.

**Prop 1 Grant** – No update.

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### Update on District Projects:

**Update on CHRP** – The contract with Dudek has been finalized a CHRP kick off meeting will be scheduled.

**Rate Study/Finance Items** – RCAC in coordination with CRWA and RDN is performing the rate study.

**Hearst Encroachment** – This item is part of the Business Action items.

**Water Tank Project Update** – No update.

**3. SPECIAL PRESENTATIONS AND REPORTS:  
A.vii. Board Member Report**

## NCAC

I will start with the most recent update first with a brief explanation

As you may have already heard yes, the CSD in 2016 due to an emergency drought situation built their RO unit on what we now know is a minute fraction of Hearst property, BUT, let me clearly state a couple of important points: past District Counsel had done a search prior to construction and assured the CSD that we DID own the property, in addition, neither Hearst, the Trust, or the County knew it was Hearst property and it was built to code only after receiving a County Land Use Permit. It did not come to light until a resident got their knickers in a knot, as they say in England, because their request for their own personal ADA parking space on a CSD right of way was denied--angry off they trotted to the county to pull maps ref. the R of W. That is when the headaches and legal bills became a nightmare for the mobile home park and the CSD. Not to mention Hearst and the County. Property ownership as I am sure all of you know, requires 3 important items, the copy of the deed (or prior deeds), a copy of the title report issued to the prior owner and a copy of the most recent survey of the property. These are invaluable tools. The CSD had only a topographical survey, provided by the complainant—but that type of map is not a boundary survey. So, the CSD had no choice but to spend the money and once and for all know for sure the owner. Now everyone that didn't know, which was apparently everyone, does.

The east corner of the RO building, installed within the misplaced historical fence line, is 12.81 feet on to Hearst holding, and an electrical panel would protrude 4 or 5 feet. The size of the ranch is 83,000 acres.

MBS, IMPO a 5 star company completed a survey that included a Title Search and I spent the first 4 hours with them learning about how they use Bluetooth and GPS and a metal detector to search for monuments. One of those being in 1917 a 21 inch girth Blue Gum aka eucalyptus. It now has a girth of 72 inches. I was very impressed and Michael Stanton gave a great presentation and explained, results and possible solutions, at our Board meeting.

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A proposal was approved and a contract will soon be signed with Dudek to move forward on the CHRP, Coastal Hazard Response Plan—which simply put is to find a location inland for a new WWTP. Not an easy feat on 1 square acre of land which is surrounded by Hearst and State Park properties and the Ocean.

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The CSD pipe bridge, painting is slated to begin shortly. Staff will be sending pics to the Dept of fish and wild life as a minimal amount of non-native branches will need to be trimmed. They are dead myoporum, and intrusive so no issue is anticipated.

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We have also put to rest, hopefully, that a few citizens that were insisting we should be paid as independent contractors are incorrect according to the IRS that states by law we are statutory employees. A detailed explanation was provided at the meeting and is on line.

On September 14, 2021 the District received confirmation that the Technical Assistance request for a Rate Study had been approved and assigned to the RCAC. Staff effort saved the community approximately \$30,000 - \$45,000.00 for the cost of a rate study.

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The CSD has responded, so far this month to 10 CPRA requests, The 2021 total from two folks is now at 94 and grows approximately daily.

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The Board, recently received a charming letter from a school counselor commending us on our web site and how during at-home learning it had assisted her with her education programs. One of her students had compiled a list of Water Cycle Glossary of terms, which we added to the site. It made us feel good as Courtney Murguia, Mary Margaret McGuire and I worked hard on it.

Lastly Staff is always willing to give tours of the WTP and all that is required is an appointment and sturdy shoes. At that time we will show you our outfall water, which looks as clear as drinking water. Our output solids are 0.1mg/L (liter) or less and State requirement is no greater than 3.0mg/L.

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Rationale of switching to the webinar version of Zoom for the District Board meetings.

**3. B. i. v. AD-HOC COMMITTEE REPORTS**  
**List of committee members**



## ADHOC COMMITTEE REPORTS

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### List of Committee Members:

- i. **Status Update**– Disbursements Journal Review Committee members:  
Vacancy and Vice-Chairperson Giacoletti.
- ii. **Status Update** – Policy & Procedures Committee members:  
Chairperson Kellas and Director Carson.
- iii. **Status Update** – Parking on District Streets Committee members:  
Director de la Rosa and Vice-Chairperson Giacoletti.
- iv. **Status Update** – Budget Committee members:  
Michael Hanchett, Miguel Sandoval, Luz Hernandez, Vacancy (Committee Chairperson)
- v. **Status Update** – Water Committee members:  
John Russell, Leroy Price, Michael Hanchett, Director Daniel de la Rosa



**3. A. iv. DISTRICT FINANCIALS**  
**Cortney Murguia**  
**October 31, 2021**

# SAN SIMEON COMMUNITY SERVICES DISTRICT



## 3.A.iv FINANCIAL SUMMARY

### Billing October 31, 2021

September Billing Revenue	\$	87,072.91
October Billing Revenue	\$	88,709.37
Past Due (60+ days)	\$	10,320.32

### ENDING BANK BALANCES

October 31, 2021

#### PACIFIC PREMIER BANK:

Money Market Account Closing Balance September 30, 2021	\$	1,014,437.78
Transfer from General Checking October 14, 2021	\$	50,000.00
Interest for October	\$	26.59
Money Market Account Closing Balance October 31, 2021	\$	1,064,464.37
Reserve Fund		(250,000.00)
Wait-list Deposits		(80,098.60)
Customer Deposits		(8,400.00)
<b>Available Funds</b>	<b>\$</b>	<b>725,965.77</b>

**General Checking Account October 31, 2021** \$ 126,389.70

**LAIF Closing Balance September 30, 2021** \$ 561.30

**Interest Money Market Account 2019** \$ 22,529.11

**Interest Money Market Account 2020** \$ 12,206.44

**Interest Money Market Account 2021** \$ 1,051.54

**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**Balance Sheet**  
As of October 31, 2021

	Oct 31, 21
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
1010 · Petty cash	150.00
1015 · Pac Prem Ckg-6603	125,906.05
1017 · Pacific Premier-Money Market	1,064,464.37
1050 · LAIF - non-restricted cash	560.96
<b>Total Checking/Savings</b>	1,191,081.38
<b>Other Current Assets</b>	
1200 · Accounts receivable	122,847.98
1220 · A/R - Hearst Castle	11,995.72
1300 · Prepaid insurance expense	7,862.27
<b>Total Other Current Assets</b>	142,705.97
<b>Total Current Assets</b>	1,333,787.35
<b>Fixed Assets</b>	
<b>1400 · Fixed assets</b>	
1420 · Building and structures	279,580.67
1500 · Equipment	12,689.93
1560 · Pipe bridge	29,497.00
1580 · Sewer plant	869,352.16
1600 · Water system	235,615.43
1620 · WWTP expansion	299,565.92
1630 · Tertiary Project	568,063.00
1640 · Wellhead Rehab Project	448,253.95
1650 · Walkway access projects	26,791.00
1660 · RO Unit	948,021.38
1680 · Generator	18,291.00
<b>Total 1400 · Fixed assets</b>	3,735,721.44
<b>1450 · Construction in Progress</b>	
1670 · Reservoir / Water Tanks	287,693.56
<b>Total 1450 · Construction in Progress</b>	287,693.56
<b>1690 · Accumulated depreciation</b>	(1,570,301.18)
<b>Total Fixed Assets</b>	2,453,113.82
<b>TOTAL ASSETS</b>	<b>3,786,901.17</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Other Current Liabilities</b>	
2500 · Customer security deposits	8,500.00
2510 · Connect hookup wait list	80,098.60
<b>Total Other Current Liabilities</b>	88,598.60
<b>Total Current Liabilities</b>	88,598.60
<b>Long Term Liabilities</b>	
2520 · USDA Loan Principal Bal	434,352.02
<b>Total Long Term Liabilities</b>	434,352.02
<b>Total Liabilities</b>	522,950.62
<b>Equity</b>	
3200 · Fund balance	(118,856.46)
3201 · Net Investment in Capital Asset	2,065,680.00
3204 · Board Assigned for Water CIP	155,505.10
3205 · Board Assigned for WW CIP	155,784.69

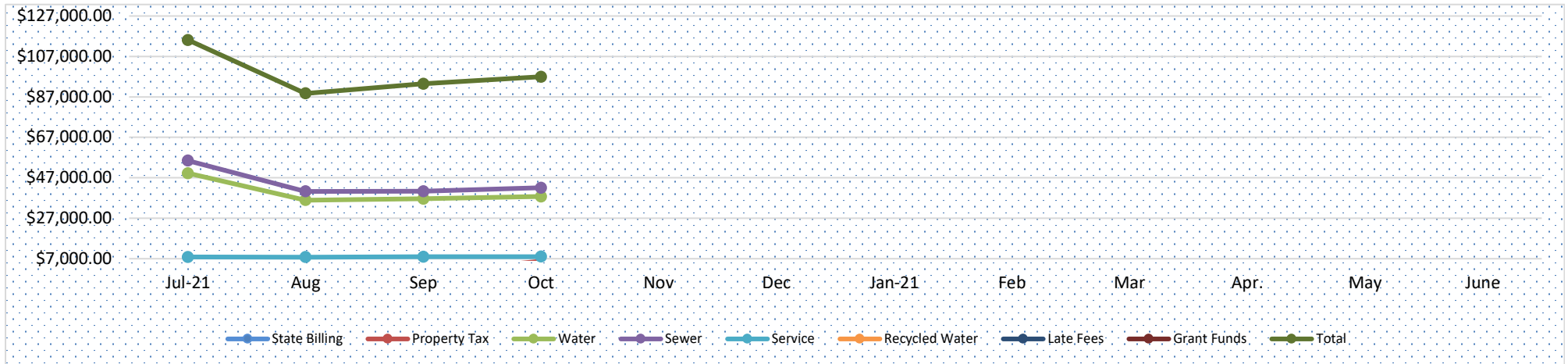
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**Balance Sheet**  
As of October 31, 2021

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	<u>Oct 31, 21</u>
3206 · Board Assigned for General CIP	43,295.03
3207 · BOD committed for Oper Reserves	250,000.00
3209 · Waitlist and Security Deposits	88,798.60
3210 · Unrestricted-Undesignatd Equity	598,548.56
Net Income	25,195.03
<b>Total Equity</b>	<u>3,263,950.55</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>3,786,901.17</u></u>

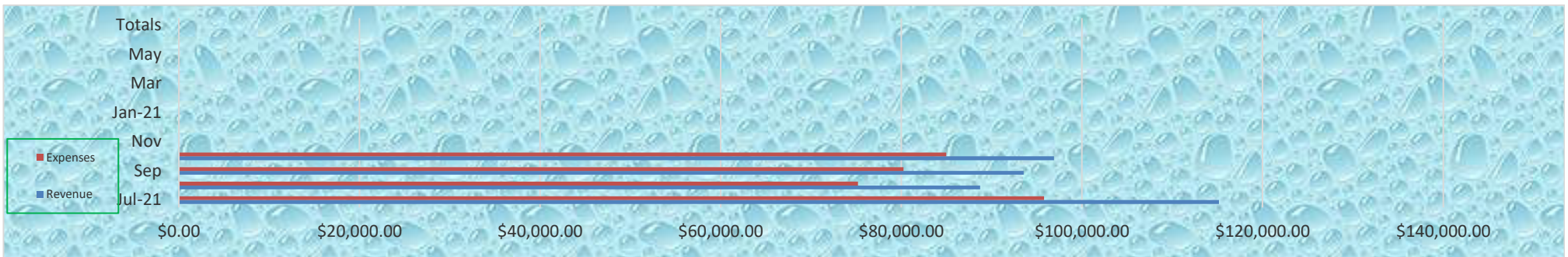
### DISTRICT REVENUE FY 2021/2022

	Jul-21	Aug	Sep	Oct	Nov	Dec	Jan-21	Feb	Mar	Apr.	May	June	Totals
State Billing			\$6,340.85										\$6,340.85
Property Tax	\$115.78	\$1,381.14	\$10.01	\$5,809.34									\$7,316.27
Water	\$49,269.78	\$36,018.10	\$36,656.78	\$37,820.36									\$159,765.02
Sewer	\$55,516.22	\$40,331.83	\$40,336.81	\$42,047.97									\$178,232.83
Service	\$7,910.24	\$7,834.18	\$7,977.48	\$8,080.85									\$31,802.75
Recycled Water													\$0.00
Late Fees	\$2,349.85	\$3,168.75	\$2,222.38	\$3,159.93									\$10,900.91
Grant Funds	\$0.00	\$0.00	\$0.00	\$0.00									\$0.00
<b>Total</b>	<b>\$115,161.87</b>	<b>\$88,734.00</b>	<b>\$93,544.31</b>	<b>\$96,918.45</b>									<b>\$394,358.63</b>
Water Sold Cu Ft	357524	261467	253458	262346									1134795
Water Sold Acre ft	8.21	6.00	5.82	6.02									26.05



### REVENUE VS EXPENSES

	Jul-21	Aug	Sep	Oct	Nov	Dec	Jan-21	Feb	Mar	Apr.	May	June	Totals
<b>Revenue</b>	<b>\$115,161.87</b>	<b>\$88,734.00</b>	<b>\$93,544.31</b>	<b>\$96,918.45</b>									
<b>Expenses</b>	<b>\$95,803.89</b>	<b>\$75,209.49</b>	<b>\$80,233.53</b>	<b>\$84,995.77</b>									
<b>Balance</b>	<b>\$19,357.98</b>	<b>\$13,524.51</b>	<b>\$13,310.78</b>	<b>\$11,922.68</b>									



**SAN SIMEON COMMUNITY SERVICES  
HISTORICAL FISCAL REVIEW**

**FY 2018/2019**

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$26,723.91			\$20,971.00			\$19,858.71			\$19,390.52	<b>\$86,944.14</b>
Property Tax	\$1,288.59		\$169.19	\$7,205.82	\$8,542.19	\$33,187.58	\$1,319.32	\$4,888.55	\$2,227.01	\$22,928.34	\$3,062.24	\$1,057.02	<b>\$85,875.85</b>
Water	\$41,336.59	\$45,279.14	\$41,178.74	\$34,050.67	\$30,760.16	\$24,353.21	\$29,009.60	\$27,745.06	\$24,146.67	\$35,445.24	\$29,158.01	\$38,455.33	<b>\$400,918.42</b>
Sewer	\$47,258.33	\$53,156.35	\$47,379.43	\$39,628.31	\$35,491.84	\$28,149.21	\$34,169.78	\$32,181.86	\$27,850.19	\$41,666.62	\$33,854.74	\$44,856.07	<b>\$465,642.73</b>
Service	\$7,111.73	\$7,113.60	\$7,113.60	\$7,113.60	\$7,079.40	\$7,079.40	\$7,147.80	\$7,079.40	\$7,079.40	\$7,079.40	\$7,045.20	\$7,079.40	<b>\$85,121.93</b>
Late Fees	\$461.43	\$201.49	\$290.08	\$168.71	\$600.53	\$135.60	\$178.43	\$146.51	\$126.87	\$177.46	\$111.54	\$272.66	<b>\$2,871.31</b>
Grant Funds				\$11,367.00		\$18,753.05							
Revenue	<b>\$97,456.67</b>	<b>\$105,750.58</b>	<b>\$122,854.95</b>	<b>\$88,167.11</b>	<b>\$82,474.12</b>	<b>\$113,876.00</b>	<b>\$71,824.93</b>	<b>\$72,041.38</b>	<b>\$81,288.85</b>	<b>\$107,297.06</b>	<b>\$73,231.73</b>	<b>\$111,111.00</b>	<b>\$1,127,374.38</b>
Expense	<b>\$81,495.91</b>	<b>\$74,250.58</b>	<b>\$102,279.81</b>	<b>\$104,990.12</b>	<b>\$111,554.79</b>	<b>\$92,037.25</b>	<b>\$94,850.91</b>	<b>\$94,625.06</b>	<b>\$71,744.58</b>	<b>\$105,016.25</b>	<b>\$89,244.32</b>	<b>\$98,066.81</b>	<b>\$1,120,156.39</b>
Balance	<b>\$15,960.76</b>	<b>\$31,500.00</b>	<b>\$20,575.14</b>	<b>(\$16,823.01)</b>	<b>(\$29,080.67)</b>	<b>\$21,838.75</b>	<b>(\$23,025.98)</b>	<b>(\$22,583.68)</b>	<b>\$9,544.27</b>	<b>\$2,280.81</b>	<b>(\$16,012.59)</b>	<b>\$13,044.19</b>	<b>\$7,217.99</b>
Water Sold Cu Ft	334631	367360	332914	275609	243491	195107	236456	227602	197397	288979	236030	311046	<b>3,246,622</b>
Water Sold Acre f	7.68	8.43	7.64	6.33	5.59	4.48	5.43	5.23	4.53	6.63	5.42	7.14	<b>74.53</b>

**FY 2019/2020**

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$25,528.71			\$22,455.35			\$15,776.54			\$7,016.19	<b>\$70,776.79</b>
Property Tax	\$1,218.61	\$2,752.21	\$3,126.48	\$5,305.64	\$6,019.52	\$23,503.23	\$13,612.60	\$5,282.91	\$2,659.00	\$15,436.18	\$9,385.45	\$916.22	<b>\$89,218.05</b>
Water	\$41,718.97	\$39,623.52	\$40,324.01	\$43,808.36	\$32,208.00	\$23,432.56	\$33,732.14	\$34,067.23	\$24,268.55	\$17,909.86	\$28,582.31	\$36,460.31	<b>\$396,135.82</b>
Sewer	\$48,137.21	\$45,503.27	\$45,161.69	\$48,244.57	\$34,916.02	\$26,527.95	\$39,321.56	\$39,368.21	\$27,637.52	\$19,243.28	\$29,934.22	\$37,683.06	<b>\$441,678.56</b>
Service	\$7,113.60	\$7,045.20	\$7,079.40	\$7,451.10	\$7,489.26	\$7,344.54	\$7,525.44	\$7,453.08	\$7,489.26	\$7,489.26	\$7,489.26	\$7,453.08	<b>\$88,422.48</b>
Recycled Water													<b>\$0.00</b>
Late Fees	\$1,957.04	\$2,399.24	\$1,407.87	\$468.45	\$316.84	\$1,136.41	\$237.28	\$307.96	\$2,793.44	\$5,540.71	\$4,647.78	\$3,802.45	<b>\$25,015.47</b>
Grant Funds			\$8,750.00	\$167,376.61						\$1,485.90		\$8,369.50	<b>\$185,982.01</b>
Revenue	<b>\$100,145.43</b>	<b>\$97,323.44</b>	<b>\$122,628.16</b>	<b>\$105,278.12</b>	<b>\$80,949.64</b>	<b>\$104,400.04</b>	<b>\$94,429.02</b>	<b>\$86,479.39</b>	<b>\$80,624.31</b>	<b>\$65,619.29</b>	<b>\$80,039.02</b>	<b>\$93,331.31</b>	<b>\$1,111,247.17</b>
Expense	<b>\$90,205.84</b>	<b>\$67,705.50</b>	<b>\$94,401.58</b>	<b>\$97,595.50</b>	<b>\$87,822.01</b>	<b>\$86,173.97</b>	<b>\$85,716.44</b>	<b>\$75,643.11</b>	<b>\$62,582.54</b>	<b>\$73,942.83</b>	<b>\$90,232.61</b>	<b>\$79,762.52</b>	<b>\$991,784.45</b>
Balance	<b>\$9,939.59</b>	<b>\$29,617.94</b>	<b>\$28,226.58</b>	<b>\$7,682.62</b>	<b>(\$6,872.37)</b>	<b>\$18,226.07</b>	<b>\$8,712.58</b>	<b>\$10,836.28</b>	<b>\$18,041.77</b>	<b>(\$8,323.54)</b>	<b>(\$10,193.59)</b>	<b>\$13,568.79</b>	<b>\$119,462.72</b>
Water Sold Cu Ft	336845	319458	323518	329822	242893	179311	260006	261505	185972	137196	217871	274085	<b>3,068,482</b>
Water Sold Acre f	7.73	7.33	7.43	7.57	5.58	4.12	5.97	6.00	4.27	3.15	5.00	6.29	<b>70.44</b>

**FY 2020/2021**

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$4,898.26			\$4,898.26			\$9,978.14			\$5,654.87	<b>\$25,429.53</b>
Property Tax	\$2,336.92	\$751.11	\$11.88	\$6,945.71	\$5,461.44	\$26,458.17	\$12,827.64	\$1,063.98	\$5,505.65	\$8,582.80	\$15,086.53	\$2,262.87	<b>\$87,294.70</b>
Water	\$40,209.97	\$54,512.44	\$41,179.63	\$40,129.44	\$30,132.26	\$30,099.00	\$31,207.86	\$28,567.08	\$27,866.11	\$39,907.47	\$31,637.78	\$39,875.45	<b>\$435,324.49</b>
Sewer	\$45,546.00	\$60,488.59	\$45,320.14	\$44,227.62	\$32,486.93	\$31,269.68	\$29,285.81	\$31,276.88	\$30,546.56	\$44,784.48	\$34,717.31	\$44,261.59	<b>\$474,211.59</b>
Service	\$7,830.48	\$7,834.18	\$7,910.24	\$7,872.17	\$8,062.36	\$7,948.27	\$7,910.24	\$7,910.24	\$7,834.18	\$7,796.15	\$7,910.24	\$7,872.21	<b>\$94,690.96</b>
Recycled Water	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>
Late Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>
Grant Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>
Revenue	<b>\$95,923.37</b>	<b>\$123,586.32</b>	<b>\$99,320.15</b>	<b>\$99,174.94</b>	<b>\$76,142.99</b>	<b>\$100,673.38</b>	<b>\$81,231.55</b>	<b>\$68,818.18</b>	<b>\$81,730.64</b>	<b>\$101,070.90</b>	<b>\$89,351.86</b>	<b>\$99,926.99</b>	<b>\$1,116,951.27</b>
Expense	<b>\$87,144.37</b>	<b>\$81,902.63</b>	<b>\$114,623.38</b>	<b>\$160,041.02</b>	<b>\$98,357.85</b>	<b>\$137,804.21</b>	<b>\$111,151.88</b>	<b>\$106,602.36</b>	<b>\$84,771.53</b>	<b>\$71,795.69</b>	<b>\$91,754.68</b>	<b>\$72,434.79</b>	<b>\$1,218,384.39</b>
Balance	<b>\$8,779.00</b>	<b>\$41,683.69</b>	<b>(\$15,303.23)</b>	<b>(\$60,866.08)</b>	<b>(\$22,214.86)</b>	<b>(\$37,130.83)</b>	<b>(\$29,920.33)</b>	<b>(\$37,784.18)</b>	<b>(\$3,040.89)</b>	<b>\$29,275.21</b>	<b>(\$2,372.82)</b>	<b>\$27,492.20</b>	<b>(\$101,403.12)</b>
Water Sold Cu Ft	292033	387244	297886	291236	218802	217498	215864	209660	203888	291683	230285	288809	<b>3,144,888</b>
Water Sold Acre f	6.70	8.89	6.84	6.69	5.02	4.99	4.96	4.81	4.68	6.70	5.29	6.63	<b>72.20</b>

#### **4. CONSENT AGENDA**

- A. Review and approval of Minutes for the Regular Meeting on September 12, 2021.**

**MEETING MINUTES**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR BOARD MEETING**  
**Tuesday, October 12, 2021**  
**5:00 pm**

Pursuant to San Simeon CSD Resolution 21-433 and incompliance with AB 361 this meeting occurred as a virtual teleconference using the Zoom app.

**Internet Meeting Location – Via ZOOM**

**1. REGULAR SESSION: 5:11 PM -**

- A.** Chairperson Kellas – Present  
Vice-Chairperson Giacoletti – Present  
Director Carson – Present  
Director de la Rosa – Present

**B. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

**Public Comment –**

(1:47) Karina Tiwana commented that when she logged into the meeting, Zoom asked for a meeting ID code. She further stated that perhaps many members of the public did not understand this process making it difficult for them to login.

(2:34) Julie Tacker commented about members of the public being able to participate in Board meetings. Stating that the process resulted in members of the public being disenfranchised and resulting in a Brown Act violation. She also commented that there were items missing from the meeting agenda. She asked the Board to add the MBS Survey matter to the meeting agenda along with the FPPC findings related to Charlie Grace.

(7:04) Henry Krzciuk commented that the meeting agenda was confusing and that there only needed to be one meeting link. He spoke about the land survey, the Hearst Encroachment items, and the grant related to the water tank project asking the Board to recover funds from the contractors involved in these transactions.

\*(10:14) Michael Cruz commented that an on the record opinion could be obtained from Jeffrey Minnery as to whether the Board meeting should proceed.

(11:10) Albert Barretto commented about the Zoom process stating if the District did not have an IT person that he [sic] was ok with there being issues with the meetings from time to time. He also commented about the street parking being a public nuisance issue.

(12:40) Michael Donahue commented that the Board meeting needed to be rescheduled. He commented that the Hearst Encroachment had cost the community and that the Board needed to take the necessary steps to recover the losses.

\*(14:24) Chairperson Kellas asked for Jeffrey Minnery to please provide an opinion about the agenda noticing and any possible Brown Act violations. Jeffrey Minnery responded that the meeting had been properly agendize.

**C. SPECIAL PRESENTATIONS AND REPORTS: (16:02)**

**A. STAFF REPORTS:**

- i. **Sheriff's Report** – No report was given.  
ii. **CHP Report** – No report was given.



- iii. **Superintendent's Report** – (16:40) Jerry Copeland provided a summary of September activities.
- iv. **General Manager's Report** – (17:56) Charlie Grace provided a Summary of September activities. Michael Stanton from MBS Survey was present at the meeting and answered Board members questions. (23:00) There was discussion with the Board members and Michael Stanton.
- v. **District Financial Summary** – (30:47) Charlie Grace provided a summary of the September financials.
- vi. **District Counsel's Report** – (32:04) Jeffrey Minnery provided a summary of September activities.
- vii. **Board Member Report** – (32:30) During the General Manager's report Charlie Grace provided information related to an article on Internal Revenue (IRS) findings about Director Compensation.

**A. AD-HOC COMMITTEE REPORTS:**

- i. Status Update Disbursements Journal Review Committee – (33:05) No update was provided.
- ii. Status Update Policy & Procedures Committee – (33:45) Chairperson Kellas provided an update.
- iii. Status Update parking on District Streets – (34:08) Director de la Rosa provided an update. He discussed a recent Ordinance that the County had approved in Los Osos, Cayucos, and Cambria.
- iv. Status Update Budget Committee & Water Committee– (37:55) No update was provided.

(38:35) Director Carson complemented Director de la Rosa for his work on the parking matter.

**Public Comment – Special Presentations and Reports**

- (40:05) Karina Tiwana commented.
- (43:20) Julie Tacker commented.
- (46:44) Henry Krzciuk commented.
- (49:58) Michael Hanchett commented.

**D. CONSENT AGENDA ITEMS:**

**A. Review and approval of Minutes for the Regular Meeting on September 9, 2021.**

**B. Review and approval of Minutes for the Special Meeting on September 30, 2021.**

**C. Review and approval of Disbursements Journal.**

(52:24) Vice-Chairperson Giacoletti commented on the payment to Jeff Oliveira and the bills to legal counsel.

**D. Approval of a transfer of funds in the amount of \$50,000 from the General checking account to the Money Market Account.**

**E. Review of authorization of powers to the Board under Resolution 21-433.**

(54:00) Chairperson Kellas provided a summary of Resolution 21-433. Jeffrey Minnery clarified that the resolution was a re-ratification of the existing resolution that the Board had approved. Cortney Murguia read (in part) the resolution header included the updated dates.

**Public Comment –**

(57:25) Julie Tacker commented.  
(1:00:44) Henry Krzciuk commented.  
(1:08:00) Karina Tiwana commented.

(1:10:20) A motion was made to approve consent agenda with the date for Item B being September 30, 2021 and Item E the resolution number being 21-434. Cortney Murguia asked for clarification on the motion. Chairperson Kellas clarified the motion as approval of Items A-E.

Motion: Chairperson Kellas  
2nd: Director Carson  
Vote: 4/0  
Absent: 0

Roll Call: Kellas: Yes      Giacoletti: Yes      Carson: Yes      de la Rosa: Yes

**E. BUSINESS ACTION ITEMS: (1:12:00)**

**A. REVIEW AND APPROVAL OF DRAFT SOLID WASTE RULES AND REGULATIONS. (1:12:55)**

Charlie Grace introduced the item.

**Public Comment –**

(1:16:10) Henry Krzciuk commented.  
(1:18:26) Julie Tacker commented.

(1:21:16) A motion was made to approve the draft solid waste rules and regulations and to move forward with the IWMA portion.

Motion: Chairperson Kellas  
2nd: Director Carson  
Vote: 4/0  
Absent: 0

Roll Call: Kellas: Yes      Giacoletti: Yes      Carson: Yes      de la Rosa: Yes

**B. AUTHORIZATION FOR HARBOR OFFSHORE, INC. TO PROVIDE INSPECTION OF THE OCEAN OUTFALL NOT TO EXCEED THE AMOUNT OF \$13,000.00. (1:23:10)**

Chairperson Kellas recused herself and asked that Vice-Chairperson Giacoletti take over.

(1:24:00) Charlie Grace introduced the item.

**Public Comment –**

(1:25:20) Julie Tacker commented.  
(1:27:30) Michael Hanchett commented.

(1:28:28) A motion was made to authorize Harbor Offshore, Inc to provide inspection of the ocean outfall not to exceed the amount of \$13,000.00.

Motion: Vice-Chairperson Giacoletti  
2nd: Director de la Rosa  
Vote: 3/0  
Recused: Kellas

Roll Call: Giacoletti: Yes      Carson: Yes      de la Rosa: Yes

**C. DIRECTION TO STAFF REGARDING CUSTOMER'S REQUESTS FOR CREDIT ON UTILITY BILLS. (1:29:30)**

Charlie Grace introduced the item.

(1:32:05) Director Carson and Charlie Grace discussed the billing process and potential ideas for credits to customers accounts.

**Public Comment –**

(1:38:10) Joyce Orefice commented.

(1:39:58) Karina Tiwana commented.

(1:40:15) Chairperson Kellas read a letter from Jerry McLaughlin.

(1:41:50) Direction was provided to staff to review the policies that have been submitted from other CSD's so the Board may come to the conclusion as to which one the Board wants to initiate.

(1:42:20) Vice-Chairperson Giacoletti asked Joyce Orefice to provide clarification about if the property was occupied when the high-water bill occurred.

(1:44:50) Director de la Rosa asked Joyce Orefice if she had a lock on her outside faucet.

(1:46:30) Parrish Todd commented.

(1:48:28) Joyce Orefice commented.

(1:49:35) A motion was made to have staff review all the current practices provided in the Board packet and return with a draft policy at the November Board meeting.

Motion: Chairperson Kellas  
2nd: Vice-Chairperson de la Rosa  
Vote: 4/0  
Absent: 0

Roll Call: Kellas: Yes      Giacoletti: Yes      Carson: Yes      de la Rosa: Yes

**D. CONSIDERATION OF APPROVAL OF CONTRACT AMENDMENT FOR MANAGEMENT SERVICES FOR GRACE ENVIRONMENTAL SERVICES. (1:50:28)**

Jeffrey Minnery introduced the item.

(1:50:55) Cortney Murguia stated that Charlie Grace had left the Board meeting.

(1:53:52) Director Carson stated that he supported Charlie Grace and the work that he done in the community. He asked for clarification about the oath of office process and asked if the contract revisions protected the community.

(1:57:18) Vice-Chairperson Giacoletti asked about the inflating of the GES as a single entity. Jeffrey Minnery clarified that the contract revisions were an attempt to appoint Charlie Grace as the General Manager.

(1:58:45) Director de la Rosa asked about Charlie Grace, Inc acting as a General Manager. Jeffrey Minnery replied that Charlie Grace would be acting as the General Manager as the sole manager of the LLC.

(1:59:29) Chairperson Kellas commented that Charlie Grace had done an excellent job running the WWTP and maintaining the infrastructure.

**Public Comment –**

(2:00:40) Henry Krzciuk commented. (He was accidentally muted for 5 seconds)

(2:04:45) Julie Tacker commented.

(2:08:12) Michael Cruz commented.

(2:09:43) Michael Donahue commented.

(2:10:45) Michael Hanchett commented.

(2:12:27) A motion was made to approve Item 5D consideration of approval of the contract amendment for management services for Grace Environmental Services.

Motion: Chairperson Kellas

2nd: Director Carson

Vote: 4/0

Absent: 0

Roll Call: Kellas: Yes

Giacoletti: Yes

Carson: Yes

de la Rosa: Yes

**E. AUTHORIZATION FOR DUDEK ENGINEERING TO COMPLETE THE COASTAL HAZARD RESPONSE PLAN (CHRP) PROPOSAL NOT TO EXCEED THE AMOUNT OF \$110,000.00. (2:13:28)**

(2:13:50) Chairperson Kellas recused herself.

(2:14:03) Vice-Chairperson Giacoletti asked for Charlie Grace to present this item. Cortney Murguia stated that Charlie Grace had not returned to the meeting. Jeff Oliveira introduced the item.

(2:18:24) Jeff Oliveira clarified that the amount should be \$110,000.00 not \$100,000.00.

(2:19:25) Jeff Oliveira clarified the grant process and funding process related to the Coastal Hazard Response Plan (CHRP).

**Public Comment –**

(2:21:42) Julie Tacker commented.

(2:25:26) Henry Krzciuk commented.  
(2:28:55) Michael Hanchett commented.

(2:30:20) Director de la Rosa commented that based on the size of the community any relocation would end up being close to someone's home.

(2:31:23) Director Carson stated that modern sewer plants do not smell and with newer technology people often do not know where the plants are located.

(2:32:17) A motion was made to authorize Dudek Engineering to complete the proposal not to exceed the amount of \$110,000.00.

Motion: Vice-Chairperson Giacoletti  
2nd: Director Carson  
Vote: 3/0  
Recused: Kellas

Roll Call: Giacoletti: Yes      Carson: Yes      de la Rosa: Yes

(2:34:16) Jeffrey Minnery spoke regarding item 5D asking if the Board had any objections on coordinating with Chairperson Kellas to provide a response to the District Attorney's letter. A consensus was reached by three (3) Board members. (Giacoletti, Carson, de la Rosa)

**F. DISCUSSION ON PROCEDURE TO FILL THE VACANCY ON THE SAN SIMEON COMMUNITY SERVICES DISTRICT CREATED BY THE RESIGNATION OF DIRECTOR WILLIAM MAURER; DIRECTION TO STAFF TO POST NOTICE OF VACANCY PURSUANT TO GOV'T CODE 1780; SCHEDULE MEETING AT WHICH CANDIDATES WILL BE CONSIDERED AND THE APPOINTMENT MADE. (2:34:47)**

Chairperson Kellas introduced the item.

**Public Comment – None**

(2:36:10) A motion was made to direct staff to go follow the appointment process to fill the vacant director position and post the appropriate notices.

Motion: Chairperson Kellas  
2nd: Director Carson  
Vote: 4/0  
Absent: 0

Roll Call: Kellas: Yes      Giacoletti: Yes      Carson: Yes      de la Rosa: Yes

**F. CLOSED SESSION: - (2:37:20)**

**Public Comment –**

(2:38:10) Henry Krzciuk commented.

**A. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION  
(Government Code Section 54956.9(d)(1))**

**Name of case: Robert Hather v. San Simeon Community Services District**

**\*\*\*\*RECONVENE TO OPEN SESSION\*\*\*\***

**Report on Closed Session (20 minutes)**

Director present: Kellas, Giacoletti, and de la Rosa (quorum)  
Director Carson recused himself

**G. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS –None**

**H. ADJOURNMENT – @ 8:20 PM**

DRAFT

**4. CONSENT AGENDA**  
**B. Approval of the disbursements journal**

**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**Disbursements Journal**  
**November 2021**

<b>Type</b>	<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Paid Amount</b>
Paycheck	11/09/2021	2305	GWEN KELLAS	Board Service October 2 through November 1, 2021.	-92.35
Paycheck	11/09/2021	2306	MARY P GIACOLETTI	Board Service October 2 through November 1, 2021.	-92.35
Paycheck	11/09/2021	2307	WILLIAM J CARSON	Board Service October 2 through November 1, 2021.	-92.35
Bill Pmt -Check	11/09/2021	2308	Adamski Moroski Madden Cumberland & Green	Hather Lawsuit. Inv 55589 dated 10/29/21.	-5,898.73
Bill Pmt -Check	11/09/2021	2319	Adamski Moroski Madden Cumberland & Green	General legal fees through 09/30/21. Inv 55588 dated 10/29/21.	-7,076.00
Bill Pmt -Check	11/09/2021	2309	California Special Districts Assoc (CSDA)	2022 Membership dues, ID 255. Issue date: 10/1/21.	-3,150.00
Bill Pmt -Check	11/09/2021	2320	California Special Districts Assoc (CSDA)	2022 Membership dues, ID 255. Issue date: 10/1/21.	-4.00
Bill Pmt -Check	11/09/2021	2310	Kathleen Fry Bookkeeping Services	Bookkeeping services October 2021. Inv CSD-2021-10 dated 10/31/21.	-1,320.00
Bill Pmt -Check	11/09/2021	2311	Lori Mather Video Services	Video services for regular board meeting held on 11/9/2021. Invoice 11/9/21.	-300.00
Bill Pmt -Check	11/09/2021	2312	MBS Land Surveys	Boundary survey, set property monuments, title and deed research, prep map M&R and calcs. Inv 21-321 dated 10/12/21.	-5,037.00
Bill Pmt -Check	11/09/2021	2313	McClatchy Company LLC	Public notice of BOD vacancy in 10/21/21 issue of Tribune. Order #154313 dated 10/21/21.	-50.00
Bill Pmt -Check	11/09/2021	2314	Moss, Levy & Hartzheim, LLP	Audit to Date for FYE 6/30/2021. Inv 29065 dated 9/30/2021.	-3,000.00
Bill Pmt -Check	11/09/2021	2315	New Times	Public notice of BOD vacancy. Inv 332086 dated 10/14/21.	-54.00
Bill Pmt -Check	11/09/2021	2316	Rogelio Salas	Trim Pico hedge in unimproved right of way on 9/8/21. Inv 11286 dated 9/30/21.	-450.00
Bill Pmt -Check	11/09/2021	2317	Simply Clear Marketing & Media	Monthly Website Service and Mgt fee service period Nov 21 - Dec 20, 2021. Inv 40092 dated 10/18/21.	-400.00
Bill Pmt -Check	11/09/2021	2318	Grace Environmental Services	Operations Management November 2021. Inv 1491 dated 11/1/21.	-56,231.95
Check	11/25/2021	Elec Pymt	CalPERS Fiscal Svcs Div	Retiree Health monthly premium.	-351.72
Check	11/25/2021	Elec Pymt	CalPers Fiscal Svcs Divn	Monthly Unfunded Accrued Liability payment. Cust. ID # 7226734344.	-1,349.42
Liability Check	11/25/2021	Elec Pymt	United States Treasury (US Treasury)	Payroll tax payment for paychecks dated 11/9/21	-45.90
<b>TOTAL</b>					<b>\$ (84,995.77)</b>



## **4. CONSENT AGENDA**

- C. Adoption of Resolution 21-435 to continue Virtual Meetings Pursuant to the provisions of AB 361.**



## **CONSENT AGENDA ITEM STAFF REPORT**

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### **Item 4.C. Adoption of Resolution 21-435 to Continue Virtual Meetings Pursuant to the provisions of AB 361. Resolution 21-435.**

#### Summary

At a Special Meeting on September 30, 2021, the Board approved District Resolution 21-433 to continue virtual meetings of the Board of Directors and District committees pursuant to AB 361. AB 361 requires periodic review of the determination for a legislative body to continue to meet via teleconference, and if a state of emergency remains active, then no later than 30 days after meeting via teleconference, the body must make a subsequent finding that it “has reconsidered the circumstances of the state of emergency” and determined that in-person meetings continue to pose a risk to public health. During the October 12, 2021, meeting, the Board approved Resolution 21-434 which extended the “state of emergency” for an additional 30 days. Resolution 21-435 extends the “state of emergency” for an additional 30 days to allow continued virtual meetings.

#### Possible Options:

- 1) The Board may direct the meetings be held in person.
- 2) The Board may direct that the meetings remain being held via teleconference.

Enc: Resolution 21-435

**RESOLUTION NO. 21-435**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR ISSUED ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT FOR THE PERIOD OF NOVEMBER 9, 2021 TO DECEMBER 9, 2021, PURSUANT TO BROWN ACT PROVISIONS**

**Recitals**

WHEREAS, the San Simeon Community Services District ("District") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 21-433 on October 12, 2021, finding that the requisite conditions exist for the legislative bodies of the District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the District, specifically, the State of Emergency declared by Governor Newsom on March 4, 2020, due to COVID-19, and the Proclamation of Local Emergency declared by the County of San Luis Obispo on March 13, 2020; and

WHEREAS, on September 1, 2021, the San Luis Obispo County Health Officer issued Order Number 6 requiring face coverings in all public indoor settings attributable to the rise in SARS-CoV-2 Delta Variant; and

WHEREAS, the Board of Directors does hereby find that the rise in SARS-CoV-2 Delta Variant has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California and the San Luis Obispo County Health Officer's Order Number 6; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative bodies of the District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Board of Directors will ensure that the public has access to meetings and the opportunity to participate in meetings in the interest of transparency and as required by AB 361.

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

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the District and proclaims that a local emergency persists throughout the District, and COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District.
3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

4. Remote Teleconference Meetings. The General Manager and Staff of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
  
5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 9, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**ADOPTED** by the Board of Directors of the San Simeon Community Services District on November 9, 2021, by the following roll call votes:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

\_\_\_\_\_  
President, Board of Directors of the  
San Simeon Community Services District

**ATTEST:**

\_\_\_\_\_  
General Manager of the  
San Simeon Community Services District

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jeffrey A. Minnery, District Counsel

#### **4. CONSENT AGENDA**

- D. Adoption of Resolution 21-436 to allow the District rental of a safe deposit box.**



## CONSENT AGENDA ITEM STAFF REPORT

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### Item 4.D. Adoption of Resolution 21-436 to allow the District rental of a safe deposit box.

#### Summary

Current language in the policy and procedures manual requires that the hard drive of the computer located at the District office be backed up and stored in a safe deposit box. The language reads:

8.04 Storage. The official minutes of the regular and special meetings of the Board shall be saved on the District computer in accordance with the Records Retention Policy. (Please see Resolution 19-407.) This computer shall be backed up onto a hard drive that is stored in a safe deposit box that is located at an offsite location. Approved minutes of the Board of Directors' meetings shall be public records open to inspection by the public. The Secretary shall make copies available to any person who has made a request in compliance with the California Public Records Request Act.

Past practice was that GES paid for a safe deposit box at the local Pacific Premiere Banking Institute where the hard drive was being stored. Recent changes in the banking regulations requires that the signers on a safe deposit box have an account at the bank where the box is located. GES no longer meets the bank's requirements to rent the safe deposit box.

#### Possible Options:

- 1) The Board may approve the resolution.
- 2) The Board may direct GES staff to work with the ad-hoc committee and update the existing language in the Policy and Procedures Manual.

Enc: Resolution 21-436

**RESOLUTION NO. 21-436**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT AUTHORIZING SIGNATURES FOR THE RENTAL OF A SAFE DEPOSIT BOX ON BEHALF OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT AT PACIFIC PREMIERE BANK**

**WHEREAS**, the San Simeon Community Services District's ("District") priorities as to its investments are, in the following order, preservation of principal, liquidity of principal and return on investment; and

**WHEREAS**, the rental of a safe deposit box is consistent with these priorities.

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

**Section 1:** The following persons are authorized to sign on behalf of the District for rental of a safe deposit box:

- Charles Grace
- Cortney Murguia

**Section 2:** This authorization shall remain in force and effect until revoked by written notice to Pacific Premiere Bank of the action taken by the Board of Directors of the District.

**Section 3:** Pacific Premiere Bank is authorized and directed to honor and recognize such actual or purported signatures by Charles Grace and Cortney Murguia, provided they resemble the signatures duly certified and filed with the Pacific Premiere Bank.

Passed and adopted this 9<sup>th</sup> day of November 2021, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, and on the following roll call vote to wit:

Chairperson Kellas:                      Director de la Rosa:  
Director Carson:                          Director Giacoletti:

The foregoing Resolution is hereby adopted this 9th day of November 2021.

\_\_\_\_\_  
President, Board of Directors of the  
San Simeon Community Services District

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jeffrey A. Minnery, District Counsel



## **5. A. Business Items**



## PUBLIC HEARING ITEM STAFF REPORT

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**ITEM 5.A. INTRODUCTION OF ORDINANCE NO. 123 OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT TO ADOPT MANDATORY SOLID WASTE, ORGANIC WASTE, AND RECYCLING MATERIALS RULES AND REGULATIONS AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA.**

**To:** Board of Directors

**FROM:** General Manager

**DATE:** November 9, 2021

**SUBJECT:** Introduction of Ordinance No. 123 Regarding Solid Waste, Organic Waste, and Recycling Materials

### **RECOMMENDATION**

Staff recommends that the Board of Directors:

1. Hold a public hearing and receive public testimony on Ordinance No. 123.
2. Waive full reading, make any amendments to, and introduce Ordinance No. 123 by title:

#### ORDINANCE NO. 123

AN ORDINANCE OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT  
TO ADOPT MANDATORY SOLID WASTE, ORGANIC WASTE, AND  
RECYCLING MATERIALS RULES AND REGULATIONS AND MAKING A  
DETERMINATION OF EXEMPTION UNDER CEQA

3. Direct that the proposed ordinance, be placed on the agenda for the December \_\_\_\_, 2021, Board of Directors Meeting for adoption.

### **BACKGROUND**

On March 19, 2021, a LAFCO Certificate of Completion was recorded which officially activated the solid waste latent power to the San Simeon Community Services District (SSCSD). This power awards the SSCSD the authority to provide for the collection and disposal of garbage and refuse matter directly with Mission Country Disposal, the franchisee. Solid waste service for the community of San Simeon is currently provided by San Luis Obispo County through a franchise agreement with Mission Country Disposal. The District, through LAFCO, established solid waste power, primarily a move to keep franchise fees within the San Simeon community. Conditions of LAFCO approval regarding the solid waste power transition require the District to participate in the San Luis Obispo Integrated Waste Management Authority (IWMA) and comply with all policies and ordinances of the IWMA. To make the transition from the County of San Luis Obispo to the SSCSD for the direct oversight of solid waste services, the Board needs to adopt rules and regulations pertaining to the collection of solid waste within the District.

Senate Bill No. 1383 (SB 1383) was signed into law on September 19, 2016, to reduce organic waste disposal by 75% and increase edible food recovery by 20%, by 2025. SB 1383 is the most significant waste reduction mandate to be adopted in the State of California in the last 30 years and requires all jurisdictions to implement a mandatory organic recycling ordinance by January 1, 2022. This Legislation requires all businesses, residents, and multi-family apartments to have access to recycling programs that capture food scraps, landscaping waste, among other organic waste materials.

As a result of SB 1383, the California Department of Resources Recycling and Recovery (CalRecycle), which is the state department tasked with administering California's waste and recycling programs, developed prescriptive regulations to achieve the State's outlined organic waste disposal goals by 2025. Over the last two years, CalRecycle conducted informal hearings with local governments and stakeholders to develop regulations to achieve the State's organic waste reduction mandates. In November 2020, CalRecycle released the final regulations for SB 1383.

The adoption of Ordinance 123 will meet the requirements of SB 1383 and provide necessary rules and regulations for the disposal and collection of waste materials within the District.

## **ANALYSIS**

### **Requirements of Senate Bill 1383**

As a result of SB 1383 and the regulations established by CalRecycle, the District will have to implement the following practices to be considered compliant:

- Provide organic waste recycling services;
- Inspect and enforce compliance with SB 1383 by adopting an enforcement ordinance;
- Implement an edible food recovery program that recovers edible food from the waste stream;

- Conduct outreach and education to all affected parties, including generators, haulers, facilities, and edible food recovery organizations;
- Procure recycled organic waste products like compost, mulch, and renewable natural gas; and
- Maintain accurate and timely records of SB 1383 compliance for annual reporting requirements.

Education, outreach, inspection, monitoring, and reporting will be handled by the IWMA for the benefit of San Simeon Community Services District if so designated.

### **Ordinance Adoption**

As described in this staff report, the District is required to adopt an enforceable ordinance to compel businesses and residents to sort, recycle, and properly dispose of waste and to comply with other requirements of SB 1383. The adoption of Ordinance 123 will also provide necessary rules and regulations for the disposal and collection of waste materials within the District as directed by LAFCO.

The attached ordinance (Attachment A) includes the following required provisions:

- Section 1. Title of Ordinance
- Section 2. Purpose of the Ordinance
- Section 3. Definitions
- Section 4. Requirements for Single-Family Premises
- Section 5. Requirements for Multi-Family Residential Dwellings
- Section 6. Requirements for Commercial Businesses
- Section 7. Waivers for Multi-Family Premises and Commercial Premises
- Section 8. Requirements for Commercial Edible Food Generators
- Section 9. Requirements for Food Recovery Organizations and Services
- Section 10. Requirements for Haulers and Facility Operators
- Section 11. Self-Hauler Requirements
- Section 12. Inspections and Investigations
- Section 13. Collection Rates and Collection Of Delinquent Fees And Charges
- Section 14. Franchise for Collection - Authorization
- Section 15. Regulations For Accumulation Of Solid Waste, Cast Offs, Rubble, And Refuse
- Section 16. Clearing Of Accumulated Solid Waste And Rubble
- Section 17. Storage And Placement Of Standard Containers For Pick-Up
- Section 18. Unlawful Collection
- Section 19. Condition of Collection Trucks
- Section 20. Exceptions
- Section 21. Enforcement
- Section 22. CalRecycle Issued Waivers
- Section 23. CEQA
- Section 24. Severability
- Section 25. Effective Date

## **ALTERNATIVES CONSIDERED**

The District may:

1. Decide not to adopt Ordinance No. 123; however, staff does not recommend this as an adoption of an ordinance is a requirement of SB 1383.
2. Direct staff to return with a revised ordinance to be presented at a future Board of Directors meeting.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

District legal counsel has evaluated proposed Ordinance No. 123 to determine whether it will have a significant effect on the environment. Legal counsel has determined that the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15308, on the grounds that it can be seen with certainty that the enhanced solid waste regulations, as provided for in Ordinance No. 123 will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of all waste materials, represent actions by a regulatory agency for the protection of the environment.

## **FISCAL REVIEW**

None at this time.

## **CONCLUSION**

Staff recommends that the Board of Directors:

1. Hold a public hearing and receive public testimony on Ordinance No. 123.
2. Waive full reading, make any amendments to, and introduce Ordinance No. 123 by title:

### ORDINANCE NO. 123

AN ORDINANCE OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT  
TO ADOPT MANDATORY SOLID WASTE, ORGANIC WASTE, AND  
RECYCLING MATERIALS RULES AND REGULATIONS AND MAKING A  
DETERMINATION OF EXEMPTION UNDER CEQA

3. Direct that the proposed ordinance, be placed on the agenda for the December \_\_\_\_, 2021, Board of Directors Meeting for adoption.

**Attachment A:** Draft Ordinance 123 Mandatory Solid Waste, Organic Waste, and Recycling Materials Ordinance

**AN ORDINANCE OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT TO  
ADOPT MANDATORY SOLID WASTE, ORGANIC WASTE, AND RECYCLING  
MATERIALS RULES AND REGULATIONS**

**TABLE OF CONTENTS**

<b>Section 1. Title of Ordinance .....</b>	<b>2</b>
<b>Section 2. Purpose of the Ordinance.....</b>	<b>2</b>
<b>Section 3. Definitions.....</b>	<b>2</b>
<b>Section 4. Requirements for Single-Family Premises.....</b>	<b>14</b>
<b>Section 5. Requirements for Multi-Family Residential Dwellings .....</b>	<b>15</b>
<b>Section 6. Requirements for Commercial Businesses .....</b>	<b>17</b>
<b>Section 7. Waivers for Multi-Family Premises and Commercial Premises .....</b>	<b>20</b>
<b>Section 8. Requirements for Commercial Edible Food Generators.....</b>	<b>22</b>
<b>Section 9. Requirements for Food Recovery Organizations and Services .....</b>	<b>24</b>
<b>Section 10. Requirements for Haulers and Facility Operators.....</b>	<b>25</b>
<b>Section 11. Self-Hauler Requirements.....</b>	<b>26</b>
<b>Section 12. Inspections and Investigations .....</b>	<b>28</b>
<b>Section 13. Collection Rates and Collection Of Delinquent Fees And Charges....</b>	<b>29</b>
<b>Section 14. Franchise for Collection - Authorization .....</b>	<b>29</b>
<b>Section 15. Regulations For Accumulation Of Solid Waste, Cast Offs, Rubble, And Refuse .....</b>	<b>29</b>
<b>Section 16. Clearing Of Accumulated Solid Waste And Rubble .....</b>	<b>30</b>
<b>Section 17. Storage And Placement Of Standard Containers For Pick-Up .....</b>	<b>32</b>
<b>Section 18. Unlawful Collection .....</b>	<b>32</b>
<b>Section 19. Condition of Collection Trucks .....</b>	<b>33</b>
<b>Section 20. Exceptions .....</b>	<b>33</b>
<b>Section 21. Enforcement .....</b>	<b>33</b>
<b>Section 22. CalRecycle Issued Waivers .....</b>	<b>38</b>
<b>Section 23. CEQA.....</b>	<b>38</b>
<b>Section 24. Severability .....</b>	<b>39</b>
<b>Section 25. Effective Date.....</b>	<b>39</b>

**ORDINANCE NO. 123**

**AN ORDINANCE OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT TO ADOPT MANDATORY SOLID WASTE, ORGANIC WASTE, AND RECYCLING MATERIALS RULES AND REGULATIONS AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA**

**WHEREAS**, the San Simeon Community Services District (“District”) is a community services district duly formed under Government Code Section 61000 et seq. to provide community services within the District’s service area; and

**WHEREAS**, Government Code Section 61600(c) authorizes Community Services Districts to provide the collection and disposal of solid waste; and

**WHEREAS**, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires jurisdictions to reduce, reuse, and recycle (including composting) Solid Waste generated to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

**WHEREAS**, Assembly Bill 341 of 2011 places requirements on Commercial Businesses and Multi-Family Premises that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a mandatory Commercial recycling program; and

**WHEREAS**, Assembly Bill 1826 of 2014 requires Commercial Businesses and Multi-Family Premises that generate a specified threshold amount of Solid Waste, Recyclable Materials, and Organic Materials per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Materials from Commercial Businesses and Multi-Family Premises subject to the law, and requires jurisdictions to implement a mandatory Commercial Organic Materials recycling program; and

**WHEREAS**, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce Organic Waste in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Multi-Family Premises, Commercial Businesses, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of the SB 1383 statewide Organic Waste disposal reduction targets; and

**WHEREAS**, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations; and

**WHEREAS**, this Ordinance implements rules, regulations, and the requirements of AB 341, AB 1826, and SB 1383.

**THE SAN SIMEON COMMUNITY SERVICES DISTRICT DOES HEARBY ORDAIN AS FOLLOWS:**



## Section 1. Title of Ordinance

This chapter shall be entitled “Mandatory Solid Waste, Organic Waste, and Recycling Materials Ordinance.”

## Section 2. Purpose of the Ordinance

The Purpose of the Ordinance is to assure the continuance of a collection and disposal of Solid Waste, Recyclable Materials, and Organic Waste for the benefit all citizens of the District. It is necessary that rules, regulations, and procedures be established for the health and safety of all residents and guests of the community. Procedures related to the disposal and collection of Solid Waste, Organic Waste, and Recyclable Materials and are established by the Franchisee and all parties subject to this Ordinance are directed to the Franchisee to access general information and to start, change, or verify service.

## Section 3. Definitions

The following words, terms, phrases, and their derivations have the meanings given herein. When consistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number.

- (a) “Alternative Daily Cover (ADC)” has the same meaning as in Section 20690 of Title 27 of the California Code of Regulations.
- (b) “Alternative Intermediate Cover (AIC)” has the same meaning as in Section 20700 of Title 27 of the California Code of Regulations.
- (c) “Bulky Item” means discarded appliances (including refrigerators), furniture, tires, carpets, mattresses, Yard Trimmings and/or wood waste, and similar large items which can be handled by two (2) people, weigh no more than two hundred (200) pounds, and require special collection due to their size or nature, but can be collected without the assistance of special loading equipment (such as forklifts or cranes) and without violating vehicle load limits. Bulky Items must be generated by the customer and at the service address wherein the Bulky Items are collected. Bulky Items do not include abandoned automobiles, large auto parts, trees, construction and demolition debris, or items herein defined as Excluded Waste.
- (d) “CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on jurisdictions (and others).
- (e) “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this Ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

- (f) “Cast Offs” means discarded mattresses, couches, chairs, and other household furniture, but does not include rubble or Solid Waste.
- (g) “District Enforcement Official” means the District General Manager, authorized person(s), or the District Designee(s) who is/are partially or whole responsible for enforcing the Ordinance.
- (h) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, or industrial facility.
- (i) “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in this Section 3 or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- (j) “Community Composting” means any activity that Composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- (k) “Compliance Review” means a review of records by the District to determine compliance with this Ordinance.
- (l) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), (or any variation thereof) includes a controlled biological decomposition of Organic Materials yielding a safe and nuisance free Compost product.
- (m) “Contractor” means franchisee, organized and operating under the laws of the State and its officers, directors, employees, agents, companies, related-parties, affiliates, subsidiaries, and subcontractors.
- (n) “County Enforcement Official” means a county agency enforcement official, if so if designated for enforcing the Ordinance in conjunction or consultation with District Enforcement Official.
- (o) “Customer” means the Person whom Contractor submits its billing invoice to and collects payment from for Collection services provided to a Premises. The Customer may be either the Occupant or Owner of the Premises.
- (p) “C&D” means construction and demolition debris.
- (q) “County” means the County of San Luis Obispo, a political subdivision of the State of California.

- (r) “Designated Waste” means non-Hazardous Waste which may pose special Disposal problems because of its potential to contaminate the environment, and which may be Disposed of only in Class II Disposal sites or Class III Disposal sites pursuant to a variance issued by the California Department of Health Services. Designated Waste consists of those substances classified as Designated Waste by the State, in California Code of Regulations Title 23, Section 2522 as may be amended from time to time.
- (s) “Designee” means a person or entity that the District contracts with or otherwise agrees and arranges to carry out any of the District’s responsibilities of this Ordinance as authorized in 14 CCR Section 18981.2. A Designee may be an individual person, a government entity, a hauler, a private entity, or a combination of those entities.
- (t) “Discarded Materials” means Recyclable Materials, Organic Materials, and Solid Waste placed by a Generator in a collection container and/or at a location for the purposes of collection excluding Excluded Waste.
- (u) “District” means the San Simeon Community Services District, which is a California Special District, a form of local government created by a local community to meet a specific need or needs, and all the territory lying within its boundaries as presently existing or as such boundaries may be modified from time to time.
- (v) “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Health and Safety Code, including the California Retail Food Code.
- (w) “Enforcement Action” means an action of District or its Designee to address non-compliance with this Ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (x) “Excluded Waste” means Hazardous Substance, Hazardous Waste, Infectious Waste, Designated Waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the District and its Generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or Ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in District, or its Designee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose District, or its Designee, to potential liability; but

not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

- (y) “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- (z) “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
- (aa) “Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- (bb) “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
  - (1) A food bank as defined in Section 113783 of the Health and Safety Code;
  - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
  - (3) A nonprofit charitable temporary Food Facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Ordinance.

- (cc) “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

- (dd) “Food Scraps” means those Discarded Materials that will decompose and/or putrefy including: (i) all kitchen and table Food Waste; (ii) animal or vegetable waste that is generated during or results from the storage, preparation, cooking or handling of food stuffs; (iii) fruit waste, grain waste, dairy waste, meat, and fish waste; and, (iv) vegetable trimmings, houseplant trimmings and other Compostable Organic Waste common to the occupancy of Residential dwellings. Food Scraps are a subset of Food Waste. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- (ee) “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- (ff) “Food-Soiled Paper” is compostable paper material that has come in contact with Food Scraps or liquid, such as, but not limited to, compostable paper plates, napkins, and pizza boxes.
- (gg) “Food Waste” means Source Separated Food Scraps and Food-Soiled Paper.
- (hh) “Food Waste Self-Hauler” means a Self-Hauler who generates and hauls, utilizing their own employees and equipment, an average of one cubic yard or more per week, or 6,500 pounds or more per quarter of their own Food Waste to a location or facility that is not owned and operated by that Self-Hauler. Food Waste Self-Haulers are a subset of Self-Haulers.
- (ii) “Franchisee” means the person, entity, or Company with a Franchise Agreement to collect, receive, carry, haul or transport Discarded Materials within the District and shall include the agents or employees of the Franchisee.
- (jj) “Franchise Agreement” means an agreement with a Franchisee.
- (kk) “Generator” means a person or entity that is responsible for the initial creation of one or more types of Discarded Materials.
- (ll) “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- (mm) “Hauler Route” means the designated itinerary or sequence of stops for each segment of the District’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- (nn) “Hazardous Substance” means any of the following: (a) any substances defined, regulated or listed (directly or by reference) as "Hazardous

Substances", "hazardous materials", "Hazardous Wastes", "toxic waste", "pollutant", or "toxic substances", or similarly identified as hazardous to human health or the environment, in or pursuant to: (i) the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, 42 USC §9601 et seq. (CERCLA); (ii) the Hazardous Materials Transportation Act, 49 USC §1802, et seq.; (iii) the Resource Conservation and Recovery Act, 42 USC §6901 et seq.; (iv) the Clean Water Act, 33 USC §1251 et seq.; (v) California Health and Safety Code §§25115-25117, 25249.8, 25281, and 25316; (vi) the Clean Air Act, 42 USC §7901 et seq.; and, (vii) California Water Code §13050; (b) any amendments, rules or regulations promulgated thereunder to such enumerated statutes or acts currently existing or hereafter enacted; and, (c) any other hazardous or toxic substance, material, chemical, waste or pollutant identified as hazardous or toxic or regulated under any other Applicable Law currently existing or hereinafter enacted, including, without limitation, friable asbestos, polychlorinated biphenyl's (PCBs), petroleum, natural gas, and synthetic fuel products, and by-products.

- (oo) "Hazardous Waste" means all substances defined as Hazardous Waste, acutely Hazardous Waste, or extremely Hazardous Waste by the State in Health and Safety Code §25110.02, §25115, and §25117 or in the future amendments to or recodifications of such statutes or identified and listed as solar panels from residential premises, and Hazardous Waste by the U.S. Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC §6901 et seq.), all future amendments thereto, and all rules and regulations promulgated thereunder.
- (pp) "High Diversion Organic Waste Processing Facility" means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the "Mixed waste organic collection stream" as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (qq) "Infectious Waste" means (a) equipment, instruments, utensils and other fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (b) laboratory wastes, including pathological specimens (i.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; and/or (c) surgical operating room pathologic specimens - including recognizable anatomical parts, human tissue, anatomical human remains and disposable materials from hospitals, clinics, outpatient areas and emergency rooms, as defined in 14 CCR Section 17225.36.

- (rr) “Inspection” means a site visit where a District reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Recyclable Materials, Organic Waste, Solid Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (ss) “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Ordinance.
- (tt) “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Ordinance.
- (uu) “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of District or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- (vv) “Multi-Family Residential Dwelling” or “Multi-Family” or “MFD” means of, from, or pertaining to residential Premises with five (5) or more dwelling units including such Premises when combined in the same building with Commercial establishments, that receive centralized, shared, Collection service for all units on the Premises which are billed to one (1) Customer at one (1) address. Customers residing in Townhouses, mobile homes, condominiums, or other structures with five (5) or more dwelling units who receive individual service and are billed separately shall not be considered Multi-Family. Multi-Family Premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- (ww) “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise

defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

- (xx) “Occupant” means the Person who occupies a Premises.
- (yy) “Organic Materials” means Yard Trimmings and Food Waste, individually or collectively that are set aside, handled, packaged, or offered for collection in a manner different from Solid Waste for the purpose of processing. No Discarded Material shall be considered to be Organic Materials, however, unless it is separated from Recyclable Material and Solid Waste. Organic Materials are a subset of Organic Waste.
- (zz) “Organic Materials Container” shall be used for the purpose of storage and collection of Source Separated Organic Materials.
- (aaa) “Organic Waste” means wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).
- (bbb) “Owner” means the Person(s) holding legal title to real property and/or any improvements thereon and shall include the Person(s) listed on the latest equalized assessment roll of the County Assessor.
- (ccc) “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- (ddd) “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- (eee) “Premises” means and includes any land, building and/or structure, or portion thereof, in the District where Discarded Materials are produced, generated, or accumulated. All structures on the same legal parcel, which are owned by the same person shall be considered as one Premises.
- (fff) “Prohibited Container Contaminants” means the following: (i) Discarded Materials placed in the Recyclable Materials Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Recyclable Materials Container; (ii) Discarded Materials placed in the Organic Materials Container that are not identified as acceptable Source Separated



Organic Materials for the the District's Organic Materials Container; (iii) Discarded Materials placed in the Solid Waste Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Organic Materials to be placed in the District's Organic Materials Container and/or Recyclable Materials Container; and, (iv) Excluded Waste placed in any container.

- (ggg) "Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- (hhh) "Recyclable Materials" means those Discarded Materials that the Generators set out in Recyclables Containers for Collection for the purpose of Recycling by the Service Provider and that exclude Excluded Waste. No Discarded Materials shall be considered Recyclable Materials unless such material is separated from Organic Materials, and Solid Waste. Recyclable Materials shall include, but not be limited to by-products or discards set aside, handled, packaged or offered for Collection from Residential, Commercial, governmental or industrial customers in a manner different from Solid Waste. Including, but not limited to, aluminum, newspaper, clear and colored glass, tin and bi-metal, all plastic containers (except polystyrene), cardboard, chipboard, magazines, mixed paper (including magazines, phone books and junk mail) and motor oil and filters.. For the purpose of collection of Recyclable Materials through contractor's collection services, recyclable materials shall be limited to those materials identified by the collection contractor as acceptable recyclable materials.
- (iii) "Recyclable Materials Container" shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.
- (jjj) "Recycled-Content Paper" means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- (kkk) "Refuse" includes garbage, recyclables, green waste, Cast Offs, and/or Rubble.
- (III) "Residential" shall mean of, from, or pertaining to a Single-Family Premises or Multi-Family Premises including Single-Family homes, apartments, condominiums, Townhouse complexes, mobile home parks, and cooperative apartments.
- (mmm) "Responsible Party" means the Owner, property manager, tenant, lessee, Occupant, or other designee that subscribes to and pays for Recyclable Materials, Organic Materials, and/or Solid Waste collection services for a Premises in the District, or, if there is no such subscriber, the Owner or property manager of a Single-Family Premises, Multi-Family Premises, or Commercial Premises. In instances of dispute or uncertainty regarding who is the

Responsible Party for a Premises, Responsible Party shall mean the Owner of a Single-Family Premises, Multi-Family Premises, or Commercial Premises.

- (nnn) “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-Premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- (ooo) “Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- (ppp) “Rubble” means and includes all debris from the construction, demolition or alteration of buildings, earth, rocks or incinerator ashes, brick, mortar, concrete and similar solid material.
- (qqq) “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- (rrr) “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- (sss) “Self-Haul” means to act as a Self-Hauler.
- (ttt) “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or Recyclable Material they have generated to another person. Self-hauler also includes a landscaper, or a person who back-hauls waste. Back-haul means generating and transporting Recyclable Materials or Organic Waste to a destination owned and operated by the Generator or Responsible Party using the Generator’s or Responsible Party’s own employees and equipment.
- (uuu) “Service Level” refers to the size of a Customer’s Container and the frequency of Collection service.
- (vvv) “Single-Family” or “SFD” refers to any detached or attached house or residence of four (4) units or less designed or used for occupancy by one (1) family, provided that Collection service feasibly can be provided to such Premises as an independent unit, and the Owner or Occupant of such independent unit is billed directly for the Collection service. Single-Family includes Townhouses, and each independent unit of duplex, tri-plex, or four-plex Residential

structures, regardless of whether each unit is separately billed for their specific Service Level.

(www) “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

- (1) Hazardous waste, as defined in the State Public Resources Code Section 40141.
- (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
- (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.
- (4) Recyclable Materials, Organic Materials, and Construction and Demolition Debris when such materials are Source Separated.

Notwithstanding any provision to the contrary, Solid Waste may include de minimis volumes or concentrations of waste of a type and amount normally found in Residential Solid Waste after implementation of programs for the safe Collection, Recycling, treatment, and Disposal of household hazardous waste in compliance with Section 41500 and 41802 of the California Public Resources Code as may be amended from time to time. Solid Waste includes salvageable materials only when such materials are included for Collection in a Solid Waste Container not Source Separated from Solid Waste at the site of generation.

(xxx) “Solid Waste Container” shall be used for the purpose of storage and collection of Solid Waste.

(yyy) “Source Separated” or “Source-Separated (materials)” means materials, including commingled Recyclable Materials and Organic Materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the

form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the Ordinance, Source Separated shall include separation of materials by the Generator, Responsible Party, or Responsible Party's employee, into different containers for the purpose of collection such that Source-Separated materials are separated from Solid Waste for the purposes of collection and processing.

- (zzz) "Source Separated Organic Materials" means Organic Materials that are Source Separated and placed in an Organic Materials Container.
- (aaaa) "Source Separated Recyclable Materials" means Recyclable Materials that are Source Separated and placed in a Recyclable Materials Container.
- (bbbb) "Standard Container" means Organic Waste Containers, Recyclable Materials Containers, and Organic Waste Containers approved by the District and/or the Franchisee.
- (cccc) "State" means the State of California.
- (dddd) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- (eeee) "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:
  - (1) Supermarket.
  - (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
  - (3) Food Service Provider.
  - (4) Food Distributor.
  - (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Ordinance.

- (ffff) "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:
  - (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.
- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this Ordinance.

- (gggg) “Ton” or “Tonnage” means a unit of measure for weight equivalent to two thousand (2,000) standard pounds where each pound contains sixteen (16) ounces.
- (hhhh) “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).
- (iiii) “Yard Trimmings” or “Green Waste” means those Discarded Materials that will decompose and/or putrefy, including, but not limited to, green trimmings, grass, weeds, leaves, prunings, branches, dead plants, brush, tree trimmings, dead trees, small pieces of unpainted and untreated wood, and other types of Organic Materials resulting from normal yard and landscaping maintenance that may be specified in District Legislation for Collection and Processing as Organic Materials under this Agreement. Yard Trimmings does not include items herein defined as Excluded Waste. Yard Trimmings are a subset of Organic Materials. Yard Trimmings placed for Collection may not exceed six (6) inches in diameter and three (3) feet in length and must fit within the Contractor-provided Container. Acceptable Yard Trimmings may be added to or removed from this list from time to time by mutual consent or at the sole discretion of the District.

#### **Section 4. Requirements for Single-Family Premises**

- (a) Except Responsible Parties of Single-Family Premises that meet the Self-Hauler requirements in Section 11 of this Ordinance, Responsible Parties of Single-Family Premises shall comply with the following requirements:

- (1) Subscribe to and pay for District's three-container collection services for weekly collection of Recyclable Materials, Organic Materials, and Solid Waste generated by the Single-Family Premises and comply with requirements of those services as described below in Section 4(a)(2). District and its Designee(s) shall have the right to review the number and size of a Generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials. The Responsible Parties for Single-Family Premises shall adjust their Service Level for their collection services as requested by the District.
- (2) Participate in the District's three-container collection service(s) in the manner described below.
  - (i) Place, or, if Responsible Party is not an occupant of the Single-Family Premises, direct its Generators to place, Source Separated Organic Materials, including Food Waste, in the Organic Materials Container; Source Separated Recyclable Materials in the Recyclable Materials Container; and Solid Waste in the Solid Waste Container.
  - (ii) Not place, or, if Responsible Party is not an occupant of the Single-Family Premises, direct its Generators to not place Prohibited Container Contaminants in collection containers and not place materials designated for the Organic Materials Containers or Recyclable Materials Containers in the Solid Waste Containers.
- (b) Nothing in this Section prohibits a Responsible Party or Generator of a Single-Family Premises from preventing or reducing Discarded Materials generation, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (c) The requirements of this Section 4 may be subject to a low-population waiver pursuant to Article 3 in Title 14 of the California Code of Regulations, Sections 18984 through 18984.13. Please contact the District for verification.

### **Section 5. Requirements for Multi-Family Residential Dwellings**

- (a) Responsible Parties of Multi-Family Premises shall provide or arrange for Recyclable Materials, Organic Materials, and Solid Waste collection services consistent with this Ordinance and for employees, contractors, and tenants. Responsible Parties of Multi-Family Premises may receive waivers pursuant to Section 7 for some requirements of this Section.
- (b) Except for Responsible Parties of Multi-Family Premises that meet the Self-Hauler requirements in Section 11 of this Ordinance, including hauling services

arranged through a landscaper, Responsible Parties of Multi-Family Premises shall:

- (1) Subscribe to and pay for the District's three or more-container collection services and comply with requirements of those services for all Recyclable Materials, Organic Materials, and Solid Waste generated at the Multi-Family Premises as further described below in this Section. The District and its Designee(s) shall have the right to review the number and size of the Multi-Family Premises' collection containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials. The Responsible Party of a Multi-Family Premises shall adjust their Service Level for their collection services as requested by the District or its Designee.
  - (2) Participate in the District's three or more-container collection service(s) for at least weekly collection of Recyclable Materials, Organic Materials, and Solid Waste in the manner described below.
- (c) Place and/or direct its Generators to place Source Separated Organic Materials, including Food Waste, in the Organic Materials Container; Source Separated Recyclable Materials in the Recyclable Materials Container; and Solid Waste in the Solid Waste Container.
- (d) Not place and/or direct its Generators to not place Prohibited Container Contaminants in collection containers and to not place materials designated for the Organic Materials Containers or Recyclable Materials Containers in the Solid Waste Containers.
- (1) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors for employees, contractors, tenants, and customers, consistent with the District's Recyclable Materials Container, Organic Materials Container, and Solid Waste Container collection service or, if Self-Hauling, consistent with the Multi-Family Premises' approach to complying with Self-Hauler requirements in Section 11 of this Ordinance.
  - (2) Annually provide information to employees, contractors, tenants, and customers about Recyclable Materials and Organic Waste Recovery requirements and about proper sorting of Recyclable Materials, Organic Materials, and Solid Waste.
  - (3) Provide education information before or within fourteen (14) days of occupation of the Premises to new tenants that describes requirements to Source Separate Recyclable Materials and Organic Materials and to keep Source Separated Organic Materials and Source Separated Recyclable Materials separate from each other and from Solid Waste

(when applicable) and the location of containers and the rules governing their use at each property.

- (4) Provide or arrange access for the District and/or its Designee(s) to their properties during all Inspections conducted in accordance with this Ordinance to confirm compliance with the requirements of this Ordinance.
- (e) If the Responsible Party of a Multi-Family Premises wants to Self-Haul, meet the Self-Hauler requirements in Section 11 of this Ordinance.
- (f) Multi-family Premises that generate two (2) cubic yards or more of total Solid Waste, Recyclable Materials, and Organic Materials per week (or other threshold defined by the State) that arrange for gardening or landscaping services shall require that the contract or work agreement between the Owner, Occupant, or operator of a Multi-Family Premises and a gardening or landscaping service specifies that the designated organic materials generated by those services be managed in compliance with this chapter.
- (g) Nothing in this Section prohibits a Responsible Party or Generator of a Multi-Family Premises from preventing or reducing Discarded Materials generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

## **Section 6. Requirements for Commercial Businesses**

- (a) Responsible Parties of Commercial Businesses shall provide or arrange for Recyclable Materials, Organic Materials, and Solid Waste collection services consistent with this Ordinance and for employees, contractors, tenants, and customers. Responsible Parties of Commercial Premises may receive waivers pursuant to Section 7 for some requirements of this Section.
- (b) Except Responsible Parties of Commercial Businesses that meet the Self-Hauler requirements in Section 11 of this Ordinance, including hauling services arranged through a landscaper, Responsible Parties of Commercial Premises shall:
  - (1) Subscribe to and pay for the District's three or more-container collection services and comply with requirements of those services for all Recyclable Materials, Organic Materials, and Solid Waste generated at the Commercial Premises as further described below in this Section. The District and its Designee(s) shall have the right to review the number and size of a Commercial Premises' containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials. The Responsible Party of the Commercial Business shall adjust their Service Level for their collection services as requested by the District or its Designee.



- (2) Participate in the District's three or more-container collection service(s) for at least weekly collection of Recyclable Materials, Organic Materials, and Solid Waste in the manner described below.
  - (i) Place and/or direct its Generators to place Source Separated Organic Materials, including Food Waste, in the Organic Materials Container; Source Separated Recyclable Materials in the Recyclable Materials Container; and Solid Waste in the Solid Waste Container.
  - (ii) Not place and/or direct its Generators to not place Prohibited Container Contaminants in collection containers and to not place materials designated for the Organic Materials Containers or Recyclable Materials Containers in the Solid Waste Containers.
- (3) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections 6(b)(4)(A)) and 6(b)(4)(B) below) for employees, contractors, tenants, and customers, consistent with the District's Recyclable Materials Container, Organic Materials Container, and Solid Waste Container collection service or, if Self-Hauling, consistent with the Commercial Premises' approach to complying with Self-Hauler requirements in Section 11 of this Ordinance.
- (4) Provide containers for customers for the collection of Source Separated Recyclable Materials and Source Separated Organic Materials in all indoor and outdoor areas where Solid Waste containers are provided for customers, for materials generated by that Commercial Business. Such containers shall be visible and easily accessible. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, as demonstrated through an approved de minimis waiver per Section 7(a), then the Responsible Party of the Commercial Business does not have to provide that particular container in all areas where Solid Waste containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the Responsible Party of the Commercial Business shall have either:
  - (i) A body or lid that conforms with the container colors provided through the collection service provided by the District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. The Responsible Party of the Commercial Business is not required to replace functional containers that do not comply with the requirements of this subsection prior to whichever of the following comes first: (i) the end of the useful life of those containers, or (ii) January 1, 2036.

- (ii) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- (5) To the extent practical through education, training, Inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the District's Recyclable Materials Container, Organic Materials Container, and Solid Waste collection service or, if Self-Hauling, per the instructions of the Commercial Business's Responsible Party to support its compliance with Self-Hauler requirements in Section 11 of this Ordinance.
- (6) Periodically inspect Recyclable Materials Containers, Organic Materials Containers, and Solid Waste Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- (7) Annually provide information to employees, contractors, tenants, and customers about Recyclable Materials and Organic Waste Recovery requirements and about proper sorting of Recyclable Materials, Organic Materials, and Solid Waste.
- (8) Provide education information before or within fourteen (14) days of occupation of the Premises to new tenants that describes requirements to Source Separate Recyclable Materials and Organic Materials and to keep Source Separated Organic Materials and Source Separated Recyclable Materials separate from each other and from other Solid Waste (when applicable) and the location of containers and the rules governing their use at each property.
- (9) Provide or arrange access for the District or its Designee to their properties during all Inspections conducted in accordance with this Ordinance to confirm compliance with the requirements of this Ordinance.
- (c) If the Responsible Party of a Commercial Business wants to Self-Haul, meet the Self-Hauler requirements in Section 11 of this Ordinance.
- (d) Nothing in this Section prohibits a Responsible Party or a Generator of a Commercial Business from preventing or reducing Discarded Materials

generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

- (e) Responsible Parties of Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 8 of this Ordinance.

## **Section 7. Waivers for Multi-Family Premises and Commercial Premises**

- (a) De Minimis Waivers for Multi-Family Premises and Commercial Premises. The District and/or its Designee, may waive a Responsible Party's obligation to comply with some or all Recyclable Materials and Organic Waste requirements of this Ordinance if the Responsible Party of the Commercial Business or Multi-Family Premises provides documentation that the Commercial Business or Multi-Family Premises meets one of the criteria in subsections (1) and (2) below. For the purposes of subsections (1) and (2), the total Solid Waste shall be the sum of weekly container capacity measured in cubic yards for Solid Waste, Recyclable Materials, and Organic Materials collection service. Hauling through paper shredding service providers or other incidental services may be considered in granting a de minimis waiver.

- (1) The Commercial Business's or Multi-Family Premises' total Solid Waste collection service is two (2) cubic yards or more per week and Recyclable Materials and Organic Materials subject to collection in Recyclable Materials Container(s) or Organic Materials Container(s) comprises less than twenty (20) gallons per week per applicable material stream of the Multi-family Premises' or Commercial Business's total waste (i.e., Recyclable Materials in the Recyclable Materials stream are less than twenty (20) gallons per week or Organic Materials in the Organic Materials stream are less than twenty (20) gallons per week); or,

- (2) The Commercial Business's or Multi-Family Premises' total Solid Waste collection service is less than two (2) cubic yards per week and Recyclable Materials and Organic Materials subject to collection in a Recyclable Materials Container(s) or Organic Materials Container(s) comprises less than ten (10) gallons per week per applicable material stream of the Multi-family Premises' or Commercial Business's total waste (i.e., Recyclable Materials in the Recyclable Materials stream are less than ten (10) gallons per week or Organic Materials in the Organic Materials stream are less than ten (10) gallons per week).

- (b) Physical Space Waivers. The District and/or District's Designee may waive a Commercial Business's or Multi-Family Premises' obligation to comply with some or all of the Recyclable Materials and/or Organic Waste collection service requirements if the District or its Designee has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the Premises lacks adequate space for Recyclable Materials Containers and/or

Organic Materials Containers required for compliance with the Recyclable Materials and Organic Materials collection requirements of Section 5 or 6 as applicable.

- (c) Review and Approval of Waivers. Waivers shall be granted to Responsible Parties by the District's Designee, or the District if there is no Designee, according to the following process:
- (1) Responsible Parties of Premises seeking waivers shall submit a completed application form to the District and/or its Designee for a waiver. The waiver shall be considered based upon the following criteria: (1) the waiver type requested; (2) type(s) of collection services for which the party is requesting a waiver; (3) the reason(s) for such waiver; (4) documentation supporting the request for a waiver; (5) any pertinent facts or circumstances; (6) harmony with the intent of this Ordinance; and (7) any other factors deemed relevant by the District and/or its Designee. The District or its Designee shall have sole discretion in determining to grant or not grant a waiver.
  - (2) Upon waiver approval, the District and/or its shall specify that the waiver is valid for the following duration:
    - (i) For Commercial Premises, five (5) years, or if property ownership changes, or if occupancy changes, whichever occurs first.
    - (ii) For Multi-Family Premises, five (5) years, or if property ownership changes, or if the property manager changes, whichever occurs first.
  - (3) Waiver holder shall notify the District's Designee, or the District if there is no Designee, if circumstances change such that Commercial Business's or Multi-Family Premises' may no longer qualify for the waiver granted, in which case waiver will be rescinded.
  - (4) Any waiver holder must cooperate with the District and/or its Designee for any on-site assessment of the appropriateness of the waiver.
  - (5) Waiver holder shall reapply to the District's Designee, or the District if there is no Designee, for a waiver upon the expiration of the waiver period and shall submit any required documentation, and/or fees/payments as required by the District and/or its Designee. Failure to submit a completed application shall equate to an automatic denial of said application.
  - (6) The District's Designee, or the District if there is no Designee, may revoke a waiver upon a determination that any of the circumstances justifying a waiver are no longer applicable.

- (7) If the District's Designee does not approve a waiver application or revokes a waiver, the applicant may appeal the decision for additional review to the District General Manager. The District may, after meeting and conferring with its Designee, direct the Designee to approve the waiver application and/or repeal the revocation of the waiver.

### **Section 8. Requirements for Commercial Edible Food Generators**

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
  - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed. Food that is donated shall be free from adulteration, spoilage, and meet the food safety standards of the California Health and Safety Code. Food cannot be donated if it is not in compliance with the food safety standards of the California Health and Safety Code, including food that is returned by a customer, has been served or sold and in the possession of a consumer, or is the subject of a recall.
  - (2) Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator Self-Hauls to the Food Recovery Organization for Food Recovery.
  - (3) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
  - (4) Allow the District, its agents, or the District's designated enforcement entity or designated third party enforcement entity to access the Premises and review records pursuant to 14 CCR Section 18991.4.
  - (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

- (i) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
  - (ii) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
  - (iii) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
    - (A) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
    - (B) The types of food that will be collected by or Self-Hauled to the Food Recovery Service or Food Recovery Organization.
    - (C) The established frequency that food will be collected or Self-Hauled.
    - (D) The quantity of food, measured in pounds recovered per month, collected or Self-Hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- (6) Maintain records required by this Section for five (5) years.
- (7) No later than January 31 of each year commencing no later than January 31, 2023, for Tier One Commercial Edible Food Generators and January 31, 2025, for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the District or its Designee that includes the following information:
- (i) The amount, in pounds, of edible food donated to a Food Recovery Service or Food Recovery Organization annually; and,
  - (ii) The amount, in pounds of edible food rejected by a Food Recovery Service or Food Recovery Organization annually.
  - (iii) Any additional information required by the District Manager or their Designee.
- (d) Nothing in this Ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and

Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

### **Section 9. Requirements for Food Recovery Organizations and Services**

- (a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
  - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
  - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
  - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
  - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
  
- (b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
  - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
  - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
  - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
  
- (c) Maintain records required by this Section for five years.
  
- (d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the District and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the District it is located in and the District's Designee, if applicable, the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or

written agreement with pursuant to 14 CCR Section 18991.3(b). The annual report shall be submitted to the District and the District's Designee, if applicable, no later than January 31 of each year.

- (e) In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the District that provides Solid Waste collection services, or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the District shall provide information and consultation to the District and District's Designee, if applicable, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the District and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the District and/or its Designee shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the District.
- (f) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the District and contract with or have written agreements with one or more Commercial Edible Food Generators shall include language in all agreements with Tier 1 and Tier 2 edible food generators located in the District identifying and describing the California Good Samaritan Act of 2017.
- (g) Nothing in this chapter prohibits a Food Recovery Organization or Food Recovery Service from refusing to accept Edible Food from a Commercial Edible Food Generator.

## **Section 10. Requirements for Haulers and Facility Operators**

- (a) Requirements for Haulers
  - (1) Franchise hauler(s) providing Recyclable Materials, Organic Waste, and/or Solid Waste collection services to Generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of its contract, agreement, permit, or other authorization with the District to collect Recyclable Materials, Organic Materials, and/or Solid Waste:
    - (i) Through written notice to the District annually on or before January 1 of each year, identify the facilities to which they will transport Discarded Materials, including facilities for Source Separated Recyclable Materials, Source Separated Organic Materials, and Solid Waste unless otherwise stated in the franchise agreement, contract, permit, or license, or other authorization with the District.
    - (ii) Transport Source Separated Recyclable Materials to a facility that recovers those materials; transport Source Separated Organic Materials to a facility, operation, activity, or property that



recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2; transport Solid Waste to a disposal facility or transfer facility or operation that processes or disposes of Solid Waste; and transport manure to a facility that manages manure in conformance with 14 CCR Article 12 and such that the manure is not landfilled, used as Alternative Daily Cover (ADC), or used as Alternative Intermediate Cover (AIC).

(iii) Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, and Section 11 of this Ordinance.

(2) Franchise hauler(s) authorized to collect Recyclable Materials, Organic Materials, and/or Solid Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, or other agreement entered into with the District.

(b) Requirements for Facility Operators and Community Composting Operations

(1) Owners of facilities, operations, and activities located in the District's boundaries that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon District request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the District shall respond within 60 days.

(2) Community Composting operators with operations located in the District's boundaries, upon District request, shall provide information to the District to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the District shall respond within 60 days.

(3) Owners of facilities, operations, and activities located in the District's boundaries that receive Recyclable Materials, Organic Materials, and/or Solid Waste shall provide to the District, on a quarterly basis, copies of all reports they are required to report to CalRecycle under 14 CCR.

### Section 11. Self-Hauler Requirements

(a) Every Self-Hauler shall Source Separate its Recyclable Materials and Organic Materials (materials that District otherwise requires Generators or Responsible Parties to separate for collection in the District's Recyclable Materials and

Organic Materials collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Section 18984.1 and the District's collection program. Self-Haulers shall deliver their materials to facilities described in subsection (b) below. Alternatively, Self-Haulers may or choose not to Source Separate Recyclable Materials and Organic Materials and shall haul its Solid Waste (that includes Recyclable Materials and Organic Materials) to a High Diversion Organic Waste Processing Facility subject to advance written approval by the District.

- (b) Self-Haulers that Source Separate their Recyclable Materials and Organic Materials shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; haul their Source Separated Organic Waste to a facility, operation, activity, or property that processes or recovers Source Separated Organic Waste; and haul their Solid Waste to a disposal facility or transfer facility or operation that processes or disposes of Solid Waste.
- (c) Self-Haulers that are Responsible Parties of Commercial Businesses or Multi-Family Premises shall keep records of the amount of Recyclable Materials, Organic Waste, and Solid Waste delivered to each facility, operation, activity, or property that processes or recovers Recyclable Materials and Organic Waste and processes or disposes of Solid Waste or shall keep records of Solid Waste delivered to High Diversion Organic Waste Processing Facilities. These records shall be subject to review by the District and/or its Designee(s). The records shall include the following information:
  - (1) Delivery receipts and weight tickets from the entity accepting the Recyclable Materials, Organic Materials, and Solid Waste.
  - (2) The amount of material in cubic yards or Tons transported by the Generator or Responsible Party to each entity.
  - (3) If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Recyclable Materials, Organic Materials, and Solid Waste.
- (d) Self-Haulers shall retain all records and data required to be maintained by this Section for no less than five (5) years after the Recyclable Materials, Organic Materials, and/or Solid Waste was first delivered to the facility accepting the material.
- (e) Self-Haulers that are Commercial Businesses or Multi-Family Premises shall provide copies of records required by this Section to the District if requested by the District General Manager and shall provide the records at the frequency requested by the District Manager.

- (f) A Single-Family Generator or Single-Family Responsible Party that Self-Hauls Recyclable Materials, Organic Waste, or Solid Waste is not required to record or report information in Section 11(c) and (d).
- (g) Pursuant to 14 CCR Section 18815.9, Food Waste Self-Haulers are required to maintain records and report to CalRecycle information on the Tons of Food Waste Self-Hauled and the facilities or each use of such material. Food Waste Self-Haulers shall provide to the District, on a quarterly basis, copies of all reports they are required to report to CalRecycle.

## **Section 12. Inspections and Investigations**

- (a) The District representatives or its Designee(s) are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from Generators, or Source Separated materials to confirm compliance with this Ordinance by Generators, Responsible Parties of Single-Family Premises, Responsible Parties of Commercial Businesses, Responsible Parties of Multi-Family Premises, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow District or its Designee to enter the interior of a private residential property for Inspection.
- (b) Entities regulated by this Ordinance shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the District's representative or its Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this Ordinance. Failure of a Responsible Party to provide or arrange for: (i) access to an entity's Premises; or (ii) access to records for any Inspection or investigation is a violation of this Ordinance and may result in penalties described in Section 21.
- (c) Any records obtained by the District or its Designee during its Inspections, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- (d) The District representatives or their Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this Ordinance, subject to applicable laws.
- (e) The District or its Designee shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

- (f) The District representatives and/or their Designee are authorized to provide informational notices to entities regulated by this Ordinance regarding compliance with this Ordinance.

### **Section 13. Collection Rates and Collection Of Delinquent Fees And Charges**

- (a) Collection rates, fees and charges for solid waste collection and disposal shall be established pursuant to the California Constitution Article XIID and set by the Franchisee.
- (b) Once each year, prior to a date established by the District, the Franchisee shall take the following actions to collect delinquent solid waste collection and disposal accounts:
  - (1) Present to the District a list of Responsible Parties and/or Owners (with corresponding parcel numbers) within the District whose accounts are more than one hundred twenty days past due;
  - (2) Send a certified letter requesting payment to each Responsible Party and/or Owner with a delinquent account;
  - (3) At least thirty days after receiving delivery certification for payment requests, present to the District a list of Responsible Parties and/or Owners (with corresponding parcel numbers) whose accounts are still past due.
- (c) After the Franchisee has completed all of the actions listed in Paragraph (a), the District Board of Directors will adopt a resolution authorizing the County Auditor to place the delinquent accounts upon the tax roll. The Franchisee shall bear the full cost of any fees charged by the County Auditor to place the delinquent accounts on the tax roll.

### **Section 14. Franchise for Collection - Authorization**

- (a) A Franchise, exclusive or nonexclusive, for the collection and disposal of solid waste may be granted and/or authorized by the District or its Designee.
- (b) No person shall collect, or enter into an agreement to collect, or provide for the collection or disposal of Discarded Materials, unless such person is authorized by the District to operate within the District by means of a Franchise Agreement.

### **Section 15. Regulations For Accumulation Of Solid Waste, Cast Offs, Rubble, And Refuse**

- (a) No Responsible Party, Generator, or Owner of property shall allow the following to be accumulated on any property, lot, parcel, or Premises:
  - (1) Solid waste of any kind, unless the same shall be in a Solid Waste Container.

- (2) Discarded mattresses, couches, chairs, and other household furniture.
  - (3) Construction material, demolition material, Rubble, Refuse, and/or debris.
  - (4) Hazardous Materials of any kind.
  - (5) Bulky Items and Cast Offs.
- (b) No Responsible Party, Generator, or Owner shall dispose of Solid Waste, Recyclable Materials, or Organic Waste by:
- (1) Causing it to be placed on another's lot, parcel, or Premises.
  - (2) Causing it to be deposited in or near litter receptacles placed by the District in public places for incidental use by pedestrians or vehicular traffic;
  - (3) Causing it to be deposited on any public or private place, street, lane, alley, or drive.
  - (4) Causing it to be placed into any standard container other than those in possession of such Responsible Party or Generator unless permission for such use is granted by the Commercial or Residential Customer in possession of the Standard Container(s).
- (c) The Responsible Party and/or Owner of a developed or non-developed (vacant) lot or parcel of land shall be liable for paying the costs, including administrative costs and attorneys' fees for the removal of Solid Waste, Refuse, Cast Offs, and Rubble that accumulates on his/her property in violation of this section, if said waste is not removed after notice, as provided in Section 16.

**Section 16. Clearing Of Accumulated Solid Waste And Rubble**

- (a) The accumulation of Solid Waste, Refuse, Cast Offs, and/or Rubble in violation of this Ordinance is hereby declared to be a public nuisance.
- (b) The District or its Designee is authorized and empowered to notify the Owner, his or her agent, or person in control of any lot, parcel, or Premises within the District, and direct them to dispose of Solid Waste, Refuse, Cast Offs, and/or Rubble that has accumulated in violation of this Section 16. Such notice shall be given by posting the lot, parcel, or Premises and by certified mail addressed to the Responsible Party and/or Owner, his or her agent, at his or her last known address, or by personal service on the owner, agent, person in control or occupant of the property or Premises.
- (c) The notice shall describe the work to be done and shall state that if the work is not commenced within ten calendar days after receipt of notice and diligently prosecuted to completion without interruption, the District and/or its Designee

shall notify the County Environmental Health Department to commence abatement proceedings. Cost of said abatement, including administrative costs and attorneys' fees, shall be a lien on the property. The notice shall be substantially in the following form:

**NOTICE TO REMOVE  
SOLID WASTE REFUSE, CAST OFFS, AND/OR RUBBLE**

The owner of the property commonly known as: \_\_\_\_\_ is hereby ordered to properly dispose of the solid waste matter, refuse, cast offs, and/or rubble located on the property, to wit: (type of waste matter to be disposed of) within ten calendar days from the date hereof. If the disposal of the solid waste matter, cast-offs, and/or rubble herein described is not commenced and diligently prosecuted to completion within the time fixed herein, the District Operations Supervisor will apply to the County of San Luis Obispo Environmental Health Department for an order to abate said nuisance, and the costs of such abatement shall become a charge against the property, and shall be made a special assessment against the property. Said special assessment may be collected at the same time and in the same manner as is provided for the collection of ordinary County taxes, and shall be subject to the same procedures as foreclosure and sale in the case of delinquency as is provided for ordinary County taxes.

If you should have any questions, please contact the undersigned at (805) 927-4778.

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

\_\_\_\_\_  
District General Manager

cc: San Luis Obispo County Environmental Health Department

- (d) The District shall cause to be kept in his/her office a permanent record containing:
- (1) a description of each parcel, property, or Premises for which notice to dispose of waste matter has been given;
  - (2) the name of the Owner, if known;
  - (3) the date the matter was referred to the San Luis Obispo County Department of Environmental Health;
  - (4) action taken by the County Department of Environmental Health. Each such entry shall be made as soon as practicable after completion of such

act.

- (e) The County of San Luis Obispo Environmental Health Department is hereby authorized to enforce all abatement proceedings authorized by this section.

### **Section 17. Storage And Placement Of Standard Containers For Pick-Up**

- (a) All residential Standard Containers shall be placed for collection along the street in front of the premises or the rear alley, when applicable, only on the date established for the collection of solid waste on the particular route, or after 5:30 P.M. on the day immediately prior to such collection, and shall not remain thereon for more than twelve (12) hours after it has been emptied unless special in yard service has been contracted for.
- (b) Any Container placed for collection along a street or roadway shall be placed within three feet of the edge of the street or roadway, without causing a safety hazard. In the event that automated service is provided in the District, Containers shall be placed in accordance with guidelines established by the Franchisee and approved by the District.
- (c) Upon collection, the Franchisee shall place all Standard Containers approximately 3 feet from the edge of the street or roadway, to avoid creating a safety hazard.
- (d) No person other than a Franchisee or Customer shall interfere in any manner with any Standard Container or the contents thereof, or remove any Discarded Materials from the location where it was placed by the Customer or Franchisee, nor remove the contents of any Standard Container.

### **Section 18. Unlawful Collection**

- (a) A Franchisee shall not be required to collect Hazardous Waste, or dangerous materials as part of its regular collection activity. Liquid and dry caustics, acids, biohazardous, flammable, explosive materials, insecticides, and similar substances shall not be deposited in Standard Containers. Any person collecting such substances shall store, handle and dispose of such materials in accordance with local, state and federal law and shall obtain all necessary local, state and federal permits therefor.
- (b) A Franchisee shall not be required to collect Infectious Waste (as defined in California Health and Safety Code section 7054.4, as amended from time to time, or any successor provision or provisions thereto) as part of its regular collection activity. Anyone producing such wastes shall store, handle and dispose of such materials only in the manner approved by the County health officer or designated deputy, and in accordance with local, state and federal law and with all necessary local, state and federal permits.

## **Section 19. Condition of Collection Trucks**

Every truck used by a Franchisee in the collection and removal of Discarded Materials shall be kept well painted, clean, and in good operating condition.

## **Section 20. Exceptions**

- (a) Nothing in this Ordinance shall be deemed to prohibit the removal and hauling by a licensed person pursuant to the terms and conditions of this Ordinance.
- (b) Nothing in this Ordinance shall be construed to prohibit any producer of Solid Waste, Cast Offs, Rubble, or Refuse from hauling the same to a permitted disposal site pursuant to the terms and conditions of this Ordinance.
- (c) Nothing in this Ordinance shall be construed to prohibit the collection and removal of Yard Trimmings or Green Waste by individual residents and by individuals doing business as professional landscapers, when the collection is directly related to their work and done pursuant to the terms and conditions of this Ordinance.
- (d) Nothing in this Ordinance shall limit the right of Generator, Responsible Party, Owner, or Commercial Business, or other entity to donate, sell or otherwise dispose of Solid Waste provided that any such disposal is in accordance with the provisions of this Ordinance.

## **Section 21. Enforcement**

- (a) Violation of any provision of this Ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the District or its Designee.
- (b) Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or infraction. The District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The District may, at its option, choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of the District's staff and resources.
- (c) Responsible Entity for Enforcement
  - (1) Enforcement pursuant to this Ordinance may be undertaken by the District General Manager or its Designee, agent, legal counsel, or combination thereof.
  - (2) Enforcement may also be undertaken by a County Enforcement Official if so designated by the District.



- (3) The District General Manager and/or its Designee may issue Notices of Violation(s).

(d) Process for Enforcement

- (1) The District General Manager and/or its Designee will monitor compliance with the Ordinance through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. The District General Manager and/or the County Enforcement Officials and/or its designee may also monitor compliance with the Ordinance randomly.
- (2) The District may issue an official notification to notify regulated entities of its obligations under the Ordinance.
- (3) For incidences of Prohibited Container Contaminants found in containers, the District or its Designee will issue an informational notice of contamination to any Generator or Responsible Party found to have Prohibited Container Contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants or within seven (7) days after determining that a violation has occurred. If the District, the County or their designee observes Prohibited Container Contaminants in a Responsible Party's containers on more than three (3) consecutive occasion(s), the District/County may assess contamination processing fees or contamination penalties on the Generator.
- (4) With the exception of violations of contamination of container contents addressed under Section 21(k), the District shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
- (5) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the District shall commence an action to impose penalties, via an administrative citation and fine, pursuant to Section 21(k), Table 1, List of Example Violations.
- (6) Notices shall be sent to "Owner" at the official address of the owner maintained by the tax collector for the County Assessor or if no such address is available, to the owner at the address of the Multi-Family Premises or Commercial Premises or to the Responsible Party for the collection services, depending upon available information.

(e) Penalty Amounts for Types of Violations

The penalty levels are as follows, as prescribed by 14 CCR Section 18997.2 and any other applicable code or regulation:

- (1) For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
- (2) For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
- (3) For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

(f) Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

- (1) The nature, circumstances, and severity of the violation(s).
- (2) The violator's ability to pay.
- (3) The willfulness of the violator's misconduct.
- (4) Whether the violator took measures to avoid or mitigate violations of this chapter.
- (5) Evidence of any economic benefit resulting from the violation(s).
- (6) The deterrent effect of the penalty on the violator.
- (7) Whether the violation(s) were due to conditions outside the control of the violator.

(g) Compliance Deadline Extension Considerations

The District may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with this Section if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- (2) Delays in obtaining discretionary permits or other government agency approvals; or,
- (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the City/County is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(h) Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with the Districts formal or informal procedures for appeals of administrative citations. Evidence may be presented at the hearing. The District will appoint a hearing officer who shall conduct the hearing and issue a final written order.

(i) Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2023, the District or its Designee will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if the District or its Designee determines that Generator, Responsible Party, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this Ordinance and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(j) Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the District determines that a Generator, Responsible Party, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this Ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to this Section, as needed.

(k) Enforcement Table

**Table 1. List of Example Violations**

Requirement	Description of Violation
Commercial Business Multi-Family Premises Responsibility Requirement Sections 5 and 6	Responsible Party for a Commercial Business or Multi-Family Premises fails to provide or arrange for Organic Waste collection services consistent with District requirements and as outlined in this Ordinance, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color.

Requirement	Description of Violation
Organic Waste Generator or Responsible Party Requirement Section 4, 5, and 6	Organic Waste Generator or Responsible Party fails to comply with requirements pursuant to this Ordinance.
Hauler Requirement Section 10	A hauler providing Single-Family, Multi-Family or Commercial collection service fails to transport Discarded Materials to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this Ordinance.
Hauler Requirement Section 10	A hauler providing Single-Family, Multi-Family or Commercial Recyclable Materials, Organic Materials, or Solid Waste collection service fails to obtain applicable approval issued by the District to haul Recyclable Materials, Organic Materials, or Solid Waste as prescribed by this Ordinance.
Hauler Requirement Section 10	A hauler fails to keep a record of the applicable documentation of its approval by the District, as prescribed by this Ordinance.
Self-Hauler Requirement Section 11	A Generator or Responsible Party who is a Self-Hauler fails to comply with the requirements of this Ordinance.
Commercial Edible Food Generator Requirement Section 8	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and/or fails to comply with other requirements of this Ordinance commencing Jan. 1, 2022.
Commercial Edible Food Generator Requirement Section 8	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and/or fails to

Requirement	Description of Violation
	comply with other requirements of this Ordinance commencing Jan. 1, 2024.
Commercial Business Responsible Party, Multi-Family Premises Responsible Party, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service Sections 5, 6, 8, 9, and 12	Failure to provide or arrange for access to an entity's Premises for any Inspection or investigation.
Recordkeeping Requirements for Commercial Edible Food Generator Section 8	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 8 of this Ordinance.
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations Section 9	A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 9 of this Ordinance.

**Section 22. CalRecycle Issued Waivers**

Certain provisions of this Ordinance may be subject to a low-population waiver pursuant to Article 3 in Title 14 of the California Code of Regulations, Sections 18984 through 18984.13. Please contact the District for verification.

**Section 23. CEQA**

The District finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15308 on the grounds that it can be seen with certainty that the enhanced waste disposal regulations, as provided for in this Ordinance will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of waste materials, represent actions by a regulatory agency for the protection of the environment.

#### **Section 24. Severability**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The District hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

#### **Section 25. Effective Date**

This Ordinance shall be effective commencing on January 1, 2022.

## **6. A. Business Items**



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **ITEM 6.A. CONSIDERATION OF CANDIDATES TO REPLACE THE BOARD OF DIRECTOR VACANCY CREATED BY THE RESIGNATION OF WILLIAM MAURER AND BOARD APPOINTMENT OF THE NEW DIRECTOR.**

#### Summary:

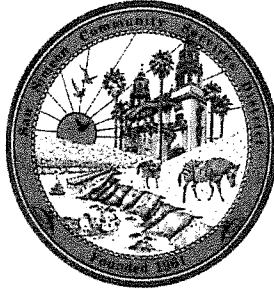
With the resignation of William Maurer, the Board directed GES staff to post the notice of vacancy in three locations, post the notice on the District website, and an advertisement was placed in both the New Times and the Tribune. Additionally, notices were mailed to all rate payers with San Simeon and Cambria mailing addresses, and to the residents of the mobile home park.

We received one (1) application, which is enclosed with this packet. It is recommended that the Board make an appointment so that the appointee can be sworn in before the December 14, 2021 Board meeting.

Enc: Application for Board Member Vacancy – Michael Donahue



SAN SIMEON COMMUNITY SERVICES DISTRICT



RECEIVED

NOV 02 2021

BY: CAM

APPLICATION FOR VACANT BOARD OF DIRECTOR SEAT

Name: MICHAEL DONAHUE

Phone # [REDACTED]

Address: [REDACTED]

Email [REDACTED]

Please list experience you have that would benefit your serving on the SSCSD Board.

MY MOTHER TAUGHT ME TO LIVE IN ACCORD WITH  
THE "GOLDEN RULE" I HAVE BUILT BUSINESSES  
FROM THE GROUND UP. I ADHERE TO THE  
HIGHEST ETHICAL STANDARDS IN MY BUSINESS  
AND PERSONAL LIFE

Why do you want to be a Director on the SSCSD Board?

I HAVE LIVED IN SAN SIMEON SINCE 2017  
I WANT TO IMPROVE THE COMMUNITY.

X

I am a registered voter residing in the above named jurisdiction. If appointed, I will qualify and accept the above stated office and serve to the best of my ability.

X

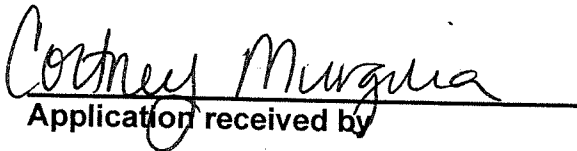
I am aware that any person who files or submits for filing a declaration of candidacy knowing that it or any part of it has been made falsely is punishable by a fine or imprisonment, or both, as set forth in Election Code § 18203.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Signature of candidate

10/31/2021  
Date



Application received by

11/2/2021  
Date

## **6. B. Business Items**



## BUSINESS ACTION ITEM STAFF REPORT

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### ITEM 6.B. APPROVAL OF A PROPOSAL FROM AKEL ENGINEERING GROUP, INC. FOR THE URBAN WATER MANAGEMENT PLAN NOT TO EXCEED THE AMOUNT OF **\$25,090.00**.

#### Summary

On May 28, 2021 a combined Urban Water Management Plan (UWMP) and Instream Flow Management Study (IFMS) Request for Proposal (RFP) for the addendum to the District's Water Master Plan was direct mailed to thirty-five (35) firms. An RFP notice was also sent to several trade journals, and an ad was posted in the New Times and the Tribune. The deadline for responses was June 24, 2021. There were no responses to the RFP.

At the July 8, 2021 Board meeting GES staff was directed to perform a second attempt at the RFP by revising the original RFP into two separate RFP documents. One of these RFP's was for an Urban Water Management Plan (UWMP) (including a drought risk assessment). This RFP was issued on August 11, 2021 and was mailed to 39 firms. The deadline for the UWMP RFP was October 14, 2021.

The Urban Water Management Plan (UWMP) is not required for the community of San Simeon because the District has less than 3,000 connections. However, the UWMP would demonstrate the CSD has a plan in place for the community watershed. The District received two responsive bids from the following firms:

- 1) Akel Engineering Group, LLC. – \$ 25,090.00
- 2) Hasan Consultants - \$ 150,500.00

#### Possible Outcomes:

- 1) The Board can authorize the work to be performed and select the lowest qualified bidder.
- 2) The Board can choose not to authorize the work for the UWMP.

Enc: Proposal – Akel Engineering Group, LLC.  
Proposal – Hasan Consultants

# AKEL

ENGINEERING GROUP, INC.

7433 N. First St, Suite 103  
 Fresno, California 93720  
 Tel: (559) 436.0600  
 Fax: (559) 436.0622

## Letter of Transmittal

**Date:** 10/12/21

**Project:** SOQ & Proposal – Addendum to the District Master Plan

**To:** Charles Grace  
 San Simeon Community Services District  
 111 Pico Avenue  
 San Simeon, CA 93452

**From:** Tony Akel

We are sending you the following attached items

COPIES	DATE	DESCRIPTION
1	10/12/21	Statement of Qualifications - Hard Copy
1	10/12/21	Proposal - Hard Copy
1	10/12/21	Statement of Qualifications and Proposal - Electronic Copy (CD)
1	10/12/21	Fee Estimate and Rates - Hard Copy

### REMARKS

Hi Charles,

We are submitting one (1) hard copy of our Statement of Qualifications, (1) hard copy of our Proposal in a sealed envelope, one (1) CD containing the Statement of Qualifications and Proposal in electronic PDF format, and one (1) hard copy of the Fee Estimate and Rates sheet in a separate sealed envelope. We are looking forward to hearing from you during the selection phase.

RECEIVED

OCT 13 2021

BY: CAM

Best Regards,



Tony Akel



**SAN SIMEON**  
Community Services District

# Preparation of an Addendum to the District Master Plan



**SAN SIMEON**  
Welcomes You

**Proposal**  
October 2021

Task No.	Task Description	Hours							Costs											
		Principal Engineer	Associate Engineer	Assistant Engineer	Engineering Assistant	GIS Technician	Secretarial	Labor Costs	Other	Desc.	Total Cost									
<b>Task 1</b>	<b>Project Management and Meetings</b>																			
	1.1 Data Collection and Review of Existing Reports	1	3	2								\$1,030								\$1,030
	1.2 Meetings and Presentations	8	6	2		2						\$3,400								\$3,400
	1.3 Project Management	3								3		\$990								\$990
<b>Task 2</b>	<b>Develop Incremental Land Use Projections</b>	1	4	6		6						\$2,530								\$2,530
<b>Task 3</b>	<b>Develop Incremental Water Demand Projections</b>	1	4	6	2							\$2,010								\$2,010
<b>Task 4</b>	<b>Identify Supply Availability during Normal and Drought Years</b>	2	10	8	4							\$3,780								\$3,780
<b>Task 5</b>	<b>Water Conservation and Water Shortage Contingency Planning</b>	2	4	4								\$1,720								\$1,720
<b>Task 6</b>	<b>Prepare System-Wide Water Assessment Report</b>																			
	6.1 Prepare Report (Administrative Draft, Final Draft, Final)	4	12	20		8				8		\$7,660								\$7,660
	6.2 Report Reproductions (Copies Final)																			
	Staff hours for reproduction and review		1							8		\$970								\$970
	Hard Copy Cost (5 Hard Copy reports @ \$200 each)											\$1,000								\$1,000
<b>Totals (Including Hard Copies)</b>		<b>22</b>	<b>44</b>	<b>48</b>	<b>6</b>	<b>16</b>	<b>19</b>					<b>\$24,090</b>	<b>\$1,000</b>							<b>\$25,090</b>



## FEE SCHEDULE

Effective Through:

June 30, 2022

<b>Category</b>	<b>Hourly Rate</b>
Senior Principal Engineer	\$255
Principal Engineer	\$230
Senior Engineer	\$190
Associate Engineer	\$170
Assistant Engineer	\$145
Engineering Assistant	\$115
Senior GIS Technician	\$150
GIS Technician	\$125
Word Processing/Secretarial	\$100

<b>Other Direct Expenses</b>	
Other Direct Cost	Cost plus 5%

*\* Fee Schedule is subject to an annual increase at the end of the fiscal year*



# PROPOSAL

## PROJECT UNDERSTANDING AND APPROACH

Akel Engineering Group, Inc. understands that the San Simeon Community Services District is seeking qualified consultants to prepare an update to the District's Master Plan (2018) based on certain requirements for Urban Water Management Plan (UWMP Standards) for the purpose of obtaining a determination of water that is available for new development.

The District is seeking a cost-effective approach to updating its Master Plan. The update to the Master Plan does not necessarily need to be formatted based on the Urban Water Management Plan Guidebook 2020 prepared by the California Department of Water Resources (DWR). The guidebook itself includes a disclaimer that it is a voluntary option prepared by DWR so that complying with the Water Code is simpler for Urban Water Suppliers.

The consultant has options in its proposal to update the District's Master Plan. The consultant may choose

- a) to prepare an addendum to the 2018 Master Plan
- b) to prepare the equivalent of an Urban Water Management Plan for the District
- c) to prepare technical memorandums that address requirements of Urban Water Management Plans with a concluding report on water supply availability for new development
- d) the consultant may propose an alternative approach, that the consultant deems to be the most cost effective, to meet the District's objective.

The consultant may also base its proposal on 1) the most cost-effective approach deemed feasible by the consultant with 2) an option to prepare the equivalent of an Urban Water Management Plan. The consultant's proposal must clearly state that the requirements of California Water Code sections 10610-10656 and 10608 are being followed for the Master Plan update.

It is understood the District is not required to prepare an Urban Water Management Plan and submit it to the Department of Water Resources (DWR) every 5 years, since it does not service 3,000 customers and does not deliver water to more than 3,000 AFY of water to customers. This scope however is based on following the DWR Guidebook for 2020 Urban Water Management Plan, issued in March 2021, to project incremental residential and non-residential land uses, and the corresponding incremental water demands through year 2045, as well as for the buildout of the water master plan.

It is understood that the addendum to the Master Plan will not include a review of environmental issues, or limitations on the District's rights to use its source of supply pursuant to its water license, if any, that may be imposed by state or federal agencies with applicable regulatory jurisdiction. Consideration of any legal requirements associated with the California Environmental Quality Act, the California Coastal Act and other state and federal laws and regulations are separated from the scope of work because it is the District's intent at this time to have a **"Baseline" determination of its water supply availability** while separately evaluating requirements associated with possible public trust and environmental issues.

Our approach recommend labeling this project's report as the **system-wide Water Supply Assessment**.

## SCOPE OF WORK

This project is intended to provide a system-wide Water Supply Assessment that meets the requirements of California Water Code sections 10610-10656 and 10608. The project consists of quantifying the future land use projections, as well as future water demand projections through a horizon year of 2045, in addition to the master plan buildout. The project is also intended to quantify the water supplied during normal and dry years.

It is also the intent of this project to follow the notifications to the stakeholders (county, etc.) and include public participation, as stipulated in the DWR Guidebook for the 2020 UWMP preparation.

### Task 1. Project Management and Meetings

This task includes Data Collection, Report Review, Monthly Progress Reports, as well as meeting and presentations.

#### Task 1.1 Data Collection and Review of Existing Reports

*San Simeon CSD Master Plan (2018).* The District's Master Plan was most recently updated in 2018 by Phoenix Engineering, Inc. (Santa Paula, Ca). The plan was prepared with "the intent of recommending improvements to SSCSD's potable water system" and other District infrastructure. It utilized water meter data from 2012-2017. The consultant is expected to be familiar with the Master Plan and the proposal should include a) general information needed for the proposed scope of work and b) a task in the project schedule for coordinating detailed information needed. The consultant should be aware that a component of demand is for residential units with part-time occupancy, and potential increases in demand should be considered for increases in occupancy percentages.

This task focuses on obtaining and reviewing information needed for this study, including the reports listed in the RFP:

- San Simeon CSD Master Plan (2018)
- Pico Creek Groundwater Availability Study (2014)
- SSCSD Water Conservation Plan (2016)
- Water Usage Calculations (2014)
- Water Wait List Reconciliation (2020)
- Water License issued by the State Water Board (2012)
- Water Treatment Capabilities, and North Coast Area Plan (Revised October 5, 2018).

#### Task 1.2 Meetings and Presentations

*The consultant is expected to propose a milestone (the "Preliminary Review Milestone") to update the Board of Directors on overall work progress, to provide recommendations on water shortage levels, and to review critical factors associated with water availability determinations. The consultant proposal shall include the following for the Preliminary Review Milestone:*

- *A presentation at a public meeting of the Board of Directors with special emphasis on water shortage levels and critical factors associated with water availability determinations.*

- Coordination with the District on public notices to help engage community members and other stakeholders on development of the Master Plan update.

This task includes project meetings and holding the requested presentations and at critical milestones. The first presentation is intended to address the water supply availability, and during droughts, while the second presentation is intended to engage the public in this process, and consistent with the intent of the 2020 UWMP requirements.

**Task 1 Deliverables:**

- Presentation on water shortage levels and critical factors associated with water availability
- Presentation on engaging community members and other stakeholders
- Monthly Progress Report

**Task 2. Develop Incremental Land Use Projections**

North Coast Area Plan. The North Coast Area Plan is part of the County of San Luis Obispo Local Coastal Plan. The North Coast Planning Area extends from the Monterey/San Luis Obispo County Line on the north, to Point Estero on the south, and inland generally to the main ridge of the Santa Lucia range. The planning area includes the communities of Cambria and San Simeon Acres. This report describes county land use policies for the North Coast Planning Area, including regulations which are also adopted as part of the Land Use Ordinances and Local Coastal Program.

Water Wait List Reconciliation. The reconciliation is dated September 28, 2020 and illustrates the existing wait list for water will-serve letters. It includes some preliminary estimates on whether sufficient water is available for properties on the wait list. The consultant should consider it informational only as it is provided as examples of expected increases in demand based on existing land use designations.

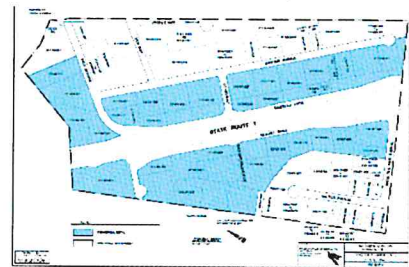
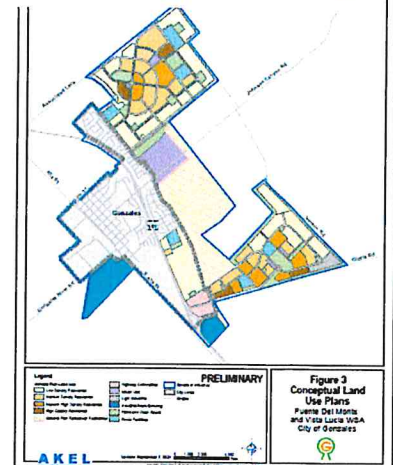


Table 2 Future Land Use Inventory Phased in 5-year Increments  
2020 Status Assessment  
City of San Simeon

Land Use Type	Area	2025	2030	2035	2040	2045	Assessed	
Residential Uses	Low Density Residential	2%	91	96	96	96	96	96
	Medium Density Residential	2%	79	80	74	71	71	71
	Medium-Density Single-Family Residential	2%	89	78	68	53	36	74
	High-Density Residential	2%	40	34	22	12	6	109
	Medium-Density Residential	2%	40	34	22	12	6	109
Non-Residential Uses	Medium-Density Residential	Area		8.3		8.3	8.3	8.3
	High-Density Residential	Area		11.1		11.1	11.1	11.1
	Medium-Density Residential	Area		12.8		12.8	12.8	12.8
	High-Density Residential	Area		12.8		12.8	12.8	12.8
	High-Density Residential	Area		12.8		12.8	12.8	12.8
Other Land Use	Low Density Residential	2%	105	105	105	105	105	105
	Medium Density Residential	2%	88	87	78	62	46	128
	Medium-Density Single-Family Residential	2%	87	71	58	44	30	144
	High-Density Residential	2%	44	34	22	12	6	128
	Medium-Density Residential	2%	44	34	22	12	6	128
Other Land Use	Low Density Residential	2%		2.2		2.2	2.2	2.2
	High-Density Residential	2%		12.8		12.8	12.8	12.8
	Medium-Density Residential	2%		12.8		12.8	12.8	12.8
	High-Density Residential	2%		12.8		12.8	12.8	12.8
	High-Density Residential	2%		12.8		12.8	12.8	12.8
Other Land Use	Low Density Residential	2%					105	105
	Medium Density Residential	2%					88	88
	Medium-Density Single-Family Residential	2%					87	87
	High-Density Residential	2%					44	44
	Medium-Density Residential	2%					44	44
Other Land Use	Low Density Residential	Area		2.2		2.2	2.2	2.2
	High-Density Residential	Area		12.8		12.8	12.8	12.8
	Medium-Density Residential	Area		12.8		12.8	12.8	12.8
	High-Density Residential	Area		12.8		12.8	12.8	12.8
	High-Density Residential	Area		12.8		12.8	12.8	12.8
Other Land Use	Low Density Residential	Area		2.2		2.2	2.2	2.2
	High-Density Residential	Area		12.8		12.8	12.8	12.8
	Medium-Density Residential	Area		12.8		12.8	12.8	12.8
	High-Density Residential	Area		12.8		12.8	12.8	12.8
	High-Density Residential	Area		12.8		12.8	12.8	12.8



This task consists will be based on the existing master plan, include phasing the residential and non- residential land uses (including visiting population), in 5-year increments, and through a project horizon of 2045, in addition to potential buildout. It is understood that a component of demand is for residential units with part-time occupancy, and potential increases in demand should be considered for increases in occupancy percentages. The Water Wait List Reconciliation can be used for the incremental phasing of developments.

**Task 2 Deliverables:**

- Future Land Use Inventory (Table 1 and Figure)
- Incremental Land Use Inventory, in 5 Years through 2045, and to include buildout (Table 2)

**Task 3. Develop Incremental Water Demand Projections**

Water Use Calculations. Water usage calculations were prepared by Phoenix Engineering, Inc. The consultant should become familiar with the existing water usage calculations and provide explanations of differences that may exist between those calculations and similar calculations developed by the consultant and used in the determination of water availability (i.e. – differences in data periods and in methodologies, if any).

This task includes projecting the water demands corresponding to the land use projections in the previous task, and using water demand factors identified in the 2018 Water master Plan. These unit factors will be compared to demand factors used by Akel Engineering Group in other municipalities along the Central Coast.

**Task 3 Deliverables:**

- Comparison of Future Land Use Inventory with 2018 Water Master Plan (Table 3)
- Average Day Water Demand Factors (Table 4)
- Future Water Demand Projections in 5-year increments through 2045, plus buildout (Table 5)

**Table 5 Future Water Demand Projections**  
Water Supply Assessment  
City of Gonzales

Land Use Category	Phased Cumulative Growth						Average Day Demand Factor(s)	Phased Cumulative Average Day Demands					
	2025	2030	2035	2040	2045	Buildout		2025	2030	2035	2040	2045	Buildout
<b>Residential</b>	(DU)	(DU)	(DU)	(DU)	(DU)	(DU)	(Lpd/Unit)	(MGD)	(MGD)	(MGD)	(MGD)	(MGD)	(MGD)
Low Density Residential	357	328	479	600	1052	2289	351	0.06	0.12	0.17	0.21	0.37	0.81
Medium Density Residential	152	317	463	580	1026	2230	352	0.05	0.11	0.16	0.20	0.36	0.78
Medium-High Density Residential	116	242	354	443	701	1541	352	0.04	0.09	0.12	0.16	0.25	0.54
High Density Residential	95	199	291	364	595	1304	352	0.03	0.07	0.10	0.13	0.21	0.46
Mixed-Use (Residential)	-	-	115	115	158	158	352	-	-	0.04	0.04	0.05	0.05
<b>Subtotal</b>	<b>520</b>	<b>1006</b>	<b>1702</b>	<b>2102</b>	<b>3513</b>	<b>7502</b>		<b>0.18</b>	<b>0.38</b>	<b>0.60</b>	<b>0.74</b>	<b>1.24</b>	<b>2.64</b>
<b>Non-Residential</b>	(AC)	(AC)	(AC)	(AC)	(AC)	(AC)	(MGD)	(MGD)	(MGD)	(MGD)	(MGD)	(MGD)	(MGD)
Mixed-Use (Non-Residential)	-	-	11.0	11.0	14.1	104.1	1,800	-	-	0.02	0.02	0.03	0.19
Commercial / Retail	-	-	0.0	58.3	58.3	58.3	1,800	-	-	0.00	0.07	0.07	0.07
Light Industrial	-	10.0	21.1	21.1	21.1	21.1	1,500	-	0.02	0.03	0.03	0.03	0.03
Industrial	-	-	74.5	150.3	150.3	150.3	2,500	-	-	0.19	0.38	0.38	0.38
Park (Domestic Demand)	10.0	23.4	58.6	58.6	127.3	177.5	500	0.00	0.01	0.02	0.02	0.04	0.05
Institutional / School	-	21.0	21.0	32.0	62.0	62.0	1,700	-	0.04	0.04	0.05	0.11	0.11
<b>Subtotal</b>	<b>10.0</b>	<b>54.4</b>	<b>185.2</b>	<b>311.3</b>	<b>413.1</b>	<b>553.1</b>		<b>0.00</b>	<b>0.06</b>	<b>0.29</b>	<b>0.57</b>	<b>0.65</b>	<b>3.82</b>
<b>Total</b>								<b>(MGD)</b>	<b>(MGD)</b>	<b>(MGD)</b>	<b>(MGD)</b>	<b>(MGD)</b>	<b>(MGD)</b>
								<b>0.19</b>	<b>0.44</b>	<b>0.89</b>	<b>1.31</b>	<b>1.89</b>	<b>3.46</b>

**Task 4. Identify Supply Availability during Normal and Drought Years**

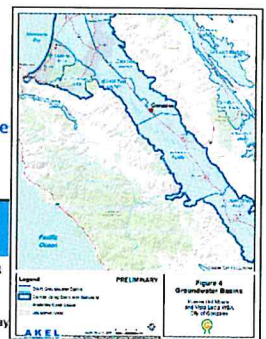
Pico Creek Groundwater Availability Study (2014). The “Groundwater Availability Study, Pico Creek Valley Groundwater Basin, 2014 Update” dated September 2014, was prepared by Cleath-Harris Geologists, Inc. (San Luis Obispo, Ca). Consultants can anticipate that Cleath-Harris will be available to confer on the groundwater availability study. The consultant is expected to be familiar with the Groundwater Availability Study and to be able to explain the relationship of significant data in the groundwater report to the Master Plan update and determinations of water supply availability. The District anticipates that the existing reverse osmosis (RO) system will need to be operated in certain circumstances. The consultant is expected to illustrate how

**Table 6 Existing Water Supply Facilities**  
Water Supply Assessment  
City of Gonzales

Well No.	Location	Capacity (MGD)	Current Demand (MGD)
4	1,500' SE of the intersection of S Alta St and C St		
5	Intersection of Fanoe Rd and Barbera Way		
6	500' SW of the Intersection of Alta St and Katherine St	1,800	2,898
<b>Total</b>		<b>4,200</b>	<b>6,762</b>

	4/9/2020	2040	2045
Demand	0.19	0.44	0.89
Capacity	2.24	2.01	1.51
Difference	2.05	1.57	0.62



**Table 8.2 Single Day Year Supply and Demand Comparison**  
Water Supply Assessment  
City of Gonzales

	2025	2030	2035	2040	2045
Supply (MGD)	2.24	2.01	1.51	1.51	1.51
Demand (MGD)	0.19	0.44	0.89	1.31	1.89
Difference	2.05	1.57	0.62	0.20	-0.38

water quality information in the groundwater report relates to RO operations at the various water shortage levels incorporated in the Water Shortage Contingency Plan that is developed as part of the proposed scope of work.

Water License (State Board). The water license issued to the District provides annual limits of 140-acre feet per year and a maximum diversion rate of 0.27 cubic feet per second with other provisions allowing diversion of greater quantities over shorter periods of time while adhering to seven (7) day limitations. The consultant is expected to illustrate the relationship between maximum diversion rates, peak demands, and other factors resulting in the determination of water availability.

Water Treatment Capabilities. The District installed a reverse-osmosis system in 2016 with approximately 300 gallon per minute flow capacity rate. As described in the Pico Groundwater Basin Availability Study, the water quality of the District's source of supply becomes subject to tidal influences with corresponding increases in salinity. The consultant is expected to generally describe the operations of the reverse-osmosis system at the various water shortage levels.

This task includes discussing and tabulating the water supply availabilities during normal years, and during drought years, including adhering to the provisions of the Water License. Additionally, operations during drought years and water shortage levels, varying operations may be triggered for the reverse osmosis system.

**Task 4 Deliverables:**

- Existing Water Supply Facilities (Table 6)
- Estimated Subbasin Sustainable Yield (Table 7)
- Normal Year Supply and Demand Comparison (Table 8)
- Single Dry Year Supply and Demand Comparison (Table 9)
- Multiple Dry-Year Supply and Demand Comparison (Table 10)

**Table 4-1 Water Shortage Levels**

Shortage Level	Shortage Level Condition	Percent Shortage Range
0	Normal	None
Level 1	Alert	Up to 10%
Level 2	Significant	11 to 20%
Level 3	Severe	21 to 30%
Level 4	Critical	31 to 40%
Level 5	Crisis	41 to 50%
Level 6	Emergency	> 50%

**Task 5. Water Conservation and Water Shortage Contingency Planning**

SSCSD Water Conservation Plan. On December 14, 2016, the District adopted Ordinance No. 117, which includes three (3) stages of water shortages. The consultant is expected to provide a recommendation at the Preliminary Review Milestone (subsequently described) on whether it would be appropriate for the Water Shortage Contingency Plan to be based on Six Standard Water Shortage Levels or based on the District's existing shortage levels with a crosswalk that clearly translates the Supplier's Water Shortage Levels to those mandated by the statute for Urban Water Suppliers.

Stage	Percent Supply Reduction	2020 Hanford WSCP		Corresponding Relationship ("crosswalk")	DWR Standard Water Shortage Levels
		Water Supply	Stage		
1	0-20%	Minor Shortage Potential - Below average rainfall in the previous 12-24 months - 10 percent or more of municipal wells out of service - Warm weather patterns typical of summer months	1	Up to 10%	
			2		10 to 20%
2	20%-35%	Moderate Shortage Potential - Below average rainfall in the previous 24-36 months - Prolonged periods of low water pressure - 10 percent or more of municipal wells out of service - Warm weather patterns typical of summer months	3	20 to 30%	
			4	30 to 40%	
3	35%+	Critical Shortage Potential - Below average rainfall in the previous 36 months - Prolonged periods of low water pressure - 10 percent or more of municipal wells out of service - Warm weather patterns typical of summer months	5	40 to 50%	
			6	Greater than 50%	

This task includes discussing the DWR requirements for the 6 Shortage levels required in the 2020 UWMP. It may not be feasible for a small community to establish 6 levels, and the most economical approach includes developing the DWR approved

crosswalk that maintain the current 3 levels, though still meeting the overall reduction requirements stipulated by DWR.

**Task 5 Deliverables:**

- **Water Shortage Levels Crosswalk** between the existing ordinance and the one listed in the DWR 2020 UWMP guidebook (Table 11)

**Task 6. Prepare System-Wide Water Assessment Report**

*The consultant has options in its proposal to update the District's Master Plan. The consultant may choose:*

- *to prepare an addendum to the 2018 Master Plan*
- *to prepare the equivalent of an Urban Water Management Plan for the District*
- *to prepare technical memorandums that address requirements of Urban Water Management Plans with a concluding report on water supply availability for new development*
- *the consultant may propose an alternative approach, that the consultant deems to be the most cost effective, to meet the District's objective.*

This report will document the evaluations and findings in the previous tasks. The report can be packaged as a standalone system-wide Water Supply Assessment (meeting the requirements of DWR), or as an amendment to the 2018 Water Master Plan.

**Task 6 Deliverables:**

- **System-Wide Water Supply Assessment (Draft)**, in PDF form
- **System Wide Water Supply Assessment (Final)**, in PDF form as well as 5 hard copies.

# PROJECT SCHEDULE

Task No.	Month					
	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22
Task 1 Project Management and Meetings						
1.1 Data Collection and Review of Existing Reports	Report Reviews					
1.2 Meetings and Presentations			Presentation on Shortage Levels	Presentation on Shortage Levels		Presentation to Community
1.3 Project Management	Monthly Progress Reports					
Task 2 Develop Incremental Land Use Projections	Land Use					
Task 3 Develop Incremental Water Demand Projections		Water Demands				
Task 4 Identify Supply Availability during Normal and Drought Years			Supply Availability			
Task 5 Water Conservation and Water Shortage Contingency Planning			Water Conservations			
Task 6 Prepare System-Wide Water Assessment Report						
6.1 Prepare UWMP (Adminisitrative Draft, Final Draft, Final)				Draft Report		
6.2 Report Reproductions (Copies Final)					Final Report	





**SAN SIMEON**  
Community Services District

Preparation of an  
**Addendum  
to the District  
Master  
Plan**

**Statement of Qualifications**  
October 2021



# COVER LETTER

October 14, 2021

RECEIVED

District Office  
San Simeon Community Services District  
111 Pico Avenue  
San Simeon, CA 93452

OCT 13 2021

BY: CAM

Attn: Charles Grace

Subject: **Statement of Qualifications and Proposal for the Addendum to the District's Master Plan based on the requirements of the Urban Water Management Plans**

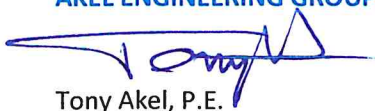
Dear Charles,

We understand that San Simeon Community Services District is requesting Statement of Qualifications and Proposals from qualified engineering consulting firms to prepare an Addendum to the existing District Master Plan, based on the requirements of Urban Water Management Plans. Our experience and qualifications are presented in the Statement of Qualifications, while our team's Understanding and Approach is submitted in the enclosed Proposal envelope. Our team offers the following benefits:

- **Effective and Reliable Project Manager:** Our proposed project manager, Tony Akel, offers the value of a seasoned effective and reliable project manager in **water resource planning**, supply and drought planning, and infrastructure master planning. Tony has a proven record of accomplishments in establishing effective working relationships with client staff and successfully producing concise and quality products.
- **Expert Project Team.** Our project team is very familiar with water trends in California, and the requirements of Urban Water Management Plans (UWMP), including the latest UWMP guidelines released in March 2021. We have several UWMPs in the process of either public hearings or adoption, and for the cities of Morgan Hill, Gilroy, Pittsburg, Hanford, and Corcoran. We are also completing a Water Supply Assessment for the City of Gonzales.
- **Quick Response and Quality Deliverables:** Our extensive professional experience, and our approach to project management and attention to details, allow us to **work efficiently, respond quickly, and communicate effectively with quality deliverables.**

We have reviewed the RFP and acknowledge the required scope of services, and comply with the terms of the RFP. Our team is committed and eager to working with you and your staff on this opportunity. We thank you for your consideration and look forward to hearing from you during the selection phase.

Respectfully Submitted,  
**AKEL ENGINEERING GROUP, INC.**



Tony Akel, P.E.  
President

Contact: Tony Akel  
7433 North First Street, Suite 103  
Fresno, CA 93720  
Office: (559) 436-0600, ext. 12  
Fax: (559) 436-0622  
Mobile: (559) 593-5937  
takel@akeleng.com

# STATEMENT OF QUALIFICATIONS

## FIRM DESCRIPTION

Akel Engineering Group, Inc. (Akel) is a specialty engineering firm with over **55 years of combined staff experience** providing consulting services in water resources infrastructure modeling and master planning. Akel has developed a proven efficiency gained through many years of successful project management and implementation, and is recognized in the industry for our **commitment to provide clients with high quality products**. We proudly serve clients throughout the state of California, and we continually strive to bring industry leading products and expertise to each of our projects.

**Akel Engineering Group, Inc.**  
 Firm Location: 7433 N. First Street, Suite 103  
 Fresno, CA 93720

Type of Organization: S-Corporation

The firm's **infrastructure planning services** include hydraulic modeling, water quality modeling, risk and condition assessment, and infrastructure master planning for: water distribution, wastewater collection, non-potable/recycled water, irrigation, and storm drainage system master plans. Planning-related specialties

include urban water management plans, water supply assessments, hydraulic model development and calibration, capital improvement budgets, cost sharing analysis, model conversions and GIS development and integration. Akel maintains state-of-the-art hydraulic modeling, water quality modeling, surge analysis, and risk and condition assessment modeling applications. These software packages include Innovyze's InfoWater, InfoSWMM, InfoSewer, InfoSURGE, and InfoAsset Planner.

Additionally, we have developed effective and lasting partnerships with several national firms to provide our clients with quick response on various project specific expertise.



## FIRM PERSONNEL

Below are brief statement of qualifications and experience of our proposed project team. The firm's full resumes are attached at the end of this proposal located in the Appendix.

### **Tony Akel, PE, Principal**

Total Years of Experience: 33. Years with Akel: 15.



Tony Akel has over 30 years of professional experience and has effectively served as project manager, project engineer, and lead technical advisor on over 300 water, sewer, or storm system, and recycled water master plans through California. Tony is very effective at managing, developing, and coordinating comprehensive, accurate and defensible water system master plans. These plans include existing system inventories, GIS and mapping, water demand evaluations and forecasting, water supply capacity evaluations, hydraulic model developments and capacity evaluations, condition and risk assessments, rehabilitation and replacement plans, and capital improvement programs. Tony has a proven record of accomplishments in establishing effective working relationships with client staff, subconsultants, and stakeholders and successfully producing concise and quality products that meet the project objectives, based on team consensus. Tony is currently working with several municipalities and water districts throughout the state, either completing comprehensive master plans, or providing as-needed special studies and analysis to master plans.

### **Brad Kooiman, PE, Principal**

Total Years of Experience: 14. Years with Akel: 14.



Brad Kooiman has over 12 years of specialized experience, as a hydraulic modeling task manager on a variety of water system evaluations and master plans, including the Newhall Water System Master Plan for Santa Clarita Valley Water Agency, ongoing planning studies for Coachella Valley Water District, and performing hydraulic and water quality analysis for integrating a new 80 mgd water treatment facility for the City of Fresno. He is trained and experienced in using a number of modeling software, including Innovyze's InfoWater, InfoSewer, and InfoAsset Planner. He is experienced in hydraulic model calibration, resolving GIS data discrepancies, analyzing water system hydraulic performance, developing hydraulic improvements and corresponding capital cost estimates.

### **Scott Orcutt, PE, Senior Engineer (QA/AC)**

Total Years of Experience: 8. Years with Akel: 8.



Scott Orcutt will serve as a staff assistant engineer for this project. He has over 6 years of specialized experience, as a hydraulic modeling task assistant on a variety of water evaluations. He is trained and experienced in using a number of hydraulic modeling software, including Innovyze's InfoWater and InfoSWMM. He is experienced in hydraulic model calibration, resolving GIS data discrepancies, and analyzing water system hydraulic performance. Mr. Orcutt also has experience in developing Capital Improvement Program's to conform to AB 1600, and has developed construction triggers to identify timing of improvements.

**Devin Brar, EIT, Associate Engineer**

Total Years of Experience: 4. Years with Akel: 4.



Devin Brar will serve as a staff assistant engineer for this project. He has over 4 years of specialized experience, as a hydraulic modeling task assistant on a variety of water and wastewater evaluations. He is trained and experienced in using a number of hydraulic modeling software, including Innovyze’s InfoWater, InfoSewer and InfoSWMM. He is experienced in hydraulic model calibration, resolving GIS data discrepancies, and analyzing wastewater system hydraulic performance. Mr. Brar also has experience in developing Capital Improvement Program’s to conform to AB 1600, and has developed construction triggers to identify timing of improvements.

**Hong Yu Tan, EIT, Associate Engineer**

Total Years of Experience: 2. Years with Akel: 2.

Hong Yu Tan will serve as a staff assistant engineer for this project. He has over 2 years of specialized experience, as a hydraulic modeling task assistant on a variety of water and wastewater evaluations. He is trained and experienced in using a number of hydrology and hydraulic modeling software, including Innovyze’s InfoWater, InfoSWMM, and Flo-2D. He is experienced in hydraulic model calibration, resolving GIS data discrepancies, and analyzing wastewater system hydraulic performance. Mr. Tan also has experience in developing Capital Improvement Program’s to conform to AB 1600.

**Parker Klemin, Senior GIS Analyst**

Total Years of Experience: 10. Years with Akel: 10.



Parker Klemin has over 8 years of specialized GIS experience in performing analysis and analysis support tasks for a variety of hydraulic model development projects. Experience includes digitizing water and sewer systems using exported CAD data and As-Built files for use in updating hydraulic models. He has geocoded water billing records and digitized planning areas for use in updating the demands or loads in hydraulic models. Mr. Klemin has developed GIS Plat Sheets for water, sewer, and storm drainage systems and is also skilled in generating miscellaneous master planning exhibits.

**Steven Hash, GIS Analyst**

Total Years of Experience: 5. Years with Akel: 5.



Steven Hash has over 3 years of specialized GIS experience in performing analysis and analysis support tasks for a variety of hydraulic model development projects. Experience includes digitizing water and sewer systems using exported CAD data and As-Built files for use in updating hydraulic models. He has digitized planning areas for use in updating the demands or loads in hydraulic models. Mr. Hash has developed GIS Plat Sheets for water, sewer, storm drainage, and irrigation systems, is skilled in generating miscellaneous master planning exhibits, and also has extensive knowledge in creating multi-figure packets using data driven pages.

# RELEVANT PROJECTS

This section includes a list of current and previous comparable projects in which our firm has provided professional services.

## 2021 Water Supply Assessment

### Project Description:

The objective of this project was to prepare a Water Supply Assessment to meet the requirements of AB1600, in compliance of the State of California Department of Water Resources (DWR) guidelines for urban water suppliers.

### Elements from the Water Supply Assessment Scope:

- Phased incremental growth projection for Residential and Non-Residential land uses within the Sphere of Influence and through year 2045
- Phased incremental demand projections, in 5-year increments, through year 2045
- Water supply characterization and subbasin yields within the 180/400-foot Aquifer Subbasin, the Forebay Subbasin, and the Eastside Subbasin
- Sufficiency Analysis during a normal year, single-dry year, and multi-dry years.

## CITY OF GONZALES

**CONTRACT COST:** \$37,000

**PROJECT DURATION:** 2020-2021

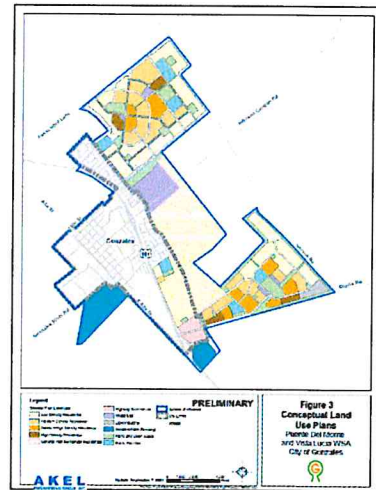
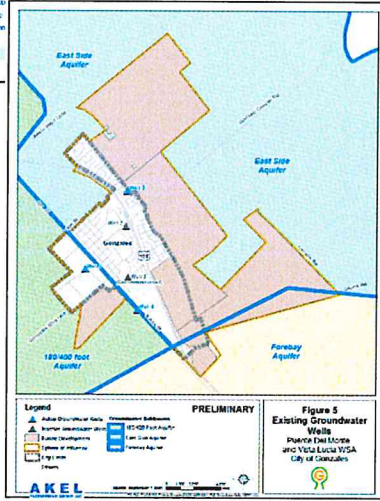
### TEAM ON THE PROJECT:

Tony Akel (PE), Brad Kooiman (PE), Scott Orcutt (PE), Devin Brar (EIT), Cheng-Yu Tsou (EIT), Parker Klemin (GIS)

### CLIENT REFERENCE:

**Matthew Sundt,**  
Community Development Director  
**(831) 675-4203**  
msundt@ci.gonzales.ca.us

Land Use Category	Phased Cumulative Growth						Average Daily Demand (gpcpd)	Phased Cumulative Average Day Demands					
	2017	2020	2025	2030	2035	2040		2017	2020	2025	2030	2035	2040
<b>Residential</b>	848	899	950	998	1045	1092	1020	1020	1020	1020	1020	1020	1020
Low Density Residential	117	476	476	602	652	704	403	406	412	417	423	429	434
Medium Density Residential	151	317	483	550	628	707	392	378	371	365	359	353	347
Medium-High Density Residential	126	242	358	473	588	703	392	354	309	263	218	172	127
High Density Residential	33	179	293	445	596	748	463	428	397	369	343	317	291
Manufacture (Residential)	-	-	115	115	116	116	102	-	0.08	0.08	0.07	0.07	0.07
<b>Non-Residential</b>	530	626	722	792	862	932	1,018	1,118	1,218	1,318	1,418	1,518	1,618
Industrial (Non-Residential)	112	133	154	174	194	214	1,800	1,800	1,800	1,800	1,800	1,800	1,800
Commercial / Retail	102	102	102	102	102	102	1,800	1,800	1,800	1,800	1,800	1,800	1,800
Light Industrial	-	125	248	371	494	617	1,800	1,800	1,800	1,800	1,800	1,800	1,800
Industrial	183	183	183	183	183	183	2,500	2,500	2,500	2,500	2,500	2,500	2,500



# 2020 Urban Water Management Plan

Previously Completed:

2015 Urban Water Management Plan

2010 Urban Water Management Plan

## Project Description:

The objective of this project was to meet the State of California Department of Water Resources (DWR) guidelines for urban water suppliers.

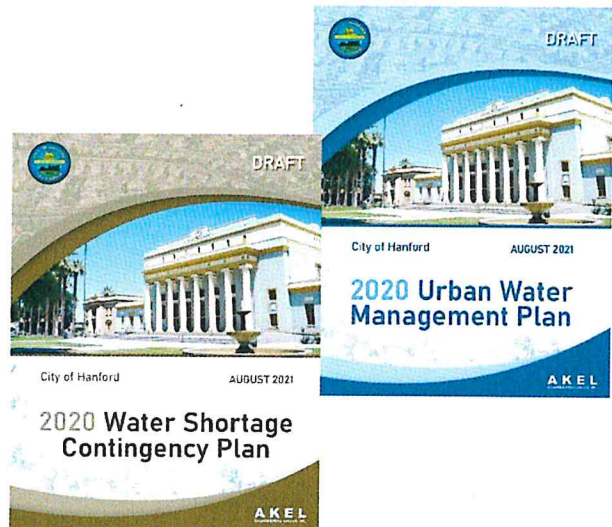
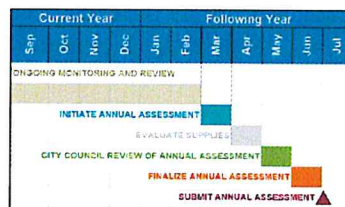
## 2020 UWMP and 2020 WSCP Scope:

- Service area descriptions, including population projections and climate
- Water supply sources, water system description, and water rights
- Reliability of water supply, including the factors that might contribute to inconsistency of supply,
- Water demands, as well as projected water demands through year 2045
- Comparisons of water supply and demands for a normal, single dry, and multiple dry years
- Develop SBx7 7 compliant per capita water use targets for 2015 and 2020.
- City water demand management measures (DMMs)
- A Water Shortage Emergency Plan including estimates of minimum supply and preparation triggers
- Address the DWR guidelines and submittal deadline for the UWMP

## New Requirements for 2020 UWMP

- Groundwater Supplies Coordination.
- Water Shortage Contingency Plan (WSCP).
- 5 Consecutive Dry-Year Water Reliability Assessment.
- Drought Risk Assessment.
- Water losses
- water shortage contingency plan.

Figure 8-1 Annual Assessment Reporting Timeline



## CITY OF HANFORD

CONTRACT COST: \$34,000

PROJECT DURATION: 2010 - 2021

## TEAM ON THE PROJECT:

Tony Akel (PE), Cheng-Yu Tsou (EIT), Scott Orcutt (PE), Parker Klemin (GIS)

## CLIENT REFERENCE:

John Doyel, Public Works Director  
(559) 585-2571

JDDoyel@cityofhanfordca.com

# 2020 Urban Water Management Plan

*Previously Completed:*

**2015 Urban Water Management Plan**

**2010 Urban Water Management Plan**

## Project Description:

The objective of this project was to meet the State of California Department of Water Resources (DWR) guidelines for urban water suppliers.

## 2020 UWMP Project Scope:

- Plan development and public participation
- Service area descriptions, including population projections and climate
- Water supply sources, water system description, and water rights
- Reliability of water supply, including the factors that might contribute to inconsistency of supply,
- Water demands, as well as projected water demands through year 2030
- Comparisons of water supply and demands for a normal, single dry, and multiple dry years
- Develop SBx7 7 compliant per capita water use targets for 2015 and 2020.
- City water demand management measures (DMMs), describing water conservation programs implemented
- A Water Shortage Emergency Plan including estimates of minimum supply and preparation triggers
- Address the DWR guidelines and submittal deadline for the UWMP

## New Requirements for 2020 UWMP Project Scope:

- **Groundwater Supplies Coordination.** 2020 Plans should be consistent with Groundwater Sustainability Plans (GSPs) in areas where those plans have been completed, or include preliminary projections.
- **Water Shortage Contingency Plan (WSCP).** The WSCP should include specific elements (reliability assessments, response actions, and communication protocols)
- **5 Consecutive Dry-Year Water Reliability Assessment.** The dry-year water reliability planning was increased from multiyear periods to a drought lasting five consecutive years.
- **Drought Risk Assessment.** The Drought Risk Assessment requires the assessment over a 5-year period, and to review water supplies, water uses, and the resulting water supply reliability.
- Document water losses through the AWWA Water Loss Audit Program.
- Document the water shortage contingency plan and implementation schedule.

## CITY OF MORGAN HILL

**CONTRACT COST:** \$35,000

**PROJECT DURATION:** 2015-2016

## TEAM ON THE PROJECT:

Tony Akel (PE), Brad Kooiman (PE),  
Scott Orcutt (PE), Devin Brar (EIT),  
Hong Yu Tan (EIT), Parker Klemin (GIS)

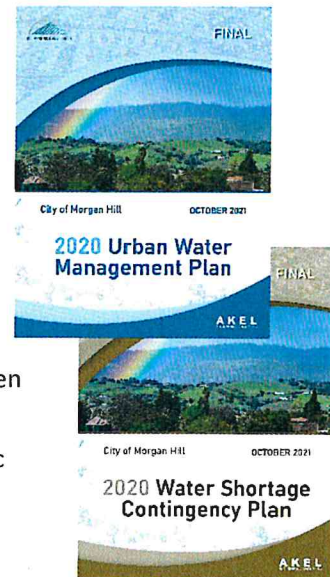
## CLIENT REFERENCE:

**Mario Jimenez**, Project Manager

**(408) 778-6480**

[Mario.Jimenez@morganhill.ca.gov](mailto:Mario.Jimenez@morganhill.ca.gov)

We are currently in the process of completing the City of Morgan Hill 2020 Urban Water Management



# 2020 Urban Water Management Plan

## Project Description:

The objective of this project was to meet the State of California Department of Water Resources (DWR) guidelines for urban water suppliers.

## Elements from the 2020 UWMP Project Scope:

- Plan development and public participation
- Service area descriptions, including population projections and climate
- Water supply sources, water system description, and water rights
- Reliability of water supply, including the factors that might contribute to inconsistency of supply,
- Water demands, as well as projected water demands through year 2030
- Comparisons of water supply and demands for a normal, single dry, and multiple dry years
- Develop SBx7 7 compliant per capita water use targets for 2015 and 2020.
- City water demand management measures (DMMs), describing water conservation programs implemented
- A Water Shortage Emergency Plan including estimates of minimum supply and preparation triggers
- Address the DWR guidelines and submittal deadline for the UWMP

## New Requirements for 2020 UWMP Project Scope:

- **Groundwater Supplies Coordination.** 2020 Plans should be consistent with Groundwater Sustainability Plans (GSPs) in areas where those plans have been completed, or include preliminary projections.
- **Water Shortage Contingency Plan (WSCP).** The WSCP should include specific elements (reliability assessments, response actions, and communication protocols)
- **5 Consecutive Dry-Year Water Reliability Assessment.** The dry-year water reliability planning was increased from multiyear periods to a drought lasting five consecutive years.
- **Drought Risk Assessment.** The Drought Risk Assessment requires the assessment over a 5-year period, and to review water supplies, water uses, and the resulting water supply reliability.
- Document water losses through the AWWA Water Loss Audit Program.
- Document the water shortage contingency plan and implementation schedule.

## CITY OF PITTSBURG

**CONTRACT COST:** \$37,000

**PROJECT DURATION:** 2020-2021

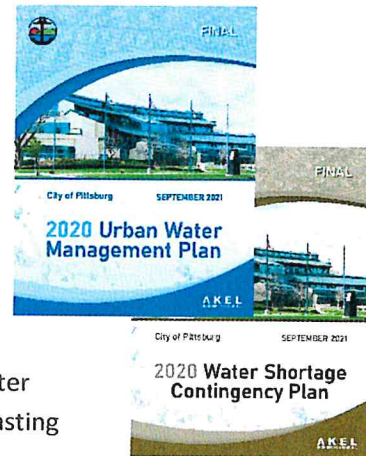
## TEAM ON THE PROJECT:

Tony Akel (PE), Brad Kooiman (PE),  
Scott Orcutt (PE), Devin Brar (EIT),  
Hong Yu Tan (EIT), Parker Klemin (GIS)

## CLIENT REFERENCE:

**Richard Abono,**  
City Engineer  
(925) 252-4115  
rabono@ci.pittsburg.ca.us

We are currently in the process of completing the City of Pittsburg 2020 Urban Water Management





# 2020 Urban Water Management Plan

*Previously Completed:*

**2015 Urban Water Management Plan**

**2010 Urban Water Management Plan**

## Project Description:

The objective of this project was to meet the State of California Department of Water Resources (DWR) guidelines for urban water suppliers.

## 2020 UWMP Project Scope:

- Plan development and public participation
- Service area descriptions, including population projections and climate
- Water supply sources, water system description, and water rights
- Reliability of water supply, including the factors that might contribute to inconsistency of supply,
- Water demands, as well as projected water demands through year 2030
- Comparisons of water supply and demands for a normal, single dry, and multiple dry years
- Develop SBx7 7 compliant per capita water use targets for 2015 and 2020.
- City water demand management measures (DMMs), describing water conservation programs implemented
- A Water Shortage Emergency Plan including estimates of minimum supply and preparation triggers
- Address the DWR guidelines and submittal deadline for the UWMP

## New Requirements for 2020 UWMP Project Scope:

- **Groundwater Supplies Coordination.** 2020 Plans should be consistent with Groundwater Sustainability Plans (GSPs) in areas where those plans have been completed, or include preliminary projections.
- **Water Shortage Contingency Plan (WSCP).** The WSCP should include specific elements (reliability assessments, response actions, and communication protocols)
- **5 Consecutive Dry-Year Water Reliability Assessment.** The dry-year water reliability planning was increased from multiyear periods to a drought lasting five consecutive years.
- **Drought Risk Assessment.** The Drought Risk Assessment requires the assessment over a 5-year period, and to review water supplies, water uses, and the resulting water supply reliability.
- Document water losses through the AWWA Water Loss Audit Program.
- Document the water shortage contingency plan and implementation schedule.

## CITY OF GILROY

**CONTRACT COST:** \$34,000

**PROJECT DURATION:** 2010 – 2016

## TEAM ON THE PROJECT:

Tony Akel (PE), Brad Kooiman (PE),  
Scott Orcutt (PE), Devin Brar (EIT),  
Hong Yu Tan (EIT), Parker Klemin (GIS)

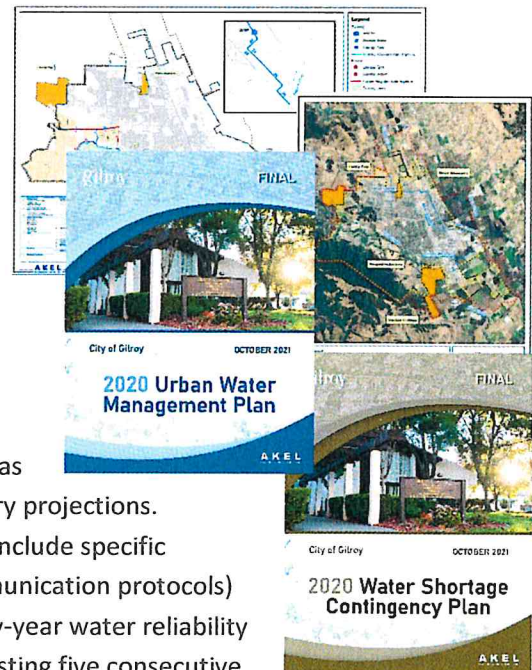
## CLIENT REFERENCE:

**Gary Heap, City Engineer**

**(408) 846-0277**

**Gary.Heap@ci.gilroy.ca.us**

We are currently in the process of completing the City of Gilroy 2020 Urban Water Management



## REFERENCES

Below are four agency references associated with similar projects our firm has worked with, including completed and on-going projects.

**John Doyel, Public Works Director**

City of Hanford  
900 S. 10th Avenue  
Hanford, CA 93230

**(559) 585-2571**

[JDdoyel@cityofhanfordca.com](mailto:JDdoyel@cityofhanfordca.com)

**Mario Jimenez, Project Manager**

City of Morgan Hill  
17575 Peak Avenue  
Morgan Hill, CA 95037

**(408) 778-6480**

[Mario.Jimenez@morganhill.ca.gov](mailto:Mario.Jimenez@morganhill.ca.gov)

**Gary Heap, City Engineer**

City of Gilroy  
7351 Rosanna Street  
Gilroy, CA 95020

**(408) 846-0277**

[Gary.Heap@ci.gilroy.ca.us](mailto:Gary.Heap@ci.gilroy.ca.us)

**Richard Abono, City Engineer**

City of Pittsburg  
65 Civic Center Avenue  
Pittsburg, CA 94565

**(925) 252-4115**

[rabono@ci.pittsburg.ca.us](mailto:rabono@ci.pittsburg.ca.us)

# PROJECT COMMUNICATIONS

This section describes how our firm's approaches to the planning and engineering services.

## FIRM AND AGENCY PARTNERSHIP

San Simeon Community Services District can expect a strong Line of Communication, from our proposed Project Manager and Principal-in-Charge, Tony Akel. Tony will serve as the primary contact for correspondence between District Staff and Akel Engineering Group, Inc. Additional technical staff will be allocated, as needed, to provide quick support to address District needs. **Our goal is to provide high quality products while promoting a flexible teamwork approach to ensure timely responses to City requests.**

Our mission on these projects is to provide the San Simeon Community Services District with high quality products that meet each project requirements, efficiently, while promoting effective teamwork approach.

### ➤ Direct Communication and Teamwork Approach with District staff

- Plan, coordinate, and manage the Project in order to achieve Project goals within the approved budget and schedule
- Prepare and maintain Project schedule on a regular basis
- Effectively communicate project status via e-mail, written correspondence, phone, and meetings
- Work closely with San Simeon Community Services District's staff
- Develop Project alternatives and resolution to issues in a timely manner
- Provide direct supervision over work product of staff and subconsultants
- Provide quality control/quality assurance



### ➤ Project Workshops and Meetings

Frequent Teleconference, Web Conferences, Technical memorandums, meetings, and project workshops, are elements of communication to confirm project directions at every milestone, and to receive District staff approval. Documentation of workshops and meetings include: Listing attendees, Brief description of discussions items, Key decisions, Action items log, maintained throughout the project, and dates to complete, and Next milestone/meeting/workshop and tentative dates

## Adhering to Project Schedules

We follow a proven project management technique specific to master planning and developed based on over 25 years of specialty experience. The technique emphasizes effective communication and quick response to address expected and unplanned challenges throughout the duration of the project.

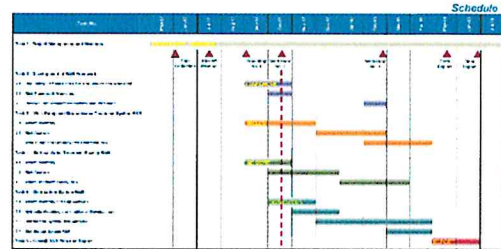
### ➤ Quality of Deliverables

Tony Akel has built a reputation for delivering high-quality infrastructure studies that meet client's specific needs and standards, and available resources. First, he served as an employee of national firms, and since 2006 as a principal with Akel Engineering Group, Inc. We have also effectively retained national and local firms, as subconsultants, to assist in preliminary design, wastewater treatment plant decommissioning studies, wastewater treatment plant

evaluations, flow monitoring, potholing, CCTV of sewer systems, surveying, and other specialties associated with the master planning efforts.

Deliverables will vary based on the type, nature, and scope of the specific project. Typical deliverables may include:

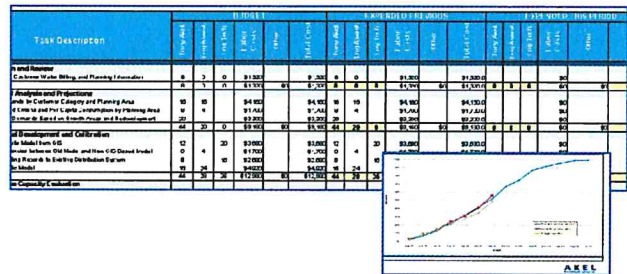
- Project Schedule
- Project base map in AutoCAD and GIS format
- Preliminary and Final Hydraulic Model Studies
- Preliminary Design Report
- Legal descriptions, plats, and easement documents (preliminary title reports, etc.)
- Plans for decommissioning of existing facilities to be abandoned
- Theory of Operation Document.



➤ **Monthly Progress Reports**

We have been praised by our clients on our **monthly progress reports** that detail:

- Project expenditures in the previous period, by task
- Budget Expended versus Budget Remaining, by task.
- Items requiring decision
- Upcoming milestones (submittals, workshops, meetings, etc.)



### Maintaining Quality Control

Tony Akel has built a reputation for delivering high-quality infrastructure planning and pre-design products that meet client’s specific needs and standards, within available budget constraints. Tony first served as a project manager with national firms, and since 2006 has been servicing as a principal with Akel Engineering Group, Inc.

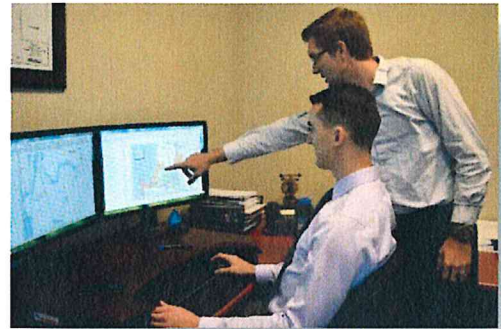
### Personnel and Resources Efficiency

Our infrastructure master planning specialists collaborate closely, and consult each other, during the analysis phase, especially when resolving challenging issues. Our engineering specialists also collaborate with our GIS specialists to develop quality graphical deliverables that accurately convey the analysis results.

➤ **Planning/Preliminary Engineering**

- Conduct utility research and obtain existing utility plans
- Review related planning and engineering documents
- Prepare appropriate preliminary technical studies
- Develop multiple alternative solutions based on sound engineering principles and describe the pros and cons of each alternative

- Provide preliminary cost estimates, including operational/maintenance costs for each proposed alternative
- Identify all local, state, and federal permits that will be required
- Prepare conceptual or preliminary drawings and exhibits for the preferred alternative as necessary
- **Technical Reports**
  - Prepare various technical reports and hydraulic calculations
  - Perform water and sewer hydraulic modeling studies using Info Water or InfoSWMM software by Innovyze



## STAFFING PLAN/ORGANIZATIONAL CHART

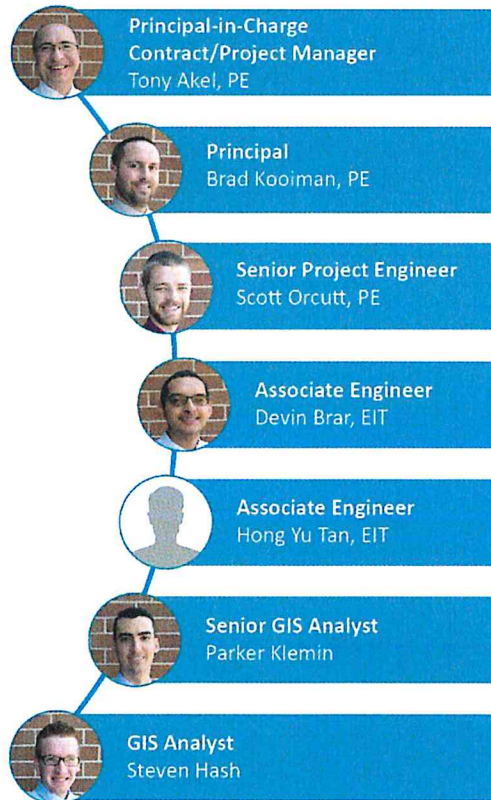
This section identifies our staff members who will be assigned to this project.

# AKEL

ENGINEERING GROUP, INC.



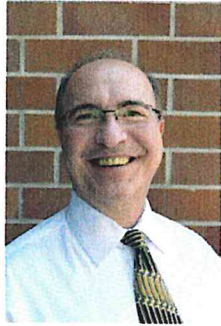
San Simeon Community  
Service District  
Engineering Department



# APPENDIX

FULL STAFF RESUMES ARE INCLUDED IN THE FOLLOWING PAGES.

# Tony Akel, PE



## Contact

7433 N First Street, Suite 103  
Fresno, California 93720  
Phone: 559-436-0600  
Fax: 559-436-0622  
[www.akeleng.com](http://www.akeleng.com)

## Education

MS Civil Engineering, California State University,  
Fresno, 1985  
BS Civil Engineering, California State University,  
Fresno, 1983

## Registration

Professional Civil Engineer:  
**California** License No. C-41682  
**Washington** License No. 46708

NASSCO PACP U-0321-70401503

## Professional Affiliations

### American Public Works Association (APWA)

San Joaquin Chapter Vice President 2018-2019  
San Joaquin Chapter Secretary 2017-2018  
San Joaquin Chapter Director 2016-2017

### American Society of Civil Engineers (ASCE)

National Leader Training Committee 2015-2021  
California Infrastructure Report Card Co-Chair 2018-2019  
National Infrastructure Policy Committee 2015-2018  
National Engineers Week Committee 2011-2019  
Region 9 (California) Governor 2007-2010  
San Francisco Section President 2004  
Fresno Branch President 2000, 2001

### American Water Works Association (AWWA)

### Association of California Water Agencies (ACWA)

### Rotary International (RI)

North Fresno

### Toastmasters International (TI)

Fresno TLC President 2000  
District 33 Area F4 Past Governor 2001

## Employment History

2006-Present - Akel Engineering Group, Inc.  
1997-2006 - Carollo Engineers  
1992-1997 - Montgomery Watson (MWH Americas)  
1987-1992 - Boyle Engineering Corporation (AECOM)  
1985-1987 - Dimmick Corporation

## Experience Summary

Tony Akel has over 30 years of professional experience in providing planning and design services related to the water, sewer, storm, recycled water, and irrigation delivery infrastructure.

Tony is especially effective in developing and maintaining clear project communications that provide quick response to challenges as they surface and result in successful project completions. Prior to starting his own business, he served as the Infrastructure Master Planning Group Manager for a major engineering firm.

Tony has effectively served as project manager, project engineer, and lead technical advisor on over 300 master plans. He is adept in the design of large utility pipelines and has prepared plans, specifications, and engineering estimates for 21,000 linear feet of 90-inch gravity sewer pipes, 10,000 linear feet of 42-inch double barrel force mains, and 22,000 linear feet of up to 30-inch water mains.

A solid computer background includes a proven efficient and analytical use of a variety of computer programs for engineering design applications and mapping, to include: water/wastewater systems analysis, Geographic Information System (GIS), database conversion and management, project scheduling, cost estimating, and other engineering applications.

He has substantial knowledge of state-of-the-art water distribution and wastewater collection hydraulic computer models and has provided on-line technical support on water/wastewater hydraulic computer modeling techniques throughout the continental United States. Representative experience includes:

## Integrated Master Plans: Water Distribution, Sewer Collection, Storm Drainage, Recycled Water, Irrigation Delivery

- Project manager/engineer on the 2017 **water system, sewer system, and storm drainage system master plans** for the **City of Hanford**, California (population 55,000).
- Project manager/engineer on the 2017 **water system, sewer system, storm drainage system master plans and recycled water feasibility study** for the **City of Morgan Hill**, California (population 42,000).
- Project manager/engineer on the 2019 **water system, sewer system, and storm drainage system** master plans for the **City of Gilroy**, California (population 52,000).
- Project manager/engineer on the 2018 **water system, sewer system, and recycled water system master plans** for the **Marina Coast Water District**, California (population 32,000).
- Project manager/engineer on the 2014 **water system, sewer system, and storm drainage system master plans and recycled water feasibility study** for the **City of Madera**, California (population 61,400).
- Project manager/engineer on the 2013 **sewer system and storm drainage system master plans** for the **City of Yakima**, Washington (population 91,000).
- Project manager on the 2015 **sewer system model development and evaluation, water system model development and evaluation** for the **Coachella Valley Water District**, California (population 260,000).
- Project manager/engineer on the 2004 **water system, sewer system, storm drainage system, and Urban Water Management Plan** for the **City of Gilroy**, California (population 44,000).
- Project manager/engineer on the 2002 **water system, sewer system, and storm drainage system** master plans for the **City of Morgan Hill**, California (population 35,000).
- Project manager/engineer on the 2001 **water system and sewer system** master plans for the **City of Porterville**, California (population 41,000).
- Project engineer /task manager on the 1997 **water system, sewer system and storm drainage system** master plans for the **City of Madera**, California (population 45,000).
- Project manager/engineer on several 2006-2017 special studies in support of the Water, Sewer, and Storm Drainage

Master Plans for the **City of Morgan Hill**, California (population 35,000).

- Project manager/engineer on over 30 special studies in support of the water, sewer, and recycled water systems for **Coachella Valley Water District**, California (population 260,000).

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## Water Distribution Master Planning

- Project manager on the Water Distribution System Hydraulic Modeling Services for the **City of Fresno**, California (population 495,000). Leading a team that developed a GIS-Based hydraulic model, with AMI data. Services include evaluating feasible operational scenarios, water quality and trace analysis, assisting in construction phasing, and optimizing operations.
- Project manager/engineer on the 2014 water system master plan for the **City of Madera**, California (population 61,400). Directed a team that assembled the InfoWater hydraulic model, developed planning criteria and evaluated the water system for a 20-year urban development boundary. Project highlights include cost allocation analysis of major infrastructure including transmission mains, storage tanks and pump stations. Developed a staged capital improvement program (CIP) with construction triggers.
- Project Manager/Project Engineer on the 2013 Hydraulic and Water Quality Modeling Analysis for the Santa Cruz Regional Desalination Plant. Directed a team that consolidated and calibrated the **City of Santa Cruz** and **Soquel Creek Water District** models. Directed a team that evaluated the impact of routing new Desal water through the City of Santa Cruz, and to service Soquel Creek WD. The project included optimization analysis, coordination and confidence building to select a mutually beneficial phased alternative
- Project manager/engineer on the 2014 and 2010 water system master plan for the **City of Pittsburg**, California (population 60,000). Directed a team that assembled the H<sub>2</sub>OMAP hydraulic model, developed planning criteria and evaluated the water system for a 20-year urban development boundary. Project highlights include cost allocation analysis of major infrastructure including transmission mains, storage tanks and pump stations. Developments included adding over 8,000 residential dwelling units and the creation of five new pressure zones. Developed a staged capital improvement program (CIP) and construction triggers.
- Project manager/engineer on the 2012 Auto Center Driver Hydraulic Analysis for the **City of Buena Park** (population 82,000). Project included coordinating with



adjacent **City of Fullerton**, to provide emergency connections for an industrial complex.

- Project manager/engineer on the 2011 Water System Supply and Storage Analysis for the **City of Morgan Hill** (population 39,000). Updated supply and storage requirements for a 20-year horizon.
- Project manager/engineer on the 2013 Water System Supply and Storage Analysis for the **City of Lindsay** (population 12,000). Updated supply and storage requirements for a 20-year horizon.
- Project Manager/Project Engineer on the 2010 Hydraulic Model Development and Water system analysis for Bay Street Gravity Replacement Project **City of Santa Cruz**, California population (55,000). In a partnership with City of Cruz staff, Tony has been working with the city's distribution system model since 2000. In 2007, developed an enhanced 12000-pipe model based on GIS and calibrated to EPS. System includes 10 storage tanks (47.1 MG), 11 booster stations, 14 pressure zones, surface and groundwater supply sources. Generated over 100 operational and emergency alternatives that meet seasonal demands through the year 2050. Using model for developing operational strategies during emergencies.
- Project manager on the 2009 Conceptual Water System Master Plan for the **Coachella Valley Water District**, California (population 260,000). Assembled a 20,000-pipe model extracted from CAD to H2OMAP Water that is used for developing water system improvements and operational strategies. Consolidated pressure zones for reliability.
- Project manager on over 20 special studies related to the existing water system for the **Coachella Valley Water District**, California Identified specific infrastructure improvements required from new projects to be serviced by the District in compliance with District Criteria.
- Project manager/engineer on several 2006-2010 special studies in support of the 2004 Water, Sewer, and Storm Drainage Master Plans for the **City of Gilroy**, California (population 44,000).
- Project manager/engineer on several 2006-2010 special studies in support of the 2002 water, Sewer, and Storm Drainage Master Plans for the **City of Morgan Hill**, California (population 35,000).
- Project manager/engineer on the 2004 water system master plan for the **City of Gilroy**, California (population 44,000). Project consisted of assembling a hydraulic model in H<sub>2</sub>ONET<sup>®</sup>, evaluating the water system, recommending enhancements, and developing a capital improvement program to comply with AB 1600. Maintaining model current and using for several special studies in 2005, 2006, and 2007.

- Project manager/engineer on the 2002 water system master plan for the **City of Morgan Hill**, California (population 35,000). Assembled the H<sub>2</sub>ONET<sup>®</sup> and H<sub>2</sub>OMAP hydraulic model for a 12-pressure-zone system, developed planning criteria and evaluated the water system for a 20-year urban growth boundary. Developed a staged capital improvement program (CIP) to comply with AB 1600. Discussed financing and funding alternatives. Maintaining model current and using for several special studies in 2005, 2006, and 2007.
- Project manager on several 2006-2010 special studies related to the water system master plan for the **City of Madera**, California (population 45,000). Evaluated supply requirements and fire flow analysis
- Project Manager on the 2008 Hydraulic Model Development and master for the **Palmdale Water District**, California (population 125,000). Resolved convergence in a 20,000-pipe model extracted from GIS to Infowater and used for developing improvements and operational strategies. System with 20 storage tanks (50 MG), 14 booster stations, 10 pressure zones, PRVs, surface and groundwater supply sources.
- Project Manager on the Hydraulic Model Assembly for the **City of Glendale**, California (population 210,000). Performed hydraulic calibration on a complex 40,000 pipe H<sub>2</sub>OMAP<sup>®</sup> hydraulic model with 18 pressure zones, MWD connections, 26 storage tanks, 30 active booster stations, and over 385 miles of pipes up to 48-inch diameter. The model is used for optimizing the operation of potable water distribution and for meeting WQ regulations including Stage 2 Disinfection Byproduct Rule (DBPR).
- Project manager on the Water Transmission Grid Main Model for the **City of Fresno**, California (population 440,000). Assembled and calibrated a challenging hydraulic model with over 175 wells. Assembled the existing system using KYPIPE. Recalibrated the model and evaluated the system using EPANET and H<sub>2</sub>ONET<sup>®</sup>. Recommended facility improvements.
- Project manager/engineer on the water system master plan for the **City of Porterville**, California (population 40,000). Assembled the hydraulic model using GIS tools compatible with ArcView, including AutoCAD Map and H<sub>2</sub>ONET<sup>®</sup>. Developed planning criteria and evaluated the water system for a 20-year urban development boundary, recommended operation enhancements, developed a staged capital improvement program (CIP), and performed a water fees analysis for meeting the requirements of AB 1600.
- Project manager on the 2006 water system master plan for the **City of Livingston**, California (population 11,000). The project consisted of assembling a hydraulic model in H<sub>2</sub>OMAP<sup>®</sup>, evaluating the water system, recommending

enhancements, and developing a capital improvement program to comply with AB 1600.

- Task manager on the Irrigation System Master Plan for the **City of Yakima**, Washington (population 72,000). Developed hydraulic model for evaluating the condition of the City's irrigation system and developed a phased plan for mitigating system losses to meet reduced supply conditions.
- Task manager on the domestic water system master plan for the **City of Yakima**, Washington (population 72,000). Calibrated the hydraulic model and identified deficiencies. Evaluated water supply and storage requirements based on State of Washington criteria.
- Task manager on the water system master plan for the **City of Santa Maria**, California (population 80,000). Provided guidance to a team assembling the hydraulic model and evaluating the existing distribution system using H<sub>2</sub>ONET®.
- Project engineer on the water system master plan update for the **City of Havre**, Montana (population 10,000). Calibrated the WaterCAD hydraulic model for a system with 6 pressure zones, 4 storage tanks (7.75 MG), 12 PRVs, surface and groundwater supply sources. Evaluated the existing system, provided facility recommendations for system improvements, and recommended seasonal (winter and summer) operational strategies.
- Project engineer on the fire flow analysis for the **City of Lewiston**, Idaho (population 30,000). Updated and calibrated the WaterCAD hydraulic model and identified the fire fighting capabilities of the southeast area water system for serving a proposed development. The project considered multiple scenarios including interties with adjacent utilities.
- Project manager/engineer on the hydraulic model calibration for the **Atascadero Mutual Water Company**, Atascadero, California (population 27,000). Consolidated several separate hydraulic models of the existing system into a single model. The resulting calibrated hydraulic model includes 9 main pressure zones and several smaller zones, 7 storage tanks, and 16 groundwater supply wells.
- Task manager on the hydraulic modeling and design of Cater-Cross Pump Station and Sheffield Reservoir for the **City of Santa Barbara**, California (population 90,000). Used the H<sub>2</sub>ONET® hydraulic model to design a booster station and transmission main. Created scenarios that evaluated the construction of temporary and ultimate Sheffield storage tanks. Trained City staff on the use of H<sub>2</sub>ONET®.
- Task manager for the water system master plan for the **City of Hailey**, Idaho (population 5,000). Calibrated the WaterCAD hydraulic model and evaluated the existing system. Identified system deficiencies and recommended system operational enhancements. Updated the hydraulic

model in February 2006 to confirm operational scenarios of constructed improvements, including a new 2MG Storage tank.

- Project engineer on the water system master plan for the **City of Madera**, California (population 45,000). Directed the GIS mapping of the water, sewer, and storm drainage facilities in ArcView compatible format. Evaluated the water system using EPANET (H<sub>2</sub>ONET® hydraulic engine), identified system deficiencies and proposed expansion improvements to the year 2020, evaluated storage and standby power requirements, and prepared a staged CIP.
- Project engineer on the water system master plan for the **City of Tulare**, California (population 45,000). Evaluated the existing water system using EPANET (H<sub>2</sub>ONET® hydraulic engine), developed analysis and design criteria, identified system deficiencies, evaluated groundwater conditions, recommended a telemetry (SCADA) system and meter-reading data collection equipment, developed future system improvements based on staged growth, evaluated storage and standby power requirements, and prepared a staged CIP.
- Project engineer on the water system master plan for the **City of Woodland**, California (population 50,000). Worked closely with city staff to assemble and calibrate the water system using H<sub>2</sub>ONET®. Provided guidance and training on efficient modeling techniques, and evaluated the water system. Correlated developed water demands with previously generated demand estimates.
- Project engineer on the water system master plan for the **City of Turlock**, California (population 60,000). Evaluated the existing water system using a proprietary water model based on the KYPIPE hydraulic engine. Recommended facilities improvements for a 20-year urban development boundary, developed a CIP, and recommended financing alternatives.
- Project engineer on the water system master plan for the **City of Coalinga**, California (population 16,000). Evaluated the existing water system using a proprietary water model based on the KYPIPE hydraulic engine. Recommended facilities improvements to enhance the reliability of the surface water supply lines, and developed a 20-year CIP.
- Task manager on the hydraulic analysis and demand analysis for the **California Men's Colony** San Luis Obispo and City of Morro Bay. Evaluated the capacity of the existing Chorro Valley transmission pipeline to convey alternative supply to the City of Morro Bay.
- Project engineer for the water system evaluation of the **Del Este Water** System in California. Evaluated 16 separate existing water systems owned by the client using a proprietary water model based on the KYPIPE hydraulic

engine. Recommended prioritized improvements to bring each system into DOHS compliance.

- Task manager on the water system litigation/evaluation for the **City of Dinuba**, California (population 17,000). Evaluated the water system to determine the impact of shutting down water wells due to contamination from agricultural pesticides.
- Project engineer on the water supply and storage update for the **City of Lindsay**, California (population 10,000). Updated the demand projections and recommended facility improvements that included a new 3 MG storage facility, transmission piping, and groundwater wells.
- Task manager on the water master plan for the **City of Azusa**, California (population 46,000). Project included merging the existing system with an adjacent utility. Identified existing facilities, as well as facilities owned by the adjacent utility. Defined planning areas and growth patterns.
- Task manager on the water quality analysis for **Southern California Water Company**. Performed a water age analysis to determine areas with potential water quality issues.
- Lead Technical advisor or task manager on other numerous water system hydraulic modeling projects and master plans.

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## Water Quality Modeling

- Project manager on the 2016 Water Quality Analysis for the Soquel Creek Water District storage operational parameters. Directed a team that evaluated the impact of incorporating new water from the **City of Santa Cruz** to the **Soquel Creek Water District**, and recommended improvements to enhance water quality.
- Project manager on the 2012 Water Quality Analysis for the City of Santa Cruz Regional Desalination Plant. Directed a team that evaluated the impact of incorporating new desal water into the **City of Santa Cruz** and **Soquel Creek Water District**, and recommended improvements to enhance water quality.
- Project manager on the Initial Distribution System Evaluation for meeting the requirements of IDSE Stage 2 DDBP Rule for the **Palmdale Water District** (population 125,000). In 2008, calibrated the 22,000-pipe model for EPS and performed 7-week water age analysis and produced supporting documentation and information for the report.
- Task manager on the System-Wide Disinfection Study for the **City of Anaheim**, California (population 335,000). Performed water quality calibration on a complex 10,000

pipe H<sub>2</sub>ONET<sup>®</sup> hydraulic model with 18 pressure zones. The current system was characterized to identify the influence of the chlorinated groundwater supply (19 wells), chlorinated surface water supply (3 MWD connections), and the chlorinated surface water treatment plant. Developed and analyzed water quality scenarios that assisted in developing the future strategy for disinfecting the City's water. The recommendations also included identification of needed disinfection booster stations.

- Project manager on the water quality modeling for the **California Men's Colony and Camp San Luis Obispo**, California. Performed age and trace analysis to locate areas likely to experience water quality problems. Recommended operational enhancements and transmission main replacements and upgrades.

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## Recycled Water System Master Planning

- Task Manager Project on the 2016 South County Recycled Water System Master Plan for the **Santa Clara Valley Water District**. Project included a market assessment and Hydraulic analysis to maximize the use of the existing system and expand the use through the General Planning Horizon.
- Project Manager on the 2016 Recycled Water Feasibility study for the **City of Morgan Hill**. Project included a market assessment, evaluating transporting recycled water from Gilroy, constructing a scalping plant, and the use of Graywater.
- Project manager/engineer on the 2011 and 2013 Transmission Main Requirements for Servicing New Non-Potable Customers for **Coachella Valley Water District**. Project included Hydraulic analysis to maximize the use of the existing system and identified high-benefit and low-benefit improvement costs for servicing additional customers.
- Project manager/engineer on the 2010 and 2013 South County Recycled Water Pipeline for the **Santa Clara Valley Water District**. Project included Hydraulic analysis and transient analysis to mitigate existing deficiencies and expand the system to service new customers.
- Project manager on the 2013 recycled water system feasibility study for the **City of Madera**. Project included market assessment, hydraulic analysis, and preliminary costs of pipelines and treatments.
- Task manager/engineer on the 2004 South County recycled water master plan for the **Santa Clara Valley Water District**. Performed the hydraulic analysis and recommended phased improvements to service short-term and long-term users.

## Irrigation System Master Planning

- Project manager on the 2018 Irrigation System Master Plan for the **Coachella Valley Water District**.
- Project manager on the 2016 Irrigation System model development and asset inventory for the **Coachella Valley Water District**.
- Project manager/engineer on the 2011 Irrigation System Master Plan for Lateral 97.1 for the **Coachella Valley Water District**.
- Project manager/engineer on the 2011 Irrigation System Evaluation for Lateral 97.0 for the **Coachella Valley Water District**.
- Task manager on the 2003 Irrigation System Master Plan for the **City of Yakima**, Washington (population 72,000).

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## Water Infrastructure Design

- Project engineer on the design of improvements for creating a new pressure zone in the **City of Signal Hill**. Improvements included pipes, a pump station, and a pressure reducing station.
- Project engineer on the design of the Bake Parkway waterline for **Irvine Ranch Water District**, California. Prepared construction plans, specifications, and cost estimates for 22,000 linear feet of 30-inch, 24-inch, and 20-inch DIP water line with CMLCSP alternate.
- Task engineer on the 7.8-million-gallon reclaimed water reservoir for **Los Alisos Water District**, California. Prepared construction plans for the reservoir.
- Task engineer for the water treatment plant expansion for the **City of Coalinga**, California. Designed site grading, plant piping, and meter vaults.
- Evaluated the water and wastewater requirements for eight proposed UC Campus alternative sites in the San Joaquin Valley, California. Prepared comparative cost estimates and ranked the sites.

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## Wastewater Collection Master Planning

- Project manager on the 2016 water system master plan for the **City of Shasta Lake**, California (population 11,000). Directed a team that developed the InfoSewer hydraulic model, developed planning criteria and evaluated the water system for a 20-year urban development boundary. Project included a risk and condition assessment based on recent City-wide comprehensive CCTV

- Project manager on the 2012 wastewater system master plan for the **City of Santa Barbara**, California (population 90,000). In a partnership with City of Santa Barbara staff, developed the City's collection system model from GIS, and calibrated the H2OMAP Sewer model for dry weather flows and 2 storm events. Modeling resulted with significant cost saving as scheduled major trunk upgrades were eliminated. Proposed improvements were constructed and mitigated surcharging during storm events. Evaluated the impact of 5 growth scenarios and developed CIP.
- Project manager/engineer on the 2013 wastewater collection system master plan for the **City of Yakima**, Washington (population 95,000). Directed a team that developed a hydraulic model using InfoSWMM. Calibrated existing system to flow monitors, evaluated system and recommended enhancements to meet design criteria and to service future growth. CIP included growth triggers.
- Project manager/engineer on the 2013 wastewater collection system master plan for the **City of Madera** (population 62,000). Directed a team that developed a hydraulic model using InfoSWMM. Calibrated existing system to flow monitors, evaluated system and recommended enhancements to meet design criteria and to service future growth. CIP included growth triggers.
- Project manager on the 2009 Sanitation System Master Plan for the **Coachella Valley Water District**, California (population 260,000). Led a team of engineers to update the City's wastewater master plan to comply with their Urban Water Management Plan projections. Project challenges included resolving the migration of plat maps from the AutoCAD environment to the District's GIS.
- Project manager/engineer on over 20 special studies in support of the 2009 Sewer System Master Plan for the **Coachella Valley Water District**, California. Identified specific infrastructure improvements required from new projects to be serviced by the District in compliance with District Criteria.
- Project manager/engineer on special studies in support of the 2004 Sewer System Master Plan for the **City of Gilroy**, California (population 44,000).
- Project manager/engineer on 2006-2010 studies related to the Infiltration and Inflow study for the **City of South San Francisco**, California (population 61,000). Performed hydraulic analysis in support of design efforts
- Project manager/engineer on 2006-2008 studies related to the sewer system master plan for the **City of Visalia**, California (population 95,000). Updated the hydraulic model and performed analysis to reflect changes in planning conditions. Phased improvements along Mineral King Trunk

- Project manager/engineer on the sewer master plan review on the **Selma Kings Fowler Sanitation District**, California. Evaluated master plan recommendations and developed 3 additional alternative routing scenarios with associated costs, including a pro-rata share analysis for cost allocation of improvements.
- Project manager on the 2006 wastewater system master plan for the **City of Modesto**, California (population 200,000). Led a team of engineers to update the City's wastewater master plan to comply with their Urban Growth Policy. Project challenges included resolving the City's GIS data discrepancies, a three-month flow monitoring program at 35 sites, hydraulic modeling using H<sub>2</sub>OMAP Sewer, a short time for completion, and several specific capacity studies that were completed prior to the master plan.
- Project manager/project engineer on the sewer system master plan for the **City of Gilroy** (population 44,000), California. Project consisted of assembling a hydraulic model using HYDRA, performing a temporary flow monitoring program, evaluating wet weather flows, identifying deficiencies, recommending facility improvements, and developing a 40-year CIP to comply with AB 1600. Maintaining model current and using for several special studies in 2005, 2006, and 2007.
- Project manager/engineer on the sewer system master plan for the **City of Morgan Hill**, California (population 35,000). Project included hydraulic modeling using HYDRA evaluation of wet weather flows, identifying deficiencies, and recommending a 20-year capital improvement program (CIP) to comply with AB 1600. Financing and funding alternatives were discussed. Maintaining model current and using for several special studies in 2005, 2006, and 2007.
- Project engineer on the infiltration and inflow study for the **City of South San Francisco**, California (population 61,000). Responsible for analyzing flow information measured during monitoring programs, and for identifying the system infiltration and inflows. Assembled the HYDRA hydraulic model. The project includes the evaluation of the system during a 5-year storm event, the recommendation of facility improvements and associated costs.
- Project manager on the east of Highway 101 sewer master plan for the City of **South San Francisco**, California. Directed the effort for assembling the hydraulic model using HYDRA and identifying deficiencies to accommodate anticipated growth.
- Project manager on the 2006 sewer system master plan for the **City of Pleasanton**, California (population 66,000). Led a team that developed the hydraulic model in H<sub>2</sub>OMAP Sewer, developed analysis and design criteria based on flow monitoring program, evaluated existing system,

recommended future improvement based on a 20-year staged growth, and developed a CIP.

- Project manager on the sewer system master plan for the **Oro Loma Sanitary Sewer District**, California (population 120,000). Project included quantifying Infiltration and Inflows, collection system evaluation, and a capital improvement program.
- Project manager on the sewer system master plan, Phase I, for the **Castro Valley Sanitation District**, California (population 30,000). Project included redefining the collection system drainage basins based on a thorough review of diversions, identifying tributary flows, and recommending a systematic flow-monitoring program.
- Project engineer on the sewer system master plan for the **City of Porterville**, California (population 41,000). Assembled the HYDRA hydraulic model using GIS tools compatible with ArcView, including AutoCAD Map release 2 and GisMaster. Developed planning criteria and evaluated the sewer system for a 20-year urban development boundary, recommended pipe and pump station improvements, developed a staged CIP, and performed a sewer connection fees analysis for meeting the requirements of AB 1600.
- Project manager for the 2005 sewer system master plan for the **City of Visalia**, California (population 95,000). Led a team that developed hydraulic model in H<sub>2</sub>OMAP Sewer, developed analysis and design criteria based on flow monitoring program, evaluated existing system, recommended future improvement based on a 20-year staged growth, identified financing alternative, and developed a CIP. Also served as the project engineer on the City's previous sewer master plan completed in 1994.
- Project manager for the 2006 sewer system master plan for the **City of Livingston**, California (population 11,000). Led a team that developed hydraulic model in H<sub>2</sub>OMAP Sewer, developed analysis and design criteria based on flow monitoring program, evaluated existing system, recommended future improvement based on a 20-year staged growth, and developed a CIP.
- Project engineer for the sewer system master plan for the **City of Tulare**, California (population 45,000). Developed and calibrated hydraulic model with field flow monitoring tests, identified deficiencies, presented five alternative growth scenarios, performed an economic evaluation to select an alternative, prepared staged CIP for each alternative to the year 2020, and identified financing alternatives.
- Project engineer on the sewer system master plan for the **Orange County Sanitation District**, California (population 2,770,000). Interviewed planning staff from each City within Orange County, projected future population, assembled and calibrated hydraulic model,

evaluated existing system, recommended future improvements.

- Project engineer for the sewer system master plan for the Communities of Alpine, Lakeside, and Wintergarden in the **County of San Diego**, California. Assembled and calibrated the HYDRA hydraulic model, evaluated existing system, and recommended improvements, including a CIP.
- Project engineer for the sewer system master plan for the **City of Hanford**, California (population 43,000). Developed and calibrated hydraulic model, evaluated existing system, recommended future system improvements, developed staged CIP to the year 2020.
- Task manager on the sewer system master plan for the **City of Pocatello**, Idaho. Assembled and calibrated the hydraulic model using HydraGraphics, identified system deficiencies, recommended expansion improvements, and trained City staff on modeling techniques.
- Project engineer on the sewer master plan for the **City of San Leandro**, California (population 81,000). Assembled the hydraulic model using HYDRA, identified system deficiencies, recommended future improvements, assessed constructability of each project in the field, developed a staged and prioritized CIP, with detailed cost estimates, and trained City staff.
- Task manager on the sewer system master plan for the **City of Yuba City**, California (population 47,000). Provided training and assistance to City staff in assembling and calibrating the HYDRA hydraulic model, identifying deficiencies, and recommending future improvements.
- Task manager on the sewer system master plan for the **City of Santa Maria**, California (population 80,000). Provided guidance to a team assembling the hydraulic model and evaluating the existing collection system and recommending improvements.
- Task manager on the sewer system master plan for the **City of Las Cruces**, Arizona. Provided training and assistance in assembling and calibrating the HYDRA hydraulic model, identifying deficiencies, and recommending future improvements.
- Task manager on the sewer system master plan for the **City of South San Francisco**, California. Assembled and calibrated the EAGLEPOINT hydraulic model, identified deficiencies, recommended phased improvements, developed CIP.
- Task manager on the sewer master plan for the **Fairfield-Suisun Sewer District**, California. Recommended improvements, developed cost criteria and a prioritized CIP.
- Task manager on the sewer system master plan for the **City of Petaluma**, California (population 56,000). Provided training and assistance in assembling and calibrating the

HYDRA hydraulic model, identifying deficiencies, and recommending future improvements.

- Task manager on the sewer system master plan for **Fulton County**, Georgia. Provided continuous training and assistance in assembling several HYDRA hydraulic models, and in identifying deficiencies, developing improvements and the associated CIP.
- Task manager for the sewer system master plan for the **City of Stockton**, California (population 253,000). Developed HYDRA hydraulic model for system 7, evaluated existing system, recommended improvements, trained City staff on the use of the hydraulic model.
- Lead Technical advisor or task manager on other numerous sewer system hydraulic modeling projects and master plans.

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## Wastewater Infrastructure Design

- Project engineer for the Baker-Gisler sewer interceptor and force mains for the **Orange County Sanitation District**, California. Prepared the construction plans, specifications, and cost estimates for 21,000 linear feet of 84-inch to 90-inch RCP, 15-inch to 33-inch VCP gravity sewer, and 10,000 linear feet of 42-inch double-barrel DIP sewer force main. The project required construction in a major southern California street that was utility intensive and heavily traveled. Prepared legal descriptions of permanent and temporary utility easements.
- Task manager on miscellaneous sewer design projects for the **Orange County Sanitation District**. Work included the preparation of construction plans, specifications, cost estimates, and legal descriptions for: 2,600 linear feet of 12-inch to 15-inch VCP gravity sewer and 600 linear feet of 8-inch VCP and DIP gravity sewer.
- Project engineer for the sewer improvements in **Orange Coast Community College**, California. Reviewed televised existing sewers, identified deficiencies, designed improvements, and prepared construction plans, specifications, and cost estimates.

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## Stormwater Master Planning

- Project manager/engineer on the 2013 storm drainage master plan for the **City of Yakima**, Washington (population 95,000). Directed a team that developed a hydraulic model using InfoSWMM and hydrology model using HEC-HMS. Evaluated existing system and recommended enhancements to meet design criteria and to mitigate flooding areas.

- Project manager/engineer on the 2013 storm drainage master plan for the **City of Madera**, (population 62,000). Directed a team that developed a hydraulic model using InfoSWMM and hydrology model using HEC-HMS. Evaluated existing system and recommended enhancements to meet design criteria and to mitigate flooding areas.
- Project manager on 2006-2008 studies related to the storm drainage system master plan for the **City of Gilroy** (population 44,000), California. Updated the drainage for the Las Animas Industrial Park, and for the Monterey Drain to include a relief system for the Princevalle Channel.
- Project manager on the storm drainage system master plan for the **City of Gilroy** (population 44,000), California. Directed the effort to assemble a HEC-1 hydrology and PCSWMM hydraulic models of the stormwater system and to evaluate the existing system. Identified current and future capacity deficiencies, proposed system improvements, and developed a staged CIP to comply with AB 1600.
- Project manager on the storm drainage system master plan for the **City of Morgan Hill** (population 35,000), California. Directed the effort to assemble a HEC-1 hydrology and PCSWMM hydraulic models of the stormwater system and to evaluate the existing system. Identified current and future capacity deficiencies, proposed system improvements, and developed a staged capital improvement program (CIP) to comply with AB 1600. Discussed financing and funding alternatives.
- Project manager on the storm water master plan for the **City of Hanford**, California (population 43,000). Directed the effort to assemble the HEC-1 hydrology and SWMM hydraulic model of the stormwater system and to evaluate the existing system. Identified current and future capacity deficiencies, proposed system improvements, recommended utility rates and connection fees, recommended financing alternatives, developed a capital improvement program to the year 2020.
- Task manager on the storm drainage system evaluation the **City of South San Francisco** (population 61,000), California. Directed the effort to evaluate a specific flooding occurrence and to provide recommendations to rectify condition, including the design of a new pump station. HEC-1 hydrology and PCSWMM hydraulic models were used to evaluate the existing system and make recommendations.

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## Water Resources and Urban Water Management Plans

- Project manager/engineer on both the **2005** and **2010** Urban Water Management Plan (UWMP) for the **City of**

**Gilroy**, California (population 44,000). Prepared an update to the City's UWMP to meet the California Water Code requirements, including SB 610 and SBx7-7. The 2000 UWMP was approved by DWR.

- Project manager/engineer on the **2005** Urban Water Management Plan (UWMP) for the **Palmdale Water District**, California (population 105,000). Sources included Local Groundwater, Imported Water, and Treated Water. The 2005 UWMP was submitted Dec. 2005.

- Project manager/engineer on the 2000 Urban Water Management Plan (UWMP) for the **City of Livingston**, California (population 10,000). Developed a first-time UWMP for Livingston to meet the California Water Code requirements effective January 2002, including SB 610 and AB 901. Developed a water-shortage contingency plan and identified demand management measures. The UWMP was approved by Department of Water Resources and the City qualified for a State grant.

- Task manager on the American River Water Resource Investigation for **Sacramento County Water Agency**, Sacramento, California. Reviewed over 50 water supply reports and studies performed for Cities within the Counties of Sacramento, El Dorado, and San Joaquin, California. Consolidated water demand coefficients, identified major improvements, and developed consolidated capital improvement costs

- Project manager/engineer on the 2000 and **2005** Urban Water Management Plan (UWMP) for the **City of Hanford**, California (population 43,000). Prepared an updated to City's UWMP to meet the California Water Code requirements including SB 610 and AB 910. The UWMP was approved by Department of Water Resources.

- Project manager on the **2005** Urban Water Management Plan (UWMP) for the **Palmdale Water District**, California (population 105,000). The 2005 UWMP was submitted Dec. 2005. Water Distribution Master Planning

- Project Lead Advisor on the **2005** Urban Water Management Plan (UWMP) for the **Victor Valley Water District**, California (population 75,000). The 2005 UWMP was submitted Dec. 2005. Water Distribution Master Planning

- Project Lead Advisor on the **2005** Urban Water Management Plan (UWMP) for the **City of Hesperia**, California (population 75,000). The 2005 UWMP was submitted Dec. 2005. Water Distribution Master Planning

- Project Lead Advisor on the **2005** Urban Water Management Plan (UWMP) for the **City of Buena Park**, California (population 85,000). The 2005 UWMP was submitted Dec. 2005. Water Distribution Master Planning

- Task manager / project engineer on the **2005** water demand analysis for the **City of Olathe**, Kansas (population 108,000). Project consisted of consolidating population projection methodologies from the planning and engineering departments for consistency.
- Lead Technical Advisor on the 2005 Water Supply Evaluation for **Beaver Water District**, Arkansas. Project consisted of evaluating the future potable water supply needs of client cities within Benton and Washington Counties.
- Project engineer for the **City of Fresno's** Kings River Watershed and Enterprise Canal Watershed Sanitary Surveys (WSS), California. The project consisted of evaluating Pine Flat Reservoir as a potential source of supply for the proposed Northeast Fresno Surface Water Treatment Plant. Responsible for evaluating the Kings River water and its conveyance canal. Conducted field surveys, contacted all agencies with jurisdictional authorities, identified potential contaminant sources, documented watershed control and management practices, recommended corrective actions, and prepared report.

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## Hydraulic Modeling

- Project manager on the 2005 hydraulic model update for the **City of Madera**, California. Updated previously prepared hydraulic model to reflect current infrastructure and demand conditions. Updated Water Supply Analysis and provided recommendations for enhancing system operation.
- Project manager on the 2006 hydraulic model update for the **City of Hanford**, California (population 43,000). Updated previously prepared hydraulic model to reflect current infrastructure and demand conditions. Calibrated the model to Extended Period Simulations. Updated Water Supply Analysis and provided phased recommendation for supply improvements through 2044.
- Task manager on the 2005 water system hydraulic model for the **Valley Center Municipal Water District**, California, Water System SCADA Planning Project. Worked with District staff to develop a consolidated hydraulic profile of the water distribution system. Provided recommendations for SCADA integration with the City's hydraulic model.
- Project manager or task manager on over 100 water, sewer, or stormwater hydraulic models which were components in either master plans or design projects. Designated Beta Tester for state-of-the-art water and wastewater computer hydraulic models. Familiarity with the following software: H<sub>2</sub>ONET® /H<sub>2</sub>OMAP Water, EPANET, KYPIPE, WATERCAD, SURGE5, HYDROWORKS, SWMM,

HYDRA, EAGLEPOINT, H<sub>2</sub>OMAP Sewer, InfoWater, and Infosewer.

- Task manager on the training of teams of engineers for designing the future sewers on the Aguas Argentinas Project in the **City of Buenos Aires**, Argentina. Provided a training course for three teams of engineers/ designers on modeling techniques as it applies to designing sewers. Provided continuous technical support.
- Task manager on the Software Testing and Implementation Plan for the **City of Virginia Beach**. Developed a detailed Software Testing and Implementation Plan for a custom designed hydraulic sewer model with a KYPIPE interface. Completed an iterative testing plan to flush programming bugs.
- Task manager for the transient hydraulic modeling on the treatment plant outfall for the **East Bay Municipal Utility District (EBMUD)**, in Oakland, California. Used SURGE version 5, developed by KYPIPE, for simulating the hydraulic transient conditions causing air vent overflows during wet weather events in the 96-inch-diameter, 15,000-foot-long outfall. Evaluated the operation of each pump by examining operational records during storm events at 1-minute intervals with corresponding tidal wave records. Recommended measures to mitigate further occurrences of overflows from the outfall.

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## Infrastructure Risk and Condition Assessment

- Project manager on the Infrastructure Renewal and Replacement Plan Development for the **City of Fresno**, California (population 495,000). Leading a team to identify the highest risk well, pump, treatment and pipeline assets, developing projects to rehabilitate and replace high risk assets, prioritizing the sequencing and timing of projects, and developing the 10-year R&R Plan.
- Project manager on the Sewer and Water System Condition Assessment and Asset Management Plan for the **City of Madera**, California (population 60,000). Leading a team, including subconsultants, conducting CCTV and field investigations and non-destructive condition assessment technologies, performing risk and condition assessments analysis, and developing an R&R Plan and Asset Management Plan.
- Project manager on the Sewer and Water System Condition Assessment for Parksdale and Parkwood Service Areas for the **County of Madera**, California. Lead a team, including subconsultants, conducted CCTV and field investigations and non-destructive condition assessment technologies, performed risk and condition assessments analysis, and developed an R&R Plan.



- Project manager on the Sewer System Master Plan for the **City of Shasta Lake**, California (population 10,000). Lead a team that developed a sewer system master plan and included a risk and condition assessment. Reviewed CCTV data and developed that R&R Plan.

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## Geographic Information Systems

- Project engineer for the GIS mapping of the Pearl Harbor Naval Base, Hawaii for **WESTDIV**. The project included aerial photography of the base, digitizing the parcels, digitizing the utilities (water, sewer, electrical, gas, steam, etc.) and their attributes. Developed naming convention for each utility component, and prepared the database user's manual.
- Project engineer on the reconstruction of the real estate summary maps for **NORTHDIV**. Researched voluminous existing records and reconstructed real estate maps in GIS for 18 naval bases with multiple jurisdictions.
- Project engineer on the mapping of construction standard details for **NCEL**. Responsible for digitizing 150 details with varying complexities on a Unix CADD system.

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## General Civil

- Project manager on the conceptual plan for the urban development of 2,000-acre vacant land in the **County of Madera**, California. Planned and designed the water supply, distribution, wastewater collection/treatment/disposal, storm drainage, and arterial roads for the proposed urban area. The development included residential homes, commercial space, and the Valley Children's Hospital.
- Task engineer on the Madera II facility for State of **California Department of Corrections**. Prepared civil plans for the administration building, vehicle and pedestrian sallyports, segregation yards, recreation facilities, site utilities, and parking lot layouts.
- Project engineer for a stormwater improvements project for the **City of Atwater**, California. Revised the flows tributary to a pump station. Developed plans for pipe replacements and a pump station upgrade.
- Task engineer on a commercial development for **Harris Ranch**, California. Responsible for field surveying of a highway commercial development, design of infrastructure, and preparation of plans and legal descriptions.
- Plan check engineer on behalf of the **City of Atwater**, California, for the Price Development. Responsible for reviewing voluminous construction plans and specifications of the infrastructure required to serve a 1,600 single-family

dwelling unit development, with water/sewer/storm water pipelines, water production wells, storm drain basins, roadways, and bridge widening. Recommended design modifications for compliance with Atwater's design standards.

- Project engineer on the high-pressure gas main for the **City of Laguna Beach**, California. Prepared construction plans for 6,000 linear feet of 16-inch steel pipe.
- Project engineer on the installation of plastic media blasting systems at Barbers Point, Hawaii for **NEESA**. Conducted site technical surveys for assessing the installation requirements of Plastic Media Blasting system. Prepared an implementation and installation report and a test/evaluation report.

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## Development of Requests for Proposals

- Project manager on the Los Osos Community Services District water system master plan RFP development for the **County of San Luis Obispo**, California. Developed a thorough request for proposal that identified the project objectives, detailed scope of work, consultant qualifications, proposal requirements, consultant selection process, and contract negotiations.
- Developed numerous customized requests for proposal (RFPs) for the preparation of water or sewer system master plans. RFPs included a variety of elements depending on the specific needs of the requesting agency.

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## Publications/ Presentations

Akel, T.A. Tuttle, K., Kooiman, B., Carbajal M. "Characterizing Customers Water Use Behavior in Hydraulic Modeling using Advanced Metering Infrastructure (AMI)" presentation at the American Water Works Association 2016 Annual Conference & Exposition, Chicago, IL June 21, 2016.

Akel, T.A. Tuttle, K., "Developing Renewal and Replacement Plans for Water and Wastewater Systems" presentation at the Innovyze Users Group, Santa Barbara, August 2018.

Akel, T.A. "Integrating Infrastructure Master Plans with General Plan Updates" Presentation to Smart Valley Places, Madera, October 22, 2012.

Akel, T.A. "Strategies for Optimizing Distribution System Operations." Webcast by the American Water Works Association, May 12, 2011.

Akel, T.A. "Strategies for Optimizing Distribution System Operations." American Water Works Association

webcast10 Annual Conference & Exposition, Chicago, June 24, 2010.

Akel, T.A. "Strategies for Optimizing Distribution System Operations." Paper presented at the American Water Works Association 2010 Distribution Systems Symposium, Washington D.C., September 21, 2010.

Akel, T.A., "Section and Branch Meetings Opportunities for networking". *ASCE Los Angeles Section Newsletter, San Francisco Section Newsletter, Sacramento Section Newsletter, and San Diego Section Newsletter*. April 2009.

Akel, T.A., "Develop, Preserve, and Enhance your GIS-based Hydraulic Model". Presentation at the MWH Soft, Inc. 2007 International Geoengineering Conference, Broomfield, CO, August 2007.

Akel, T.A. "Infrastructure Modeling and Master Planning". Presentation at the American Public Works Association, Central California Chapter, Visalia, California May 2006.

Akel, T.A., Gutierrez, J.L et al. "How Storm Water Impacts the Sanitary Sewer Collection System". Presentation at the MWH Soft, Inc. 2005 International Geoengineering Conference, Broomfield, CO, August 2005.

Akel, T.A. "Ten Steps to Prepare a Successful Infrastructure Master Plan." Paper presented at the MWH Soft, Inc. 2003 International Geoengineering Conference, Pasadena, CA, August 2003.

Akel, T.A. "What Makes Engineers Successful," *The Civil Engineer San Francisco Section Newsletter*. December 2002.

Akel, T.A. "Establishing the Data Confidence Index." Paper presented at the American Water Works Association 2002 Information Management and Technology Conference, Kansas City, MO, April 14-16, 2002.

Akel, T.A. "Best Practices for Calibrating Water Distribution Hydraulic Models." Paper presented at the American Water Works Association 2001 Annual Conference & Exposition, Washington, D.C., June 17-21, 2001.

Dent, S.A., Taylor, T.A., and Akel, T.A. "Wet Weather Management Programs in Northern California: Techniques, Trials, and Success Stories." Paper presented at the California Water Environment Association 2000 Annual Conference, Sacramento, CA, April 16-19, 2000.

Akel, T.A. "Best Practices for Calibrating Hydraulic Water Distribution Models." Paper presented to the American Water Works Association Distribution System Symposium, New Orleans, LA, 2000.

Akel, T.A. "Power Technical Information Presentation Skills." Paper presented at the American Society of Civil Engineers International Conference on Computing in Civil and Building Engineering, Stanford University, CA 2000.

Akel, T.A. "Calibrating a Water Distribution System with 175 Groundwater Supply Wells." Paper presented at the American Water Works Association Distribution System Symposium, Norfolk, VA 1997.

Akel, T.A. "Facility Management Systems, Hydraulic Models and GIS." Paper presented to the California Water Environment Association, Visalia, CA, 1996.

Akel, T.A. "When the Executive Committee Makes a Difference," American Society of Civil Engineers, *The Civil Engineer, ASCE San Francisco Section Newsletter*. August 2000.

Akel, T.A. "Effective Communication Skills," *The Civil Engineer, ASCE San Francisco Section Newsletter*. August 1999.

analysis. Tasks include updating and calibrating the hydraulic model, analyzing the impact of the new General Plan, and recommending improvements for the existing system and future expansion.

- Task manager in **City of Pittsburg**, California 2010 Master Plan (population 60,000). Updated and calibrated the hydraulic model. Part of a team that redeveloped the hydraulic model for the City. The hydraulic model was created using Innozyze H2OMap Water, to include elevations, demands, and then calibrated to the City's field data provided. Overall, the model includes 5 Pressures Zones, 211 Miles of Pipe, and 4 PRV's. Data Analysis includes demands by pressure zone and by developer, as well as a storage analysis for the City-Wide developments by Pressure Zone.
- Project analysis lead in the analysis of the **Town of Hillsborough**, California (population 11,000) hydraulic modeling. Tasks have been to develop and calibrate the existing water system and analyze the existing system for deficiencies and run fire flow scenarios.

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## Non-Potable Distribution

- Task manager in the **Santa Clara Valley Water District**, California (population 50,000) 2015 Recycled Water Master Plan Update. Part of a team that updated the recycled water system hydraulic model and master plan to reflect current planning scenarios and recommend infrastructure improvements required to properly service each user.
- Hydraulic model development lead in the **Coachella Valley Water District**, California (population 260,000) non-potable water hydraulic model. Part of a team that analyzed usage data for each user and developed a hydraulic model from AutoCAD and as-built drawings.

## Wastewater Collection

- Project analysis lead on the 2014 Sanitary Sewer System Master Plan for the **City of Madera**, California (Population 62,000). Part of a team which developed and calibrated the City-wide hydraulic sewer model based on existing flows and identified and recommended improvements to serve anticipated future growth as recommended by the City's General Plan. This project was part of the integrated Master Plan effort for Madera which included the water system,

sewer system, storm system, and the recycled water feasibility study.

- Project analysis lead on the Wastewater Collection System Master Plan for the **City of Santa Barbara**, California (Population 90,000). Part of a team which developed and calibrated the City-wide hydraulic sewer model based on existing flows and anticipated future growth. Worked with a team in resolving data discrepancies between the City's GIS and construction drawings. This project used Innozyze H20Map Sewer model for analyzing the existing system and identifying deficiencies in the gravity sewers, force mains, and lift stations to develop a capital improvement program.
- Project analysis lead on the Wastewater Collection System Master Plan for the **City of Yakima**, Washington (Population 91,000). Part of a team which developed and calibrated a City-wide hydraulic sewer model based on existing flows and anticipated future growth as recommended by the City's General Plan. The skeletonized hydraulic model consisted of 94 miles of gravity pipelines. Used Innozyze InfoSWMM model for analyzing existing system and identifying deficiencies in the gravity sewers, force mains, and lift stations and proposed improvements.

- Task manager for **Morgan Hill**, California (population 40,000) 2014 Wastewater Collection system Master Plan Update and hydraulic modeling analysis. Tasks include updating and calibrating the hydraulic model, analyzing the impact of the new General Plan growth, and recommending improvements for the existing system and future expansion.
- Task manager for **Gilroy**, California (population 51,000) 2014 Water Master Plan Update and hydraulic modeling analysis. Tasks include updating and calibrating the hydraulic model, analyzing the impact of the new General Plan growth, and recommending improvements for the existing system and future expansion.

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## Irrigation Delivery System

- Project lead in the **Coachella Valley Water District**, California (population 260,000) 2017 Irrigation Delivery System Model Development and Evaluation and subsequent 2018 Irrigation Delivery System Master Plan. Tasks included developing a GIS database using as-builts, analyzing historical irrigation deliveries, hydraulic model development and calibration, and system evaluation. The system consists of 430 miles of pipelines delivering

333,550 afy through a low head/low pressure gravity flow system.

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## Condition Assessment

- Current task manager for the **City of Fresno**, California (Population 510,000) Drinking Water Infrastructure Renewal and Replacement Plan. Part of a team that is developing a renewal and replacement plan for the City of Fresno's domestic water pipelines, groundwater wells, water treatment facilities, and groundwater wellhead treatment. A risk assessment for each facility was developed from likelihood and consequence of failure criteria. Critical facilities were identified recommended actions and costs were specified.
- Project lead in the **Coachella Valley Water District**, California (population 260,000) Domestic Water Asbestos Concrete Pipeline Renewal and Replacement Plan. This project performed a risk assessment for the AC pipeline in the domestic water system and developed a renewal and replacement plan

# Scott Orcutt, PE



## Contact

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## Education

Civil Engineering Undergraduate, California State University, Fresno 2014

## Registration

Professional Engineer (CA) C-90915  
NASSCO PACP U-0419-070305212

## Employment History

2013–Present. Akel Engineering Group, Inc.

## Professional Affiliations

American Society of Civil Engineers (ASCE)

## Professional Certifications

Professional Engineer (CA)

## Experience Summary

### Wastewater Collection

- Task Assistant in the **Marina Coast Water District** (population 34,300) Sewer System Master Plan. Responsibilities included updating the existing hydraulic model, developing existing flow factors, projecting future system flows, evaluating existing sewer system and recommending improvements to mitigate existing deficiencies and serve future growth, and assisting in report preparation.
- Task Assistant in the **City of Shasta Lake** (population 9,400) Wastewater Master Plan. Responsibilities included reviewing sewer system survey data, developing a sewer system hydraulic model using Innovyze InfoSewer, performing extended period simulation model calibration, and identifying improvements to mitigate existing deficiencies and service future growth.
- Task Assistant in the **City of Hanford** (population 54,600) Sewer System Master Plan. Responsibilities include updating the city sewer flows to match the wastewater treatment plant and reviewing as-builts and survey information for the purpose of updating the hydraulic model. The updated model is used to evaluate capacity availability for the accommodation of new development.
- Task Assistant in the **City of South San Francisco (E. of 101)** Sewer System Master Plan. This plan was prepared for the City's East of 101 service area and responsibilities include updating the City's sewer system hydraulic model, as-builts and lift station operational information, developing future system sewer flows, and identifying improvements to service future growth.
- Current Task Assistant in the **City of South San Francisco (W. of 101)** (population 65,500) Sewer System Master Plan. Responsibilities include the preparation of a flow monitoring program, development of existing and future sewer system flows, updating the hydraulic model based on new construction and City-wide survey. Additional tasks include identifying improvements to mitigate existing deficiencies and service and future growth.
- Current Task Assistant in the **City of Soledad** (population 26,000) Sewer System Master Plan. Responsibilities include the preparation of a manhole survey program and flow monitoring program, developing sewer system hydraulic model based on GIS using Innovyze Infosewer, estimating existing and future sewer system flows, updating the hydraulic model based on new construction and City-wide survey. Additional tasks include identifying improvements to mitigate existing deficiencies and service and future growth.
- Task Assistant in the **City of Morgan Hill** (population 45,000) Sewer System Master Plan. Responsibilities included updating the existing hydraulic model, developing existing flow factors, projecting future system flows, evaluating existing sewer system and

recommending improvements to mitigate existing deficiencies and serve future growth, and assist in report preparation.

- Task Assistant in the **County of Kern** Sewer System Master Plan. Responsibilities included developing and updating the hydraulic model. The existing system was updated based on recent construction provided by County staff. Future improvements were recommended based on recent planning studies, and capacity availability was analyzed to determine the development triggers for new improvements.
- Task Assistant in the **Coachella Valley Water District** Sanitary Sewer Model (population 260,000). Part of a team that develops and analyzes project scenarios with the use of InfoSWMM. Tasks included inventorying and updating the hydraulic model to include 27 lift stations; the performance curves and wet well dimensions were included in the hydraulic model. Wet well pump controls, determined based on wet well dimensions and average hourly flows, were added to the model to accurately simulate lift station cycle times.

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## Water Distribution

- Task assistant for the **City of Fresno** (Population 510,000) hydraulic modeling support. Part of a team that updated the hydraulic model from a steady state scenario to an extended period simulation. This project consisted of developing diurnal patterns for different districts within the City from hourly meter data and using SCADA from 260 well sites to calibrate the hydraulic model. Additional tasks have included hydraulic modeling support for the optimization of the regional transmission main analysis for a new 80 MGD water treatment facility.
- Current task assistant in **Coachella Valley Water District** (260,000). Responsibilities include assisting in the implementation and calibration of an update of the hydraulic model to include new developments and hydraulic analysis to determine the impacts of adding new supply locations in the District using Innozye InfoWater. Analyzed historical demand and production information to characterize system-wide unaccounted for water. Performed peaking factor analysis based on historical daily and monthly production information. Evaluating future developments and determined site specific available fire flows.

## Stormwater Drainage

- Task Assistant in the **City of Gilroy** (population 48,800) Storm Drainage System Master Plan. Tasks included reviewing available CAD and EPASWMM information to build an existing system model in Innozye's InfoSWMM for the purpose of evaluating the existing system hydraulic capacity.

# Devin Brar, EIT



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## Education

Civil Engineering Undergraduate, California State University, Fresno 2019

Engineer In Training, State of California,  
No. EIT 169757

## Employment History

2016–Present. Akel Engineering Group, Inc.

## Professional Affiliations

American Society of Civil Engineers (ASCE)

## Experience Summary

### Wastewater Collection

- Current Task Assistant in the **City of Yakima** (population 93,400) Sewer System Master Plan. Responsibilities include updating the existing hydraulic model, developing existing flow factors, projecting future system flows, evaluating existing sewer system and recommending improvements to mitigate existing deficiencies and serve future growth, and assisting in report preparation.
- Current Task Assistant in the **City of Gilroy** (population 56,800) Sewer System Master Plan. Responsibilities include updating the existing hydraulic model, developing existing flow factors, projecting future

system flows, evaluating existing sewer system and recommending improvements to mitigate existing deficiencies and serve future growth, and assisting in report preparation.

- Task Assistant in the **City of San Juan Bautista** (population 2,100) Sewer System Master Plan. Responsibilities included the preparation of a manhole survey program, development of existing and future sewer system flows, updating the hydraulic model based on new construction and City-wide survey. Additional tasks include identifying improvements to mitigate existing deficiencies and service future growth, and assisting in report preparation.
- Current Task Assistant in the **City of Pittsburg** (population 71,500) Sewer System Master Plan Update. Responsibilities include updating the existing hydraulic model and development of existing and future sewer system flows. Additional tasks include identifying improvements to mitigate existing deficiencies and service future growth, and assisting in report preparation.
- Current Task Assistant in the **City of South San Francisco (W. of 101)** (population 67,500) Sewer System Master Plan. Responsibilities include the preparation of a manhole survey program and flow monitoring program, development of existing and future sewer system flows, updating the hydraulic model based on new construction and City-wide survey. Additional tasks include identifying improvements to mitigate existing deficiencies and service future growth, and assisting in report preparation.
- Task Assistant in the **City of Soledad** (population 26,000) Sewer System Master Plan. Responsibilities included the preparation of a manhole survey program and flow monitoring program, developing sewer system hydraulic model based on GIS using InnoVyzze Infosewer, estimating existing and future sewer system flows, updating the hydraulic model based on new construction and City-wide survey. Additional tasks include identifying improvements to mitigate existing deficiencies and service future growth, and assisting in report preparation.

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### Non-Potable Distribution

- Current task assistant in **Coachella Valley Water District** (260,000) Non-Potable Water Master Plan. Responsibilities include hydraulic analysis to determine the impacts of adding new demand and supply locations

in the District using Innovyze InfoWater. Analyzing historical NPW demand and production information to determine system-wide theory of operations. Performed peaking factor analysis based on historical daily and monthly production information. Evaluating future developments and determined improvements to mitigate existing deficiencies and service future growth.



# Hong Yu Tan, EIT

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## Education

Civil Engineering Undergraduate, California State University, Fresno 2019

Engineer In Training, State of California

## Employment History

2019–Present. Akel Engineering Group, Inc.

## Professional Affiliations

American Public Works Association (APWA)

## Experience Summary

### Wastewater Collection

- Current Task Assistant in the **City of Beaumont** (population 52,300) Wastewater Master Plan. Responsibilities include the preparation of manhole survey program and flow monitoring program, developing wastewater collection system hydraulic model based on GIS using Innowyze InfoSWMM, developing existing flow factors, projecting future system flows, updating the hydraulic model based on construction drawings and survey data. Additional tasks include evaluating existing wastewater collection system and recommending improvements to mitigate existing deficiencies and serve future growth, and assisting in report preparation.
- Current Task Assistant in the **City of Monterey** (population 28,700) Sewer System Master Plan. Responsibilities include the preparation of manhole survey program and flow monitoring program, developing sewer system hydraulic model based on GIS using Innowyze InfoSWMM, developing existing flow factors, projecting future system flows, updating the hydraulic model based on construction drawings and survey data. Additional tasks include evaluating existing sewer system and recommending improvements to

mitigate existing deficiencies and serve future growth, and assisting in report preparation.

- Current Task Assistant in the **City of Pittsburg** (population 71,500) Sewer System Master Plan Update. Responsibilities include updating the existing hydraulic model and development of existing and future sewer system flows. Additional tasks include identifying improvements to mitigate existing deficiencies and service future growth, and assisting in report preparation.

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## Storm Drainage

- Current task assistant in **City of Yakima** (93,400) Stormwater System Master Plan. Responsibilities include updating the existing hydraulic model and developing hydrology model using Innowyze InfoSWMM. Additional tasks include evaluating existing stormwater system and recommending improvements to mitigate existing deficiencies and serve future growth, and assisting in report preparation.
- Current task assistant in **City of Gilroy** (56,800) Storm Drainage System Master Plan. Responsibilities include updating the existing hydraulic model and developing hydrology model using Innowyze InfoSWMM. Additional tasks include evaluating existing storm drainage system and recommending improvements to mitigate existing deficiencies and serve future growth, and assisting in report preparation.
- Current task assistant in **City of Morgan Hill** (44,700) Manzanita Park 2-Dimensional Study. Responsibilities include developing a 5ft-by-5ft grid size 2-Dimensional flood model using Flo-2D software, evaluating 5-Year 24-Hour, 10-Year 24-Hour and 100-Year 24-Hour Design Storm event under existing and buildout conditions, and assisting in technical memorandum preparation. Additional tasks include collaborate with the project design team in support of the storm drainage system infrastructure planning and design.

# Parker Klemin



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## Education

BA Geography  
California State University, Fresno 2011

GIS Certificate of Completion  
California State University, Fresno 2010

## Employment History

2011-Present – Akel Engineering Group, Inc.  
2011 – California State University, Fresno

## Experience Summary

### Wastewater Collection

- **Moss Landing, CA** – Complete digitization and database development of the sanitation system from As-Built drawings, for use in a pipeline Risk Assessment and GIS based hydraulic model. Created GIS report figures and large exhibits documenting the existing system, pipeline risk assessment, as well as the recommended improvements.
- **Marina Coast Water district, CA** – Created over a dozen figures for the Sewer Master Plan. Reviewed and converted CAD system drawings into Arcgis for import into a GIS based hydraulic model. Created figures and

performed spatial analyses to aid in the development of the hydraulic model.

- **City of Shasta Lake, CA** – Created over two dozen figures and large exhibits for the 2016 Master Plan; including, regional location and planning area, system capacity and flow performance, existing collection facilities, flow monitoring program meter locations, future system improvements, and infiltration and structural defects for Condition Assessment. Comparison details between the existing GIS and the hydraulic model. Created a GIS Topology to ensure data integrity.
- **City of Soledad, CA** – Created figures for the Sanitary Sewer Master Plan; including, existing and future land use, and existing collection system with meter locations for a flow monitoring program.
- **City of Hanford, CA** – Generated figures for the 2017 Master Plan; including, existing system, proposed system improvements, modeled trunks, existing deficiencies, existing and future land use, and regional location maps.
- **City of Santa Barbara, CA** – Updated and generated exhibits for the existing collection system, sewer basins, high inflow and infiltration, flow monitoring program, existing deficiencies, septic areas, 2030 and 2050 flow projections, pipe rehabilitation and replacement, and special studies.
- **City of Morgan Hill, CA** – Generated numerous figures for the 2018 Master Plan, including existing sanitary sewer system, system improvements, flow monitoring, sewer basins, existing and future land use, as well as figures for special studies. Joined sewer demands to parcel data to generate a new point file for hydraulic analysis.
- **City of South San Francisco, CA** – Created figures and large exhibits for the East of Highway 101 Sewer System Master Plan; to include, the regional location, existing collection facilities, collection basins, existing deficiencies during wet and dry weather, and capital improvement program figures.

- Created figures and large exhibits for the ongoing City-Wide Sewer System Master Plan; to include, regional location, existing and future land use, existing collection facilities with meter locations for a flow monitoring program. Performed spatial analyses to aid in the development of the hydraulic model.
- **City of Visalia, CA** - Generated exhibits for the hydraulic analysis of the sanitary sewer system and of the proposed improvements.
- **City of Madera, CA** – Generated and updated exhibits for the 2014 Master Plan of the existing sanitary sewer system, wet and dry weather pipe deficiencies, and the proposed existing and proposed future improvements. Also, calculated and categorized land acreages in ArcMap by land use types for analysis.
  - Extensive review of As-Built drawings, CAD data, field inspections, aerial imagery, and other data sources to create a complete and more accurate GIS, for use in an Infrastructure Risk and Condition Assessment. Detailed mapping was created to document the system as well as areas needing verification. Created a GIS Topology to ensure data integrity.
- **City of Yakima, WA** – Developed a shapefile representing water billing data for use in a hydraulic model. Calculated and categorized land acreages in ArcMap by land use types for analysis. Also, generated exhibits of the existing sanitary sewer system and of the proposed future improvements.
- **Half Moon Bay, CA** – Generated over a dozen figures for the 2016 master; including, existing land use, existing collection system, flow monitoring program, proposed improvements, and a regional location figure using digital elevation model data. Applied a geographic coordinate system to sewer collection system data used in a hydraulic model. Developed a shapefile representing water billing data for use in a hydraulic model. Used georeferencing and spatial adjustment to align data to a real world coordinate location.
- **City of Fresno, CA** – Created exhibits of the existing sanitary sewer system and also of proposed improvements.

- **City of Castroville, CA** – Generated exhibits of the existing sanitary sewer system, the proposed improvements, as well as a regional location figure using digital elevation model data. Converted CAD system drawings into Arcgis with a geographic coordinate system attached.
- **Coachella Valley Water District, CA** – Assisted in developing the existing sanitary sewer system from CAD system construction drawings and existing shapefiles. Removed duplicated manholes from the database. Exported and converted CAD system drawings into Arcgis with a geographic coordinate system attached. Applied a consistent geographic coordinate system to all data. Quality checked data alignment to aerial imagery. Created a point file representing sewer demand by joining excel data to county parcel data and converting to a point file.
- **Kern County, CA** – Substantial conversions of CAD system drawings into Arcgis. Extensive data creation through digitization from georeferenced data sources. Deployment of various geoprocessing tools and procedures for the creation of data for use in engineering analyses. Developed land use designations from tax roll data to county parcels. Consolidated several overlapping General Plan and Specific Plan land uses into a single database. Converted layer files to and from Google Earth and Arcgis; along with coordinate system transformations. Generated figures of the existing modeled system, the sewer service areas, the existing land use, and of the General Plan land use.

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## Water Distribution

- **City of Fresno, CA** – Created hundreds of figures for the hydraulic modeling support of the water quality and optimization analysis of the regional transmission main analysis for a new 80 MGD water treatment facility. Created several dozen large exhibits for meeting discussions and presentations. Converted proposed transmission main alignments from Google Earth layers to Arcgis and digitized to shapefiles. Created detailed figures of the City water mains impacted by California High Speed Rail. Created detailed figures of

system pressures, velocities, and head losses, as experienced in various different fire flow scenarios. Performed numerous spatial analyses to aid in the development of the hydraulic model. Created dozens of hydraulic evaluation figures for new tract developments. - Generated figures for the Drinking Water Infrastructure renewal and Replacement Plan. Geocoded locations for a historical water main maintenance database. Performed numerous spatial analyses to aid in the development of the hydraulic model. Created detailed figures of recommended pipe improvements.

- **West Valley Water District, CA** – Generated dozens of figures for the Water Facilities Master Plan. Created large exhibit maps for meeting presentations. Performed numerous spatial analyses to aid in the development of the hydraulic model. Used georeferencing to aid in digitizing future major developments and future land use. Created detailed figures of system pressures, velocities, and head losses, as experienced in various different fire flow scenarios for future developments.
- **Marina Coast Water district, CA** – Created over a dozen figures for the Water Master Plan. Reviewed and converted CAD system drawings into Arcgis for import into a GIS based hydraulic model. Created figures and performed spatial analyses to aid in the development of the hydraulic model.
- **City of Hanford, CA** – Generated figures for the 2017 Master Plan; including, existing water system, proposed system improvements, fire flow analyses, pressure zones, existing and future land use, and regional location maps.
- **Coachella Valley Water District, CA** – Generated detailed figures of existing system infrastructure and proposed system improvements. Created exhibits of water system pressure loggers, existing water system supply, and proposed water system supply improvements. Created detailed figures of system pressures, velocities, and head losses, as experienced in various different fire flow scenarios.
- **City of Hillsborough, CA** – Generated exhibits of the existing water system categorized by pipe sizes and

pressure zones. Joined water demands to parcel data to generate a new point file for analysis and presentation.

- **City of Soledad, CA** – Created figures for the 2015 Urban Water Management Plan; including, regional groundwater basins and local groundwater well locations. Digitized groundwater well locations using aerial imagery for verification.
- **City of Newhall, CA** – Created figures of the existing water system and of proposed improvements. Created figures of system pressures, velocities, and head losses, as experienced in various different fire flow scenarios.
- **City of Morgan Hill, CA** – Generated numerous figures for the 2018 Master Plan; including, existing water system, proposed system improvements, fire flow analyses, pressure zones, existing and future land use, as well as figures for special studies.
- **City of Gilroy, CA** – Generated exhibits of the existing and proposed systems in the Gilroy Gardens study area. Created a point file of water system demands from excel data joined to parcels.
- **City of Santa Cruz, CA** – Generated exhibits of existing water system and hydraulic model calibration locations including two figures on area specific calibration locations, regional location figure using digital elevation model data, and system improvement alignment alternatives.
- **City of Buena Park, CA** – Generated exhibits of the existing water system and of fire flow improvements.
- **City of Fullerton, CA** – Generated exhibits of the existing water system and of fire flow improvements.
- **City of Simi Valley, CA** – Generated exhibits of fire flow analysis with proposed improvements.
- **City of Madera, CA** – Generated large exhibits and report figures for the 2014 Master Plan; including, existing water system, proposed improvement details, depth to blue deposits, groundwater contaminant locations, and existing land use. Digitized groundwater contamination locations and depth to blue deposit

contours. Geocoded locations for a historical water main maintenance database. Also, calculated and categorized land acreages in ArcMap by land use for analysis.

- **City of Pittsburg, CA** – Created over 3 dozen figures for the 2015 Water System Master Plan. Geocoded historical water system billing data. Extensive manual street address manipulation in order to increase the accuracy of the geocoding results. Converted CAD system drawings into Arcgis with a coordinate system attached. Digitized water system pressure zones based on contour elevations.
- **County of Madera, CA** – Generated detailed figures of the City of Madera’s water system with classifications of minimum pressures for different scenarios. Updated the pressures by joining new data to the shapefile.

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## Non-Potable Distribution

- **Coachella Valley Water District**, – Created over a dozen figures for the Recycled Water Master Plan. Figures include the existing system and future improvements from many different planning scenarios. Digitizing existing and potential non-potable water users using aerial imagery and georeferenced data.
- **Marina Coast Water district, CA** – Created over a dozen figures for the Recycled Water Master Plan. Reviewed and converted CAD system drawings into Arcgis for import into a GIS based hydraulic model. Performed spatial analyses to aid in the development of the hydraulic model.
- **City of Madera, CA** – Digitized the location of non-potable users and potential users. Generated exhibits of future system alternatives based on different planning scenarios.

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## Storm Water Drainage

- **City of Madera, CA** – Generated special study exhibits as well as detailed exhibits for the existing storm water system and proposed existing and proposed future improvements. Also, calculated and categorized land acreages in ArcMap by land use types for analysis.

- **City of Yakima, WA** – Generated special study exhibits as well as detailed exhibits for the existing storm water system and proposed existing and proposed future improvements. Also, calculated and categorized land acreages in ArcMap by land use types for analysis.
- **City of Morgan Hill, CA** – Generated exhibits of the existing water system and proposed water system improvements.
- **City of Hanford, CA** – Generated figures for the 2017 Master Plan; including, existing system, proposed system improvements, existing and future land use, watersheds and waterways, drainage basin, and regional location maps. Converted CAD system drawings into Arcgis with a geographic coordinate system attached.

---

## Irrigation

- **Coachella Valley Water District**, – Complete digitization and database development of over 435 miles of pipeline and 1,629 pipe stand and pipe vent structures, from As-Built drawings and AutoCAD plat sheets. Data integrity was verified and aligned to orthographic aerial imagery and GPS data. The database was structured for use a GIS based hydraulic model. Reviewed drawings spanning 68 years in order to establish the most accurate and up to date system. Communicated with the District to locate missing drawings and aid in identifying over 67 miles of abandoned pipeline and 55 miles of new or replacement pipeline. System wide adjustment of system elevations to determine pipe invert elevations for use in the hydraulic model.

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## Solid Waste

- **City of Fresno, CA** – Redistributed the pickup routes for the Thursday solid waste commodities (Trash, Green Waste, and Recycling) to be more balanced and evenly distributed. Generated detailed exhibits of each commodity route to document changes

# Steven Hash



## Contact

7433 N First Street, Suite 103  
Fresno, California 93720  
Phone: 559-436-0600  
Fax: 559-436-0622  
[www.akeleng.com](http://www.akeleng.com)

## Education

BA Geography  
California State University, Fresno 2016

GIS Certificate of Completion  
California State University, Fresno 2015

## Employment History

2016–Present. Akel Engineering Group, Inc.

## Experience Summary

### Wastewater Collection

- **City of Madera, CA** – Detailed mapping was created to document the system, create an Infrastructure Risk and Condition Assessment figure, and Create dynamic Data Driven map pack for CCTV review.
- **City of Morgan Hill, CA** – Generated numerous figures for the existing Sewer System Condition Risk Assessment along with CCTV review, and figure packs denoting rehabilitation costs for pipes.
- **City of South San Francisco, CA** – Generated numerous figures for the existing Sewer System and for the sewer system manhole survey project.

### Water Distribution

- **Coachella Valley Water District, CA** – Generated detailed figures of existing system infrastructure and proposed system improvements. Created exhibits of water system pressure loggers, existing water system supply, and proposed water system supply improvements. Created detailed figures of system pressures, velocities, and head losses, as experienced in various different fire flow scenarios.
- **City of Fresno, CA** – Extensive and thorough review of the existing water system to create map packets showcasing the most optimal set up location for the Neutral Output Discharge Elimination System (NO-DES) vehicle throughout the city. For each setup location, a dynamic table was generated to show the total length of each flushing sequence.
- **City of Madera, CA** – Extensive review of As-Built drawings, CAD data, field inspections, and other data sources to create a complete and more accurate GIS, for use in an Infrastructure Risk and Condition Assessment. Detailed mapping was created to document the system as well as areas needing verification.
- **City of Morgan Hill, CA** – Generated numerous figures for the water supply assessment along with new annexation areas that are to become part of the city.
- **Santa Clarita Valley Water Agency, CA** – Digitized existing pipes based on thorough review of As-Built. Generated figures to showcase the newly digitized existing pipes.

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### Irrigation

**Coachella Valley Water District**, – Complete digitization and database development of over 435 miles of pipeline and 1,629 pipe stand and pipe vent structures, from As-Built drawings and AutoCAD plat sheets. Data integrity was verified and aligned to orthographic aerial imagery and GPS data. The database was structured for use a GIS based hydraulic model. Reviewed drawings spanning 68 years in order to establish the most accurate and up to date system. Communicated with the District to locate missing drawings and aid in identifying over 67 miles of abandoned pipeline and 55 miles of new or replacement pipeline. System wide adjustment of system elevations to determine pipe invert elevations for use in the hydraulic model.

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<b>Fee Estimates: Preparation of an addendum to the District Master Plan based on the requirements of Urban Water Management Plans</b>			
<b>San Simeon Community Services District</b>			
	<b>Scope of Work</b>		
<b>#</b>	<b>Scope of Work Tasks/Deliverables</b>	<b>Total hours</b>	<b>Total \$*</b>
1	Water supply reliability analysis	128	\$27,520
2	Water demand analysis	78	\$16,770
3	Make projections of the probability of supply exceeding demand	64	\$13,760
4	Evaluate water assets and infrastructure opportunities		
4a	Upstream recharge of Pico Creek	60	\$12,900
4b	Desalting seawater	60	\$12,900
5	Transparency and listening (Guidebook notification and adoption processes)		
5a	Providing project updates	96	\$20,640
5b	Collecting and responding to comments	86	\$18,490
5c	Potential initial "Lay Descriptions"	40	\$8,600
6	Review the 2018 Water Master Plan fire storage requirements		
6a	Confer with Fire Marshall and hotel owners	24	\$5,160
6b	Revise fire storage, pipe sizes, and budget	64	\$13,760
	<b>Total hours and dollars</b>	<b>700</b>	<b>\$150,500</b>
	<b>Optional Tasks/Deliverables</b>		
	Engineering direction to audit water and wastewater meters	40	\$8,600
	Discuss minimum document requirements for grants with granting agencies	TBD	TBD
	Sketch of project funding options	80	\$17,200
	Upgrade to complete UWMP	1400	\$301,000
	<b>Optional additional hours and dollars</b>	<b>1,480</b>	<b>\$318,200</b>

\*Our current published hourly rate for all senior engineering professionals is \$215.00/ hr.



**RECEIVED**

OCT 13 2021

BY: CAM



RECEIVED

OCT 13 2021

BY: CAM



October 14, 2021

San Simeon Community Services District  
111 Pico Avenue  
San Simeon, CA 93452  
Attn: Mr. Charles Grace, General Manager

Subject: Proposal for the **preparation of an addendum to the District Master Plan** based on the requirements of Urban Water Management Plans

Dear Mr. Grace:

San Simeon Community Services District (SSCSD) would like Hasan Consultants to determine if and how many will serve letters they can issue for water, recycled water, and wastewater. SSCSD is not required to prepare a UWMP because it is much smaller than 3,000 customers and serving less than 3,000 acre-feet per year (AFY). Currently, SSCSD has 209 customers and has been supplying 80 AFY. It's isolated dependence on a small watershed with little groundwater storage requires SSCSD adapt to climate change impacts on its water supply sooner than most California communities. Hasan Consultants will prepare technical memorandums that address requirement of UWMPs with a concluding report on water supply availability for new development.

Hasan Consultants, a civil and environmental firm is familiar with Integrated Water Master Plans and UWMPs. We are confident that our combination of early-stage value engineering, intimate knowledge of options for state-of-the-art small water supply, water distribution, water resource recovery facilities, and collection systems ensures:

- Our projections of future water supply will include up-to-date climate model results for Pico Creek (drought, evaporation, wildfire, and sea level rise issues).
- If necessary, we will identify cost-effective projects to ensure water supply for build-out within the SSCSD.
- District's Master Plan (minimalist UWMP) will be an unbiased and methodical analysis.

You are welcome to contact Mohammed Hasan directly with any question at any time, cell phone: (805) 218-5574, email: [m.hasan@hasanconsultants.com](mailto:m.hasan@hasanconsultants.com).

Sincerely,

M. A. Hasan, dual M.S., P.E., ex R.E.A., F. ASCE, PWLF  
Principal

Enclosure

2436 E. Thompson Blvd., P. O. Box 6385, Ventura, CA 93006

## Table of Contents

A.	Cover Letter	...	1
B.	Statement of Qualifications	...	3
	Firm description and Personnel		
	Brief resumes		
	References		
C.	Project Communications	...	5
D.	Project Understanding and Approach	...	5
E.	Business Organization	...	6

\*Fee Estimates and Rates (in a separate envelope)

**ADDENDUM TO THE MASTER PLAN  
FOR THE  
SAN SIMEON COMMUNITY SERVICES DISTRICT**

**B. Statement of Qualifications**

**Firm description and personnel**

We have included a single page description of our company in the following pages. The brief resumes of staff members to serve on this project follows this description page.

**Firm Information**

Hasan Consultants

[m.hasan@hasanconsultants.com](mailto:m.hasan@hasanconsultants.com)

Mailing address:

P. O. Box 6385  
Ventura, CA 93006

Street address:

2436 East Thompson Blvd.  
Ventura, CA 93003

Business License, City of Ventura

Federal Tax ID: 483749910

Phone: (805) 218-5574 cell

Fax: (805) 639-0307

**Public Agencies**

Numerous civil engineering projects including water/wastewater systems have been successfully completed by Hasan Consultants. Below is a partial list of the public agencies we have recently served:

California Public Utilities Commission

City of Los Angeles

City of San Fernando

City of Camarillo

City of Port Hueneme

County of Ventura

City of Ventura

City of Oxnard

Ojai Valley Sanitation District

City of Santa Paula

City of Ojai

City of Thousand Oaks

November 9, 2021 Board Meeting Packet  
Oceanview School District

Ventura Unified School District  
Ventura and Moorpark Colleges  
Ventura Community College District  
United Water Conservation District  
Casitas Municipal Water District  
Ventura Regional Sanitation District

### **News Story**

An example of a news story of Hasan Consultants' project in the local newspaper, Ventura County Star is included in the following pages. This unusual pipeline project was completed for the Casitas Municipal District in an area known for mega slides near La Conchita in the western part of Ventura County. The project has received national attention in drilling magazines for innovative design.

### **Key staff allocation**

The District will be served by three senior professionals on this project, they are:

Mohammed Hasan, P.E., Principal in charge  
Mark Capron, P.E., Senior Project Manager  
John Mundy, Grade 5, MPA., Project Manager

Resumes: Their resumes are all included in the following pages, resume section. Only that of Mark Capron, the Senior Project Manager, and Mohammed Hasan are highlighted below in this section.

**Mark E. Capron**, PE C 31510 was the water and wastewater engineer for Ventura Regional Sanitation District (VRSD). During Mr. Capron's tenure, VRSD managed water and recycled water distribution systems for Oak Park Water Service (14,000 people). This included saving Oak Park \$150,000/year with a one-time \$150,000 expense to install a SCADA system, providing the vision for an Integrated Water Master Plan (by a consultant), and guiding the location and construction replacing unused and seismically deficient water tanks.

Mr. Capron managed the project team improving the sewer system for Malibu Bay Club from failed beach-side septic tanks to mostly below-ground tertiary treatment with UV disinfection. Processes were within 20 feet of residence front doors and bedroom windows with no odor complaints and one (resolved) noise/light complaint.

Mr. Capron managed the project team preparing environmental documents, finding funding, design, construction, and operation of the Saticoy Sanitary District (SSD) wastewater treatment and collection improvements. SSD customers put up \$535,000 while obtaining \$5 million in grants and loans for a plant upgrade and extension of the sewer system to commercial properties. The commercial properties repaid the loan. The grant paid for upgrading SSD's treatment from a community septic tank to secondary with nutrient removal.

While serving the City of Thousand Oaks as Ideas and Engineering at its Hill Canyon Wastewater Treatment Plant, Mr. Capron drafted the City's initial Integrated Water and Energy Master Plan.

**Mohammed A. Hasan, P.E.** has been involved in the design and construction of numerous water and wastewater projects in California since 1973. He has been involved in updating urban water management plans for cities. He currently serves on the boards of a public groundwater agency serving most of Ventura county, and a private environmental non-profit organization in Ventura. He has directed projects involving water reclamation and wetland restoration. As recently as early this year he has been involved in Kalorama wetland restoration project in Ventura. The non-profit organization has been successful in obtaining help from school children, teachers and citizens for the field work.

### **Rates and Fees**

Our published hourly rate for all senior engineering professionals is \$215.00/ hr. Fee estimates based on the tasks are provided in a separate envelope attached to this proposal.

### **References**

Mr. Steve Blois	Director and Board Secy, Metropolitan Water Dist. of S. California Past Board Member, L.A. Regional Water Quality Control Board Director, Calleguas Municipal Water District (805) 732-0005
Mr. Russ Baggerly	Director Ojai Basin Groundwater Management Agency, Ojai, CA (805) 640-1207
Mr. John Minkel	Water and Wastewater Manager City of Thousand Oaks, CA (805) 491-8121

Additional references will be submitted as necessary.

### **C. Project Communications**

Hasan Consultants' decades of success in projects has been due to excellent consistent communication with all the parties involved. Hasan Consultants practices, "Overcommunication never hurts, it's the under communication that hinders project success".

Throughout the course of the project, we conduct routine weekly progress meetings with SSCSD staff. Other materials of our communication strategy are presented in our task list #6.

### **D. Project Understanding and Approach**

Hasan Consultants will prepare technical memorandums that address requirement of UWMPs with a concluding determination report on water supply availability for new development. The concluding report will be an Integrated Master Plan (Water and Wastewater). Integration is essential because wastewater can be recycled. The Master Plan should also be integrated with SSCSD's Coastal Hazard Response Plan (CHRP).

### **Task descriptions**

In addition to SSCSD main water well being adjacent to the ocean and operating at 60% of its water rights, Pico Creek is too small such that CDFW has not established minimum flow requirements (See list at:

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/existing\\_flow\\_requirements.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/existing_flow_requirements.html)).

If an IFMP becomes necessary during the preparation of the minimalist Urban Water Management Plan, Hasan Consultants will retain a biologist who specializes in IFMPs.

### **Task descriptions**

Task 1. Assemble and organize historic information on Pico Creek surface and subsurface flows for the stretch within 2 miles of the ocean. For example, The Nature Conservancy has published a map at: <https://rivers.codefornature.org/#/map> that shows not-yet-reviewed historic flow data for Pico Creek. It shows that more than 10% of dry-season dry-year (surface water) flows have been zero. This information suggests that SSCSD should emphasize in its UWMP how recommended projects could change flows, but without the expense of a complete IFMP.

Task 2. Assess the environmental impacts of groundwater extraction on the stream environment between SSCSD's well and the ocean.

Task 3. IFMP by biology specialist sub-consultant.

### **Optional tasks for Hasan Consultants**

- a. None

### **Other Assumptions**

All digital deliverables. Three in-person one-day visits to SSCSD and one other presentation. Remaining meetings are virtual. SSCSD provides a list of outside property owner contacts and SSCSD's typical regulatory contacts. The UWMP does not include CEQA or NEPA documentation, although the inclusive project conceptualizing will have sufficient detail for assessing if a mitigated negative declaration is likely to suffice. SSCSD will assist as indicated plus supervised access and live video tours of sites. All the documents delivered by Hasan Consultants are digital files (no hard copy).

## **E. Business organization**

### **Insurances**

Hasan Consultants' current insurances are shown on the single page information sheet for the company in the following pages.

## **Equal Opportunity**

Hasan Consultants stands and ensures against discrimination in employment practices based on State and Federal laws and regulations.

## **Equal Opportunity Employment Compliance**

Hasan Consultants is a minority, small and disadvantaged business. Details are shown on the single page information sheet for the company in the following pages.

## **No conflicts**

Hasan Consultants and OceanForesters, their employees and associates have no past, or present conflict, nor anticipates any conflict that could affect this project work and the ability to complete the services on schedule.

## **No District Liability**

Hasan Consultants clearly acknowledges that the District is not liable for any of our preparation and submittal costs for this proposal. The District may accept or reject any proposal or proposed agreement without limitation. Nothing creates any vested rights in any person

## **Non-Collusion**

Hasan Consultants declare that only persons or parties interested in its proposal as principals are those named herein; that no officer, agent, or employee of the District is personally interested, directly or indirectly. Our proposal is in all respects fair and without collusion or fraud.

## **Contact person:**

Mohammed A. Hasan, P.E.  
Principal Engineer and Owner  
Hasan Consultants  
[m.hasan@hasanconsultants.com](mailto:m.hasan@hasanconsultants.com)  
(805) 218-5574 cell

### Mailing address:

P. O. Box 6385  
Ventura, CA 93006

### Street address:

2436 East Thompson Blvd.  
Ventura, CA 93003

Mohammed Hasan will be the Principal-in-charge responsible for direct liaison with the District. Hasan Consultants is a sole proprietorship company. Contract and billing will be through Hasan Consultants

### **Background**

Since 1984, Hasan Consultants, a civil engineering and environmental engineering/planning firm, has provided local clients with consulting services in the areas of water, wastewater and solid waste, land development, environmental assessment, residential construction, commercial modification, surveying and parcel maps, aerial photography, grading, drainage, structural design and repairs, street improvement, underground tanks, toxicity, source control, traffic and transportation, and stormwater permitting. In addition, the staff of Hasan Consultants has experience in preparing EIRs, processing environmental projects and obtaining environmental permits.

### **Services Offered**

- Design
- Plans and Specifications
- Cost Estimates
- EIR Preparation
- Master Plans
- Construction Inspection and Management
- SWPPP Preparation and Permitting
- Drafting and Graphics
- Phase I and II Investigations
- Coordination with Regulatory Agencies
- Grant Application Preparation
- Field review and Monumentation
- Permitting, Sampling and Monitoring
- Risk Management Prevention Plan
- Client Consultation
- Feasibility Studies
- Expert Witness
- Water/Energy audit
- Vulnerability Assessment
- Operator Training

### **Principal**

Mohammed A. Hasan, dual M.S., P.E., R.E.A., F.ASCE, PWLF  
*Civil and Environmental Engineering/Transportation*

### **Associates**

John Mundy, MPA, Grade V  
*Senior Project Manager*

Steven Birge, P.E., P.L.S.  
*Senior Civil Engineer/Surveyor*

Richard Herrera, P.E., T.E., PTOE  
*Senior Associate, Traffic/Transportation*

Mark Capron, M.S., P.E., M.ASCE  
*Environmental Manager*

Max Copenhagen, M.S., CH  
*Hydrology and Watershed Manager*

Wyatt Troxel, B.S., Grade V  
*Process Control Manager*

### **Current Insurance and Indemnification**

Hasan Consultants currently carries full range of insurances. Our general liability insurance limit is \$2,000,000.00. Professional liability limit is \$1,000,000.00.

- General Liability – State Farm Insurance
- Professional Liability – ASCE - Pearl
- Workers Compensation - State Comp Insurance Fund
- Automobile – Mercury Insurance

### **Minority, Small and Disadvantaged Business**

Hasan Consultants is certified as a minority, small and disadvantaged business enterprise.  
California Department of Transportation, Certification # CT-020907  
California Office of Small and Minority Business, PIN # 419157  
California Department of General Services, small business certification  
California Public Utilities Commission - WMBE Clearinghouse



# Ventura

Thursday, January 17, 2013

## Technique touted in La Conchita job

■ **Drilling found to spare money, land**

By **Stephanie Snyder**  
stephanie.snyder@vcstar.com  
805-437-0216

The Casitas Municipal Water District saved millions of dollars and spared the surrounding environment by using an innovative drilling technology to replace 1,200 feet of damaged water pipeline that serves parts of the Ventura County beach community.

To replace the pipeline, the water district's board of directors considered options costing up to \$6 million — to build a bridge across the canyon near La Conchita — but decided on the less environmentally invasive directional drilling technique to embed the pipeline in the canyon at an angle. The cost was \$620,000.

"We could have put a bridge there to put across the canyon or we could've gone around; it would have cost three, four, five times more than what we have achieved," said Mohammed Hasan, principal consulting engineer for the project. "The most interesting thing in this project was that we did not disturb anything. No flora or fauna was disturbed."

Speaking to about 50 people Tuesday night at the Coast Geological Society's monthly meeting in Ventura, Hasan said it was the first directional drilling project in the Western United States used to build a large pipeline for drinking water.

The project was completed in April after nearly two months of drilling into the land at an angle using a constantly moving drill rig, Hasan said.

"It's basically a lesson in cooperation, a lesson in ability to think in terms of innovative solutions," Hasan said. "Time, money and also the environmental pollution — all these problems, we solved it."

The original pipeline was constructed in the 1960s. Builders cut down a 70-degree slope of the canyon, creating irreparable damage to the land, Hasan said.

"It's still bald," he said. "Today, environmental regulations will not allow you to cut like this, and it would be so unfair because ... the scars are still there. We damaged the Earth. That's what happens."

The original line was installed by means of a burial method in the ravine that is no longer viable because of increased regulations and safety issues, said Neil Cole, the water district project manager overseeing the new pipeline.

The water pipeline was damaged in 2005, not because of a landslide that killed 10 people and destroyed 13 homes but because of erosion and debris. A temporary repair was made, but it soon became clear that a full replacement had to be made, Cole said.

Cole said he hesitated about using directional drilling because problems arose when he used the technique on a past project.

"There was some concern on my part ... but it did make the most sense in this case," he said.

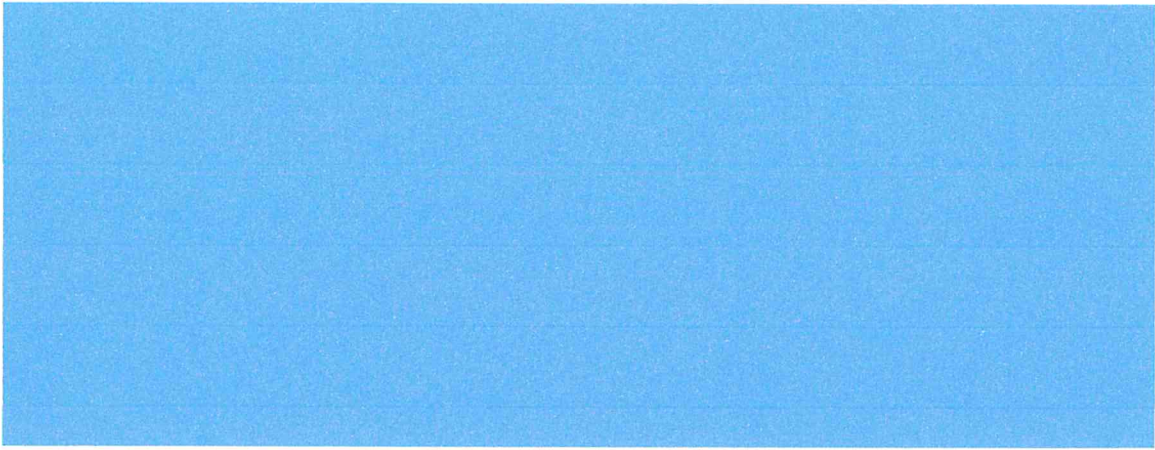
The success of the proj-

ect has convinced Cole that directional drilling will "be used quite a bit" in Ventura County.

Hasan's use of directional drilling has garnered local attention. In addition to Tuesday night's meeting, he will travel to Santa Barbara next week to speak to the American Society of Civil Engineers.

Robert Dame, vice president of the society and a geophysicist for the Interior Department in Camarillo, said he was impressed by Hasan's design to build the pipeline in an "environmentally friendly way."

"The project was pretty interesting; using directional drilling in an area that's fairly challenging from a design standpoint," Dame said. "That project saved the Casitas Water District several million dollars. ... With budgetary constraints, that can be a pretty attractive alternative to doing a surface pipeline."



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# *Résumés*

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**Mohammed A. Hasan, M.S., P.E., PWLF, F. ASCE**  
**Principal**  
*Hasan Consultants*

***Education***

M.S., Environmental Engineering, University of Iowa  
M.S., Transportation Engineering, University of Iowa  
B.S., Civil Engineering, NED University of Engineering and Technology

***License***

Professional Engineer (Civil), California  
Community College Instructor Credential, California

***Membership***

, American Society of Civil Engineers- Fellow  
American Water Works Association, Distinguished Life Member  
California Water Environment Association  
American Public Works Association, Leadership Fellow  
Channel Counties Water Utilities Association - President  
Consult/Net - President  
Association of Water Agencies - Director  
Association of Environmental Professionals  
North American Society for Trenchless Technology  
American Society of testing Materials

***Experience***

Mr. Hasan has over thirty-five years of diversified professional experience in engineering, management, research and teaching. Specific areas of expertise include water and wastewater system design, storm water compliance, land development and grading, street improvement, traffic and transportation studies, underground tanks evaluation, site assessment and remediation, hazardous waste management, geohydrological investigation, and regulatory agency compliance. The following is a summary of his experience.

***1984-Present Principal Engineer, Hasan Consultants, Ventura, CA***

Oversees all projects involving civil engineering, environmental engineering and planning. Areas in which Hasan Consultants specializes include water and wastewater systems, roadway projects, traffic and transportation, drainage and flood control and water supply system design, operation and maintenance. Some of the more extensive and prominent projects which have been prepared under Mr. Hasan include:

Procurement audit of the largest private water company in California for the Public Utilities Commission.

Design and construction management of asphalt overlay of various streets, City of Ojai-residential Streets and parking lots along with specifications and engineers cost estimates.

Public Hearing, Design and construction management of crosswalks, trail crossings, bike-ped improvements for City of Ojai.

Design, Specifications, Cost Estimates, Construction assistance and Preliminary Engineering Report for Casitas Municipal Water District for the completion of a large canyon pipe crossing, 150' deep. After evaluation of various alternatives, Horizontal Directional Drilling was used for this construction of a twelve hundred feet of 14" pipeline.

Complete Civil and Environmental design for Dole Berry complex on Gonzales Road in Oxnard including storm water pollution prevention.

Design and construction management of \$1.2 million earthquake sewer repair project for the City of San Fernando.

Feasibility study for the City of Fillmore new Foothill pressure zone.

Ventura Unified School District: Various projects including asphalt rehabilitation, grading and hydrologic studies.

Operations and Maintenance Manual, Moorpark Wastewater Treatment Plant, County of Ventura.

Wastewater collection system rehabilitation, City of Camarillo.

Pavement overlay design, specifications and estimates, City of Ojai

City of San Fernando Truman Street Reconstruction project involving design of pavement and consideration of Federal funding to best suit the needs of the City.

Design of campsites at the Lake Piru Recreational Area including water and sewer system conveyance and treatment: this was performed for the United Water Conservation District, Santa Paula. This project included grading, access road paving, construction of restroom facilities and handicap regulation compliance for the Park.

Design and construction management of water distribution system improvement for Channel Islands Beach Community Services District, a \$2.1 million project. By innovative design, Hasan Consultants was able to save the District \$0.5 million.

Water and Wastewater system rehabilitation for Rose Valley Sheriff's detention facility in Ventura County: Provided design and drawings for over 200 inmate housing for the water distribution system including reservoir capacity analyses.

Completed entire environmental study required for discharge of brine into Arundell channel for release to ocean for Harris Water Conditioning, Inc., a water softening company in Ventura.

Completed preliminary environmental site assessment for various firms in the Ventura-Oxnard area.

Environment Site Assessment (Phase I) for the City of San Buenaventura Redevelopment Agency.

City of San Fernando's underground tank related evaluation and report was completed to address contamination, remediation and possible compliance with statutes.

Preliminary Engineering Report was prepared for five-city fire station of the City of San Buenaventura for underground tank rehabilitation. The report reviewed the immediate environmental activities and their relationship to the tank replacement project.

1979-84 Utilities Superintendent, City of Oxnard, Oxnard, CA

Served as manager of the Utilities Division for the City of Oxnard. Responsible for production, treatment, storage, distribution and maintenance of the City's water supply system. Also responsible for operation and maintenance of both the domestic and industrial wastewater collection and disposal systems. As Project Manager for water and wastewater construction programs, prepared long and short-range capital improvement programs. Prepared the Division budget, which was in excess of 18 million dollars annually. Established Division goals and objectives, managed personnel, and coordinated projects with other government agencies and private contractors.

1974-79 Civil Engineer, Ventura Regional Sanitation District, Ventura, CA

Responsible for preparing the 1976 County Solid Waste Management Plan and for evaluating resource recovery alternatives and recycling of solid waste. Managed hazardous wastes and administered the

County's wastewater reclamation program. Designed and constructed anti-litter stations and recycling centers. Provided technical consultation on operation of existing and development of proposed landfill sites. Trained wastewater treatment facility and solid waste landfill operators. Served as project

manager for the CETA program. Prepared grant applications and source control permits for industrial waste discharges.

1973-74 Engineer, Alderman, Swift and Lewis, Consulting Engineers, South Pasadena, CA

Responsible for designing reservoirs and water distribution systems, flood control and storm drainage facilities. Also worked in traffic engineering field.

***Selected Publications***

Drought is not a Four-Letter Word, Amazon Books, August, 2015

Negative Carbon via Ocean Afforestation, Special-Negative Carbon Technology issue of Process Safety and Environmental Protection, Elsevier Press, London, U.K. November 2012

Earthquake Damaged Sewer System Saved by Using Trenchless Technology, Proceedings of North American Society for Trenchless Technology, Seattle, WA, April 1997

Buyers Should Check Now or Pay Later, Ventura Sun, Ventura, CA, February 1993.

Problems of Land Disposal of Hazardous Wastes, Proceedings of the 2nd National Conference on Hazardous Materials, San Diego, CA, February 1979.

Resource Recovery from Small Tonnages, Solid Waste Systems, GRCDA, May 1975

***Languages***

Working knowledge of the languages besides English:  
Spanish, Hindi, Bengali, Urdu and Arabic

***Interests***

Real estate, Rotary, outdoor sports, longevity, family oriented arts and entertainment

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**Mark Capron, M.S., P.E., M.ASCE**  
**Senior Project Manager**  
*Hasan Consultants*

***Education***

B.S., Civil Engineering, University of California, Berkeley, CA 1976  
M.S., Structural/Ocean Engineering, University of California, Berkeley 1981  
U.S. Navy Dive School, Officer's Basic Diving 1982

***Experience***

*2008-Present President of OceanForesters, Inc.*

OceanForesters is organizing regional Programme proposals for the UN Decade of Ocean Science for Sustainable Development (2021-2030). The OceanForesters Programme "Science Enables Abundant Food (SEAFood with Healthy Oceans)" merges living reefs, SEAFood ecosystem lifeboats, and water resource recovery. (The term "wastewater treatment" is outdated.)

The U.S. Department of Energy Advanced Research Projects Agency – Energy (ARPA-E) funded two OceanForesters-organized teams to find ways to grow seaweed-for-biofuel inexpensively and sustainably. The same knowledge of emerging water resource recovery industry technologies that are important to global scale ocean forests that appeals to ARPA-E will be important to the HCTP Master Plan:

- a) nutrient recycling – organic to inorganic C, N, and P conversions, ammonia and phosphate recovery and concentrating, etc.
- b) energy processes and the efficiency of nutrient recovery with that process – hydrothermal liquefaction, anaerobic digestion, supercritical carbon dioxide cycles, supercritical oxidation, etc.

OceanForesters led teams have won three "paid travel to present at ASCE Headquarters" awards in the 2016 and 2017 American Society of Civil Engineers' Innovation Contest. Both the 2016 "Best Overall" award and the 2017 award blend water resources recovery and ocean forestry.

FreshMining plans to recover metals from the ash leftover after Hydrothermal Liquefaction of biosolids.

*2009-September 2018 Ideas and Engineering for City of Thousand Oaks Treatment Plant, Environmental Manager of Hasan Consultants, and founder of FreshMining.*

Mr. Capron served as a part-time employee of the City of Thousand Oaks acting as Ideas and Engineering (a scientist-engineer) at HCTP. Mr. Capron helped HCTP staff select appropriate existing and emerging technologies, design, and build many repairs and process

improvements. HCTP's construction tools included HCTP staff and less-than-\$45,000 informal (three-bid minimum) construction contracts. A less-than-10% sample of projects:

- Drafted initial Integrated Water and Energy Master Plan.
- Increasing HCTP hydraulic capacity from 16 mgd to over 30 mgd with a vacuum pump that uses about two kWh/year. This project won a "presentation at WEFTEC" and the first such winner featured in Water Environment & Technology for the WEF Operator Ingenuity Contest.
- When a consultant recommended 8 to 10 turnovers/day to cure foaming issues in the anaerobic digesters, the HCTP team installed one (of five) larger mixing pump on a VFD. Unexpectedly, foaming was cured and biogas production remained the same by dialing down to 1-2 turnovers/day. The project switched from five bigger pumps to a VFD on each pump and obtained an energy saving rebate from Southern California Edison.
- Improved and standardized measurement of flow out of each of the six bioreactors. The four deep bioreactors have level sensors mounted on the weir gates so that changing the water level does not require resetting the zero-flow distance.
- Improved performance of the deep bioreactors with contracted computational fluid dynamics of the anoxic zones leading to: "doors" for each baffle wall, V-port knife gate air throttle valves, permanent ladders, inexpensive mixing of the mixed liquor channel, and tuning of the simple sidestream filtrate treatment.
- Found SENTRY-BOD and arranged a free "beta-test".

1989-2010 Senior Engineer, Ventura Regional Sanitation District, Ventura, CA

While Senior Engineer for Ventura Regional Sanitation District (VRSD), Mr. Capron completed several projects with VRSD-awarded construction contracts including:

- Installing pumps and over-the-top pipes converting the existing aeration basins into nutrient removal bioreactors (a multi-year trial prior to a capital improvement conversion);
- The hopper for the dewatering building;
- The truck scales for the new dewatering building.

Elsewhere at VRSD and for Triunfo Sanitation District (TSD), Mr. Capron was responsible for envisioning, finding funding, environmental documentation, detailed design, construction, and maintenance of water, recycled water, wastewater, and energy facilities. As TSD's engineer, he managed extensions of the TSD recycled water system and its transfer of ownership to Calleguas Municipal Water District.

While at VRSD, Mr. Capron led a team winning the California Water Environment Association's Engineering Innovation Award, the Ventura County Business Times' "Public Service Deal of the Year," and the American Public Works Association, Ventura County Chapter's "Project of the Year" for the \$5 million Saticoy Wastewater Improvements. The Saticoy project included the first use of GeoTubes for biosolids dewatering. He led a team installing a \$3 million invisible and odorless on-site wastewater treatment plant within 20 feet of bedroom windows for the Malibu Bay Club, using an energy conserving process. He solved a public health crisis by convincing 35 property owners to fund a \$750,000 sewer pipeline extension, which can serve 120 properties in the area with existing homes on failing septic tanks. Successfully demonstrated the nutrient removal capabilities of individual home-sized on-site wastewater treatment systems with 50% grant funding at the request of the California Water Resources Control Board.

1986-1989 Senior Project Engineer, Naval Civil Engineering Laboratory, Port Hueneme, CA

Responsible for recognizing naval facilities needs and connecting those needs with new technologies, procuring funding, and conducting research and development on new products. My team demonstrated that a relatively light netting fence could prevent suicide-bomb boats from getting close to Navy ships by using the terrorist's own speed against them.



1976-1986 Engineering Management Positions, U.S. Navy Civil Engineer Corps, Puerto Rico, Gulfport, MS, Guam, Mare Island, CA, Berkeley, CA, Brunswick, ME, Port Hueneme, CA

Responsible and in training for managing the US Navy's infrastructure construction and ensured safe conditions for the construction divers as the Diving Officer at Naval Civil Engineering Laboratory. As an assistant officer in charge of construction at Naval Air Station Brunswick, Maine, my change order rate was among the lowest in the Atlantic Division while managing \$20 million a year construction-in-place. Provided general engineering expertise to resolve nuclear safety issues for the Public Works Department while nuclear submarines were refueled at Mare Island Naval Shipyard.

### **Membership**

Water Environment Federation, and California Water Environment Association  
American Society of Civil Engineers  
American Geophysical Union

### **Publications**

"Restoring pre-industrial CO<sub>2</sub> levels while achieving Sustainable Development Goals" *Energies* (2020).  
"Secure Seafloor Container CO<sub>2</sub> Storage." OCEANS' 13 MTS/IEEE San Diego Technical Program #130503-115 (2014)  
"Negative carbon via Ocean Afforestation" Special – Negative Carbon Technology issue of Process Safety and Environmental Protection, Elsevier Press, November 2012  
"Holistic Approach Needed" *Water Environment & Technology*, May 2009  
"Suggesting Judge Wiki," UK Parliament Engineering: turning ideas into reality-Innovation, Universities, Science and Skills Committee, March 2009  
"Plankton Power" *Civil Engineering*, March 2008

### **Patents**

Granted or pending, including:

- Hybrid Hydrothermal Liquefaction with Anaerobic Digestion.
- Dozens of innovations associated with Ocean Forestry.
- Concentrating the ammonia from anaerobic digestion from 1,000 mg/L to 10% ammonium sulfate for easier storage and use as fertilizer.
- Combining unique heating and mixing into unusually cost-effective geosynthetic anaerobic digesters for food waste, manure, and wastewater.
- Open ocean algal-biofuel, "Systems and Methods for off shore energy production with carbon dioxide sequestration."
- Improving CCHP with integrated heat-to-electricity engines and absorption chillers.
- The US Navy acquired four patents and four technical bulletins while preserving rights to Mark E. Capron inventions.

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**John R. Mundy, Grade 5, M.P.A.**  
*Project Manager*  
*Hasan Consultants*

***Education***

M.P.A., National University  
B.B.A., National University

***Experience***

*January 2013 – Present Senior Project Manager, Hasan Consultants*

Provide consulting services to cities in management and organizational support, strategic planning and policy development, organizational reviews, financial reviews, service and operational reviews and outreach program development. Senior Manager overseeing all projects at Hasan Consultants; consulting and directing managers and engineers.

*January 2004 – January 2013 Las Virgenes Municipal Water District General Manager*

Responsible for the overall management of the district's water, wastewater and recycled water enterprises through 119 employees. Combined Operating and Capital budget exceeded \$60 million annually. Worked with the board of directors in conducting strategic planning and formulating policies in meeting the district's core mission. Engaged regularly with the public and community leaders in furthering the service needs of the communities served.

*November 1996 - December 2003 Las Virgenes Municipal Water District Director of Facilities and Operations*

Led the planning, organization and direction of 75 staff members in treatment, production and quality control of the potable and recycled water systems, wastewater collection and treatment, wastewater recycling and biosolids reuse, and maintenance of all district facilities and equipment. Evaluated and recommended consultants for evaluation and design of facilities and operations.

Directed the preparation of O&M and CIP budgets exceeding \$39 million annually. Directed and participated in development and implementation of district goals and objectives with staff and the board of directors. Formulated and implemented departmental rules/procedures/policies. Directed preparation of technical/regulatory reports, meet and coordinate with regulatory agencies, and directed development of departmental training programs. Directed the preparation and presentation of Board reports and agenda items. Acted on behalf of the general manager in his absence.

November 1991 – November 1996 City of Santa Monica Utilities Manager

Management/budgeting/planning of the city's Water and Sewer Systems, Industrial Waste Inspection and Storm Water Programs, Utility Billing Office and City Cemetery. Directed the preparation of O & M and Capital Improvement budgets exceeding \$35 million annually. Managed the development of rates, revenue, and expense projections for water, sewer and cemetery enterprises. Developed and presented budgets, appropriation requests, utility rate revisions and municipal code changes to the City Council.

January 1986 - November 1991 City of Ventura Water Superintendent

Directed resource planning, operations, maintenance, and customer service and conservation activities of the city's water system. Developed and implemented division policies and procedures, reviewed development projects for impacts on water systems. Directed preparation of O&M and CIP budgets exceeding \$8 million annually.

February 1974 – November 1985 Ramona Municipal Water District Assistant General Manager & Director of Operations (January 1984 December 1985)

Oversaw district operations. Developed annual operating and CIP budgets exceeding \$8 million annually. Prepared agenda and recommendations to the board of directors.

Other Positions Held

Wastewater Superintendent & Lead Operator  
Lab Tech/Water Plant Operator  
Equipment Maintenance Mechanic

***Certifications***

Water Treatment Plant Operator Certificate; Grade 5  
Wastewater Treatment Plant Operator Certificate; Grade 5  
California Community College Teaching Credential

***Affiliations***

American Water Works Association  
American Public Works Association  
Water Pollution Control Federation

***Military***

United States Army, 1970-1973, Honorable Discharge

- Civil Engineering
- Environmental
- Traffic/Transportation
- Surveying
- Bio Energy

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## **6. C. Business Items**



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **ITEM 6.C. APPROVAL OF A PROPOSAL FROM STILLWATER SCIENCES FOR THE INFLOW STREAM MANAGEMENT PLAN TASKS 1 THROUGH 5 NOT TO EXCEED THE AMOUNT OF \$ 84,900.00.**

#### Summary:

On May 28, 2021 a combined Urban Water Management Plan (UWMP) and Instream Flow Management Study (IFMS) Request for Proposal (RFP) for the addendum to the District's Water Master Plan was direct mailed to thirty-five (35) firms. An RFP notice was also sent to several trade journals, and an ad was posted in the New Times and the Tribune. The deadline for responses was June 24, 2021. There were no responses to the RFP.

At the July 8, 2021 Board meeting GES staff was directed to perform a second attempt at the RFP by revising the original RFP into two separate RFP documents. One of these RFP's was for an Instream Flow Management Plan (IFMP). This RFP was issued on August 11, 2021 and was mailed to 39 firms. The deadline for this RFP was October 14, 2021. The SSCSD office received one responsive bid from Stillwater Sciences on October 14, 2021. Hasan Consultants submitted a non-responsive bid on October 14, 2021. On October 29, 2021 Hasan Consulting submitted a bid with pricing clarification. The District received one responsive bid and one non-responsive bid from the following firms:

#### Responsive Bid:

- 1) Stillwater Sciences - \$84,900.00

#### Non-responsive Bid submitted 10/29/2021 (after RFP deadline):

- 1) Hasan Consultants - \$76,026.00

#### Recommendation:

GES Staff reviewed both proposals. Based on the experience, qualifications and competitive pricing from Stillwater, staff recommends Stillwater for the Instream Flow Management Study.

Enc: Proposal – Stillwater Sciences  
Proposal - Hasan Consultants





Stillwater Sciences Billing Rates	
Billing Classification	Hourly Rate
S/A 1	66
S/A 2	78
S/A 3	86
S/E 4	95
S/E 5	101
S/E 6	109
S/E 7	115
S/E 8	121
S/E 9	129
S/E 10	136
S/E 11	147
S/E 12	154
S/E 13	164
S/E 14	173
S/E 15	186
S/E 16	205
S/E 17	210
S/E 18	228
S/E 19	242
S/E 20	260

S/A = Scientist/Administrator; S/E = Scientist/Engineer

Rates listed above are for calendar year 2021. These are applied for labor-hour level-of-effort contracts with reimbursement for expenses (including travel expenses and subcontractors) at cost plus 10%. Hourly rates will be adjusted on January 1st of each year.

Berkeley, CA  
510.848.8098

Arcata, CA  
707.822.9607

Davis, CA  
530.756.7550

Portland, OR  
503.267.9006

Morro Bay, CA  
805.570.7499

Boulder, CO  
720.656.2330

Los Angeles, CA  
213.336.0001





October 14, 2021

San Simeon Community Services District, District Office  
111 Pico Avenue  
San Simeon, CA 93452

*Re: Instream Flow Management Plan for Pico Creek, Statement of Qualifications and Request for Proposal*

Dear General Manager,

The development of an instream flow management plan to revise water allocation under the District Master Plan necessitates a team that has a strong background in (a) instream flow study development and implementation; (b) groundwater and hydrologic assessments; and (c) special status species life history needs and aquatic ecology. Given our extensive experience with instream flow studies and expert local staff, we believe that the Stillwater Sciences' team is uniquely qualified to efficiently conduct and complete the technical analyses and assessments that will meet the data needs of the permitting agencies reviewing an Addendum to the District Master Plan. We are pleased to present the enclosed Statement of Qualifications (in addition to Stillwater Sciences' Proposal, provided under separate cover). Specifically, the advantages of our team include:

**Extensive and broad expertise in developing and conducting instream flow studies to expertly and efficiently apply lessons learned from other California watersheds.**

Stillwater Sciences (Stillwater) has conducted about a dozen instream flow studies in California in similar-sized watersheds to Pico Creek where ecological needs of steelhead and other species were weighed against water demands to develop balanced seasonal stream flow requirements. We have developed instream flow recommendations to support permitting needs for a diverse set of projects ranging from large hydroelectric dams operated by utility and irrigation districts to small water storage projects for non-profit groups. Our proposed team has repeatedly been acknowledged for their robust data collection efforts and targeted analyses that help build trust and credibility with stakeholders, and lead to science-based and practical solutions.

**Regional ecological experience** Stillwater Sciences has extensive local experience assessing flows to support ecological needs of steelhead in watersheds along the central coast including: the Santa Maria River, Pismo Creek, San Luis Obispo Creek, and San Gregorio Creek and we are currently developing an instream flow study plan for San Simeon Creek. Our local fisheries staff have a thorough understanding of steelhead ecology, life history, and habitat needs that allow us to identify conditions required to support essential habitat functions and determine the seasonal timing (e.g., summer rearing habitat needs, migration flows, adult spawning, etc.) when those needs are most critical. This type of life-stage-specific approach is critical to ensuring flows are released when most important for the target species. We understand the opportunities and constraints of the instream flow management study on Pico Creek, based on our previous work in nearby similar watersheds where we assessed instream flows in San Simeon Creek and prepared the Santa Rosa Creek Watershed Management Plan along with our current work developing and implementing an instream flow study on San Simeon Creek. Furthermore, we have

Berkeley, CA  
510.848.8098

Arcata, CA  
707.822.9607

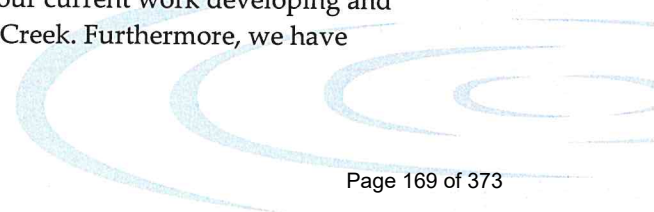
Davis, CA  
530.756.7550

Portland, OR  
503.267.9006

Morro Bay, CA  
805.570.7499

Boulder, CO  
720.656.2330

Los Angeles, CA  
213.336.0001





partnered with **Cleath-Harris Geologists** who have detailed knowledge of the Pico Creek hydrologic system and groundwater aquifer systems, which allows us to integrate a seasoned group of experts on Pico Creek that can apply our existing knowledge to effectively address the needs of the instream flow management plan. Stillwater's key team members are locally based in Morro Bay which allows us to quickly mobilize to survey critical stream flows that often only occur during short term rain-driven events.

**Established trust and respect from central coast stakeholders to meet aggressive schedules and mobilize TAC.** Our work on the central coast over the past two decades has allowed us to develop close relationships with several state and local resource agencies, municipalities, and local water agencies, including Cambria Community Service District, City of Paso Robles, City of San Luis Obispo, San Luis Obispo County Flood Control and Water Conservation District, and Upper Salinas-Las Tablas Resource Conservation District. We have built our reputation on using the best science to inform natural resource management. The trust that we have built with local resource agency representatives will allow us to effectively and efficiently mobilize a Technical Advisory Committee (TAC) to support the Instream Flow Management Plan development which will be the first step to support the San Simeon Community Services District (District). Our relationships with local stakeholders will be useful to navigate the necessary next steps to support updating the District Master Plan Addendum in Pico Creek, including.

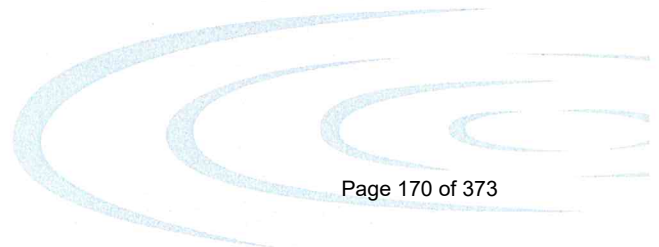
Our team can provide the expertise required to address the complex needs of the instream flow plan, which will inform project operations for the Sustainable Water Facility. We are passionate and enthusiastic for the opportunity to work with the District to support the project goals and permitting needs.

Sincerely,

Ethan Bell  
Senior Fisheries Biologist  
Proposed Contract Manager  
Designated contact for selection process  
[ethan@stillwatersci.com](mailto:ethan@stillwatersci.com)

Sapna Khandwala  
President and CEO  
Authorized Officer  
[sapna@stillwatersci.com](mailto:sapna@stillwatersci.com)

Stillwater Sciences  
895 Napa Ave., Suite B-3  
Morro Bay, CA 93442  
Tel: 805-570-7499





REQUEST FOR PROPOSAL

## *Preparation of an Instream Flow Management Plan*

*Prepared for*

San Simeon Community Services District  
District Office  
111 Pico Avenue  
San Simeon, CA 93452

October 14, 2021

  
Stillwater Sciences



## Project Understanding and Approach

The San Simeon Community Services District (District) seeks to amend their District Master Plan (Phoenix 2018) utilizing established standards pursuant to the California Water Code for Urban Management Plans. The District plans to include an updated assessment of water availability and demand with information reported in the Instream Flow Management Study. The updated water availability and demand information will be used to determine the amount of water that is now available for new development within the District.

The existing supply of water for the community of San Simeon Acres is provided from two District wells located along Pico Creek that pump from the Pico groundwater basin. The operation of these groundwater pumps in hereafter referred to as the Project. Existing water rights allow a total withdrawal of 140 acre-feet per year from these wells; however, the estimated safe yield of the Pico Creek groundwater basin was estimated to be about 120 to 130 acre-feet per year based on preliminary studies by the Department of Water Resources from the 1950's which did not account for water usage as it relates to effects on aquatic habitat used by native species. Due to the preliminary nature of these studies, their age, and limited assessment, these estimates should be viewed with caution and cannot be relied on for planning purposes. Water conservation efforts made by the District have successfully led to reduced annual water production with recent usage of approximately 80 acre-feet/year.



A 2014 study of the Pico Creek groundwater basin provides information on the District's source of supply and changes in water availability (Cleath-Harris 2014). However, no focused studies have been conducted to evaluate the relationship of surface flows and aquatic habitat in Pico Creek. Stillwater Sciences will develop and implement an Instream Flow Study plan that meets the standards of the California Department of Fish and Wildlife (CDFW) Instream Flow Program. Results of the study will be used to understand the relationship between

stream flows and aquatic habitat as they relate to sensitive aquatic species that occur in the watershed. The Instream Flow Management Plan final report will include a monitoring plan for long-term sustainable environmental stewardship that can be incorporated into the District's Addendum to their 2018 Master Plan.

This proposal primarily focuses on addressing the objectives identified in the RFP requesting an Instream Flow Management Study. However, we think that additional assessments of the relationship between groundwater extraction and surface flows would be helpful to inform the District Master Plan. These additional studies would provide a detailed understanding of surface water/groundwater connectivity, refine the existing groundwater model, and simulate various operational scenarios. Because they were not specified in the RFP, we have included these tasks as recommended optional tasks. Additional details are provided under the Scope of Services section.

Based on our understanding of the Pico Creek watershed and the goals of the District specified in the RFP, we anticipate that the key issue to address in the instream flow study is the potential

effect of pumping operations on rearing habitat for steelhead in lower Pico Creek during the low flow season (summer and fall). There are many approaches to assess instream flows. Based on the regulatory process that the District is navigating, we recommend using a method that will produce results that will be undeniably accepted and supported by the State (Coastal Commission and CDFW). The Instream Flow Incremental Methodology (IFIM; as described below) meets this standard.

### **Project Approach**

With over two decades of experience working in central coast watersheds (including San Simeon and Santa Rosa creeks), Stillwater brings a solid understanding of the critical information needs to evaluate the potential effects of the groundwater well production on aquatic resources. We combine our regional knowledge with our extensive experience working closely with resource agencies and diverse stakeholders to assess instream flows in numerous watersheds throughout California. Additionally, Stillwater Sciences has local fisheries biologists with expertise in



steelhead and tidewater goby ecology who understand the timing of critical life history needs for these federally listed species. Finally, to increase the overall expertise of our multidisciplinary team, we have partnered with Cleath-Harris Geologists, Inc., who studied groundwater conditions in and around Pico Creek and prepared the 2014 Pico Creek Groundwater Availability Study (Cleath-Harris 2014).

Our team combines a thorough understanding of the variability in hydrology and geology that shape the ecology of Pico Creek. Our local staff with fisheries expertise have extensive knowledge of steelhead and tidewater goby ecology, life history, and habitat needs, allowing us to identify essential habitat functions and determine the seasonal timing (e.g., summer rearing habitat needs, migration flows, adult spawning, etc.) when those needs are most critical, and the instream flow conditions required to support those essential habitat functions. Our familiarity with existing instream flow study procedures and local staff allows our team to respond quickly to project needs and assess habitat conditions during key flow events that, while sometimes short in duration, are likely to provide key insight required for obtaining robust data to fully assess instream flows as they relate to ecological needs in Pico Creek.

### *Work Plan Overview*

#### *Project coordination and communication*

Common elements of our team's approach for all tasks will be to utilize the information available for the Pico Creek watershed and other nearby similar watersheds and from experts recruited for the Technical Advisory Committee (TAC). Our team's subject matter experts have worked closely with several local stakeholders and regional experts on instream flow and groundwater-surface water interconnections. We will establish an appropriate TAC early on in this project to help efficiently facilitate meetings with resource agencies. Outreach with the TAC and resource agencies early in the study planning phase ensures that the project properly addresses the key

questions and concerns surrounding water needs and instream flow management. Leading this project from our nearby office in Morro Bay will facilitate clear and efficient project coordination and TAC leadership.

#### *Review and analyze existing data*



We are familiar with the data that has already been collected and summarized to help understand water supply in Pico Creek to amend the District's Master Plan (Phoenix 2018). All available data will be used to the extent possible to inform study plan development. However, data pertaining to stream flow and aquatic species is limited for Pico Creek. Therefore, Stillwater will compile and review data from aquatic habitat assessment documents prepared for nearby watersheds (e.g., San Simeon Creek and Santa Rosa Creek), and from our previous work

developing watershed management plans to help guide study plan development for the Pico Creek Instream Flow Management Plan.

Building upon existing work, we will process stream flow gage data in a manner that allows for understanding of watershed conditions such as the frequency and duration of stream flow levels during key periods of the year. We will review additional background reports to understand the relationship between groundwater and surface water interactions in Pico Creek and will identify any other critical data gaps related to groundwater/surface water interactions that are not likely to be addressed through the instream flow study discussed below..

The information obtained from this review and analysis will help identify appropriate study reaches for the instream flow study and critical species and life stages to include in the instream flow study. Stream flow analysis will be used to identify calibration flows for the instream flow study (e.g., targeted stream flows to assess habitat conditions). Due to the lack of gauged stream flow data in Pico Creek, stream flow analysis, will likely require scaling discharge data from nearby watersheds with long term continuous flow records collected by the County of San Luis Obispo and/or the United States Geological Survey (USGS) (e.g., San Simeon Creek, Santa Rosa Creek, and Lopez Creek). Groundwater modeling review will inform how the existing model can be updated and revised to evaluate how additional groundwater extraction could influence stream flow conditions during critical times for key aquatic resources.

#### *Study plan development and implementation*

The Instream Flow Management Plan, as specified in the North Coast Area Plan (within County of San Luis Obispo General Plan), will require implementation of a comprehensive instream flow study on Pico Creek. The instream flow study will be designed to address a key information gap in assessing project operations on critical resources that may be affected by increased water production operations at the SSCSD wells along Pico Creek. Our team will work closely with resource agencies and the TAC to develop an instream flow study that specifically addresses this key data gap. We understand the importance of providing resource agencies with well-defined operational constraints of the project to identify clear goals in the study plan. We anticipate that resource agencies will request an instream flow study using the CDFW Instream Flow

Department's standardized approach (IFIM) to assess flow conditions in Pico Creek. Although we have used various methods for assessing instream flow conditions throughout California, the State (CDFW) has always pushed for use of the IFIM on central California coastal streams.

A successful IFIM study will include appropriate calibration flows, understanding of local ecology, and life history needs of species assessed under the study. Our understanding of flows in Pico Creek and ecological needs that are being assessed will be applied during our discussion with resource agencies to ensure the most relevant and appropriate methods and criteria are included in the study. We will work closely with the TAC and resource agencies to identify appropriate study reaches, transect locations, calibration flows, species and life stages to assess, and habitat suitability criteria for use in the IFIM study. We anticipate the focal species that will be considered for inclusion in the IFIM study will include all life stages of steelhead that occur in freshwater. While tidewater goby occur in the watershed (USFWS 2005), the IFIM is not generally used to assess habitat conditions for these species and may only provide minimal information on their habitat conditions.

#### *Instream flow management plan report*

Results from the IFIM study will be used to provide robust estimates of life-stage-specific (e.g., fry and juvenile rearing) habitat areas available within Pico Creek under a range of modeled flow conditions. The report will provide a clear understanding of the amount of surface flow required to support key habitat needs for steelhead during critical periods of their life history which will provide a seasonal aspect to instream flow needs to better evaluate the influence of pumping on steelhead habitat (e.g., pumping likely has little influence of steelhead habitat during winter storm events). Understanding the surface flows requirements to support key life stages of steelhead will be a foundational piece in evaluating the potential for increased water pumping operations from the SSCSD wells along Pico Creek. In addition to providing the surface flow requirements to support key steelhead life stages in the watershed, the report will also include a plan that will describe an approach to monitor the status of fish habitat conditions within the study area over the short- and long-term.



#### **Challenges and Potential Solutions**

Our team's extensive experience studying the ecology, hydrology, and geomorphology in Central California coastal streams, as well as conducting instream flow studies in regional streams for regulatory compliance on other water resource projects, provides us with a unique understanding of both the scientific and regulatory challenges that this project may face. A key approach that serves us across challenges is stakeholder outreach and providing opportunities for stakeholders to voice their concerns, exchange information, and have questions answered. We believe that a collaborative decision-making process that is led by rigorous science provides the opportunity to establish consensus on key resource management issues and avoid positional

bargaining or speculation about project impacts and outcomes. Our focus is on discussing solutions to address concerns, as well as providing clarifications and explanations to interpret the scientific results. We have been commended for our open and intelligent communication style and will bring this approach to this project. We anticipate challenges for this project could include:

**CHALLENGE 1: Keeping the instream flow study focused on what is needed to amend the District Master Plan.**

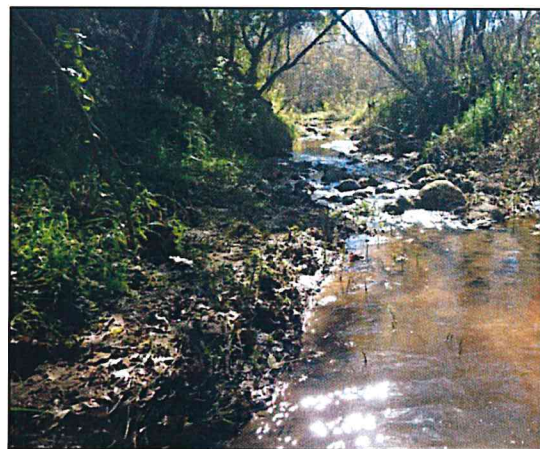
The State regulators often focus on identifying the flows that provide *maximum* usable habitat for steelhead. In streams such as Pico Creek, there is no current mechanism to increase surface flows beyond intrinsic levels, which may be low due to existing geological conditions (e.g., deep alluvium). Therefore, it is critical to work closely with resource agencies and the TAC to focus the evaluation on *minimum* flow requirements to support steelhead, consistent with permitting requirements. Stillwater will help frame the issues in the context of the project's operational constraints *and* opportunities to help the TAC and resource agencies work towards a practical solution that can achieve multiple benefits.

**CHALLENGE 2: Normal year hydrograph typically has little to no flow in lower Pico Creek by late summer and current drought conditions are likely to further limit opportunities to assess flows.**

Surface flows in lower Pico Creek typically cease flowing during the late summer when groundwater levels have decreased and water demand is high. This disconnection of the channel results in very constrained rearing habitat for steelhead under natural conditions. To provide practical and actionable results of the instream flow study, we will evaluate the rearing requirements for steelhead in the context of the natural life history and rearing distribution of steelhead in the watershed. Furthermore, the low flow conditions may lead to shorter duration of suitable calibration flows needed for the IFIM model, requiring studies to be conducted on short notice to capitalize on limited flow events that may be restricted to brief rainfall events in the basin. The IFIM requires surveys during specific target stream flow conditions, which makes Stillwater's local staff with expertise in instream flow studies a critical component to optimize performance and precision of the IFIM model by their ability to mobilize quickly and survey conditions during short duration storm-driven stream flow events.

**CHALLENGE 3: To fully support steelhead, fish passage in Pico Creek may also need to be addressed.**

The CDFW generally push for assessing fish passage conditions as part of their instream flow assessments. However, we anticipate that with additional understanding of the watershed and District operations it will become clear that the proposed project will not substantially affect flows during the adult steelhead migratory period. We anticipate that fish passage analysis, if any is required, will be focused on smolt outmigration (e.g., late spring). The prior work our team has conducted along the California central coast and habitat data collected for the instream flow study will allow us to quickly respond to any requests to





provide an assessment of fish passage conditions if requested by resource agencies. Due to the uncertainty of this task, fish passage surveys and analysis are not included under the proposed scope.

**CHALLENGE 4: Project schedule.**

This project includes a very aggressive schedule. Our current work preparing an Instream Flow Study Plan for San Simeon Creek gives us a unique ability to engage with overlapping technical advisors to anticipate their requests in advance of study plan development. This will allow us to efficiently develop a study plan in time to capitalize on stream flows during the short rainy season on the central coast. In addition, our experienced staff based out of Morro Bay can quickly mobilize to conduct surveys during short duration flow events.

**CHALLENGE 5: Lacking stream gauge data for Pico Creek.**

Stream flow data are very limited for Pico Creek. It is anticipated that the limited stream flow data specific to Pico Creek will require additional hydrologic analysis based on long-term flow data from gauged watersheds with similar characteristics (e.g., watershed area and climate conditions) to Pico Creek.

**CHALLENGE 6: Addressing potential access challenges.**

Because much of the watershed is privately owned, stream access is very limited in Pico Creek. We assume the District has access to the key study reaches where water extractions influence stream flow conditions. However, additional outreach and coordination may be required to gain access, or a limited study area may be required if sufficient access is not established.

**General Project Schedule**

Pico Creek Instream Flow Management Study - Proposed Schedule		Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22
Project Initiation	Notice to Proceed: December 1, 2021												
	Team Kick-off Meeting												
	TAC Selection and Outreach												
Background Review	Collect and Review Existing Information												
	Stream flow analysis												
	Operational Constraints and Analysis												
Study Plan Development	Initial Meeting with TAC/Resource Agencies												
	<b>Internal Draft Instream Flow Study Plan</b>		X										
	<b>Agency Draft Instream Flow Study Plan</b>			X									
	Second Meeting with TAC/Resource Agencies												
Implement Study Plan	<b>Final Instream Flow Study Plan</b>			X									
	Establish Survey Transects												
	Conduct Instream Flow Surveys												
	IFIM Modeling and Analysis												
Reporting	<b>Internal Draft Instream Flow Report</b>												
	Meeting with TAC/Resource Agencies												
	<b>Agency Draft Instream Flow Report</b>											X	
	Final Meeting with TAC/Resource Agencies												
<b>Final Instream Flow Management Plan</b>												X	

MARCH - JUNE 2022 SURVEY TIMING DEPENDENT ON FLOWS

Note: Project completion date is based on sufficient stream flows occurring in the watershed during the winter and spring of 2021/2022.

## Proposed Scope of Services

### Task 1. Project coordination and communication

#### *Task 1.1. Kickoff meeting*

Stillwater's Project Manager Ken Jarrett will work with the District to coordinate a project kickoff meeting with District staff. Ken, the Contract Manager Ethan Bell, and a senior hydrogeologist from Cleath-Harris will attend the kickoff meeting, which will serve to clarify project goals and objectives, discuss our suggested approach and project schedule, and ensure our team has the most suitable technical advisors identified for the TAC. Following the kickoff meeting, Stillwater will prepare a detailed schedule for distribution to the District and the TAC.

#### *Task 1.2. TAC Coordination*

Following the kickoff meeting, the District (with support from our team) will engage with potential TAC members and inform them of our study and its relationship with the District wells. Stillwater will engage TAC and resource agencies early in the development of the Instream Flow Study Plan (IFSP). We will work with the District to schedule the first meeting to occur immediately after completing review and analysis of existing information. The first meeting will focus on existing information and project background, including the study goals and objectives, with the following meetings becoming more detail oriented. These meetings will focus on study specifics such as defining the study reach(es), identifying suitable species habitat criteria for use in the IFIM, and determining the number of survey transects.

#### *Task 1.3 General Project Coordination*

Ken will coordinate with the District, TAC, and technical team members as necessary, provide informal check-ins via phone and email, and deliver monthly progress reports.

#### *Assumptions*

- Assumes one kick-off meeting will be attended by the Contract Manager, Ethan Bell, and Project Manager, Ken Jarrett.
- Up to four meetings with TAC and resource agencies
- Project duration of December 2021 through November 2022 (11 months).

#### *Task 1 Deliverables*

- Detailed schedule of the project, including milestones and project completion date.
- Monthly invoice and project progress report.

### Task 2 – Background Review and Analysis

#### *Task 2.1 Collect and review existing information*

Existing information review will be used to (1) inform the instream flow study plan development and (2) identify project operations and constraints to develop recommendations future

groundwater pumping. Stillwater will lead the collection and review of existing information with support from our subject matter experts on instream flow, ecology, groundwater, and surface hydrology. We will begin by reviewing the existing key resource documents to pull out focused information related to sensitive species, then we will work on assessing watershed hydrology. Of primary interest will be any previous biological, physical, and water quality studies, as well as hydrology and groundwater modeling. Information reviewed under this task will be used to prepare for meetings and discussions with staff of the TAC relating to the scope, approach, and outcomes of the Instream Flow Study, as discussed under Task 3 Development of the IFSP.

#### *Task 2.2 Topographic Mapping*

Cleath-Harris will collect and review groundwater production and water level data for the Pico Creek groundwater basin to support study reach selection used in the Instream Flow Study. LiDAR data will be obtained from online sources to develop watershed and stream channel configuration and Pico Creek floodplain topography.

#### *Task 2.3 Streamflow analysis*

Stillwater will conduct streamflow analysis from available hydrology data on nearby gaged streams, to predict stream flow conditions in Pico Creek. Results from this analysis will be used to calculate mean monthly flows to determine appropriate calibration flows to include in the IFIM model. Additional analysis (which are scoped under Task 6.5) may be required to augment existing information related to historical water production estimates, net production from the Pico Creek watershed, and the connection between groundwater recharge on surface flows in Pico Creek.

#### *Task 2.4 Groundwater modeling*

Groundwater conditions around Pico Creek were assessed in the Pico Creek Groundwater Availability Study (Cleath-Harris 2014). Groundwater production and water level data collection will occur under this task to assess conditions during the instream flow study. However, since groundwater pumping could have an influence on surface flows in Pico Creek, additional studies may be required to refine our understanding of groundwater conditions in the watershed. Specifically, we anticipate additional groundwater modeling will be used to characterize the surface water-groundwater interconnection during the study period. These studies are discussed under recommended optional Task 6.1 Surface water/ground water connectivity study and recommended optional Task 6.2 Groundwater model refinement.

#### *Task 2.5 Operational constraints and analysis*

Review of the existing data and our additional analysis of stream flow and groundwater will be used to clearly summarize operational constraints for the two District wells located along Pico Creek. In addition, we will review proposed pumping conditions based on the existing water rights level of up to 140-acre feet per year. This information will allow us to estimate the maximum amount of influence the project can have on instream flows due to groundwater pumping and evaluate how the seasonal timing of those project operations alter the project influence on instream flows. Understanding these project constraints will allow our team to assess and discuss a) current and proposed operational scenarios for the District wells, and b) issues that should be considered for and addressed through long-term Monitoring and

Management programs. To gain a better understanding of operational constraints, a more in-depth approach may be required. This approach is discussed under recommended optional Task 6.3 Operational scenario simulations.

#### *Assumptions*

- Historical pumping data and/or pump test of a sufficient duration to quantify impact (or lack of impact) of pumping on streamflow rates

#### *Task 2 Deliverables*

- None

### **Task 3 – Develop Instream Flow Study Plan**

Stillwater will prepare an Instream Flow Study Plan based on review of existing information and discussion with the TAC and resource agencies. Based on our knowledge of conditions in Pico Creek, we anticipate a single study reach spanning from approximately the upstream end of the lagoon and extending to just upstream of the District wells. Calibration flows targeted for the IFIM should cover a range of somewhat stable seasonal flows in Pico Creek, including roughly 0.5 cubic feet per second (cfs), 2 cfs, and 5 cfs. Flows greater than roughly 10 cfs are most probably rain-driven events that are not likely to be affected by project pumping operations or influenced by groundwater recharge. The Instream Flow Study Plan will be developed to provide a thorough assessment of the relationship between instream flow and suitable habitat available for federally listed steelhead life stages that occur in Pico Creek.

#### *Assumptions*

- Two review drafts and one final draft of the Instream Flow Study Plan will be prepared; comments for each draft will be provided in a single, track-changed document.
- The Instream Flow Study Plan will focus on steelhead only.

#### *Task 3 Deliverables*

- One administrative draft, one agency draft, and one final draft of the Instream Flow Study Plan.

### **Task 4. Conduct Instream Flow Study**

Stillwater will implement the finalized Instream Flow Study Plan (IFSP). The first step of study plan implementation will be to conduct stream habitat mapping of the study reach to determine frequency of habitat types (e.g., riffle, run, pool habitat) for use in survey transect selection and modeling purposes. A minimum of three survey transects per habitat type is required for the IFIM, and in cases where there is an unequal distribution of habitat types or where unique habitat features occur, additional transects are required to allow for reasonable representation of study reach condition. Therefore, we assume up to a ten survey transects will be required for the IFSP. Field surveys will be conducted when calibration flows are achieved within the study reach.

### *Assumptions*

- For budgeting purposes, this task assumes the Instream Flow Study will include one study reach with up to ten survey transects, targeting three calibration flows.
- Assumes adequate flows will occur to complete the survey between Winter 2021 and Summer of 2022.

### *Task 4 Deliverables*

- None

## **Task 5. Analysis and Reporting**

### *Task 5.1. Data Analysis and Modeling*

Analytical tasks will include a description of existing aquatic habitat in the study reach based on data collected during the habitat mapping effort (described under Task 4.1). The Physical Habitat Simulation (PHABSIM), or similar, component of IFIM will be used to link the hydraulic model with species habitat suitability criteria to compute an index of habitat suitability for steelhead over a range of flows. Information from the habitat mapping data collected under Task 4.1 will also be used to determine transect weighting for modeling purposes. The Physical Habitat Simulation (PHABSIM) component of IFIM will be used to link the hydraulic model with species habitat suitability criteria to compute an index of habitat suitability for steelhead over a range of flows. Hydraulic models (PHABSIM) will be calibrated to established protocols. The PHABSIM modeling results and associated transect weighting will be combined with approved habitat suitability criteria to generate Weighted Usable Area (WUA) curves for the species and life stages of interest. A set of time series tables and graphs will be generated on a monthly time step (by water year type) to depict WUA habitat values monthly under various low-to-moderate flow regimes (no attempt will be made to estimate WUA under very high flow conditions).

### *Task 5.2 Draft and Final Technical Report*

Stillwater will prepare two draft and one final report of the Instream Flow Management Plan. The report will include the following:

- 1) A thorough assessment of the relationship between instream flow and suitable habitat available for federally listed steelhead life stages that occur in Pico Creek.
- 2) A summary of operational constraints based on watershed hydrology and groundwater conditions.
- 3) A discussion of proposed operational scenarios for the District wells and their effects on stream flow in Pico Creek.
- 4) A monitoring plan for long-term sustainable environmental stewardship that will evaluate the status of habitat conditions within the study area.

### *Assumptions*

- Two review drafts of the Study Report and one final Study Report will be prepared; comments for each draft will be provided in a single, track-changed document.

**Task 5 Deliverables**

- One administrative draft, one agency draft, and one final draft of the Instream Flow Study Report.

**Task 6. Recommended Optional Tasks**

This proposal primarily focuses on addressing the objectives identified in the RFP requesting an Instream Flow Management Study. However, we think that additional assessments of the relationship between groundwater extraction and surface flows would be helpful to inform the District Master Plan. These additional studies would provide a detailed understanding of surface water/groundwater connectivity, refine the existing groundwater model, and simulate various operational scenarios. Because they were not specified in the RFP, we have included these tasks below as recommended optional tasks.

**Task 6.1 Surface water/Groundwater connectivity pumping tests**

Surface water/groundwater connectivity will be assessed using 12-hour pumping tests at each of the two District wells. During the pumping tests, streamflow measurements will be collected in key locations to identify locations where streamflow depletion occurs from pumping the wells and project the level of streamflow depletion during pumping operation.

**Task 6.2 Groundwater model refinement.**

This task includes additional time to refine and update existing groundwater models available for the Pico Creek watershed.

**Task 6.3 Operational scenario simulations**

Streamflow conditions under various pumping scenarios will be simulated with the groundwater flow model to support operational assessments and develop recommendations.



# Stillwater Sciences

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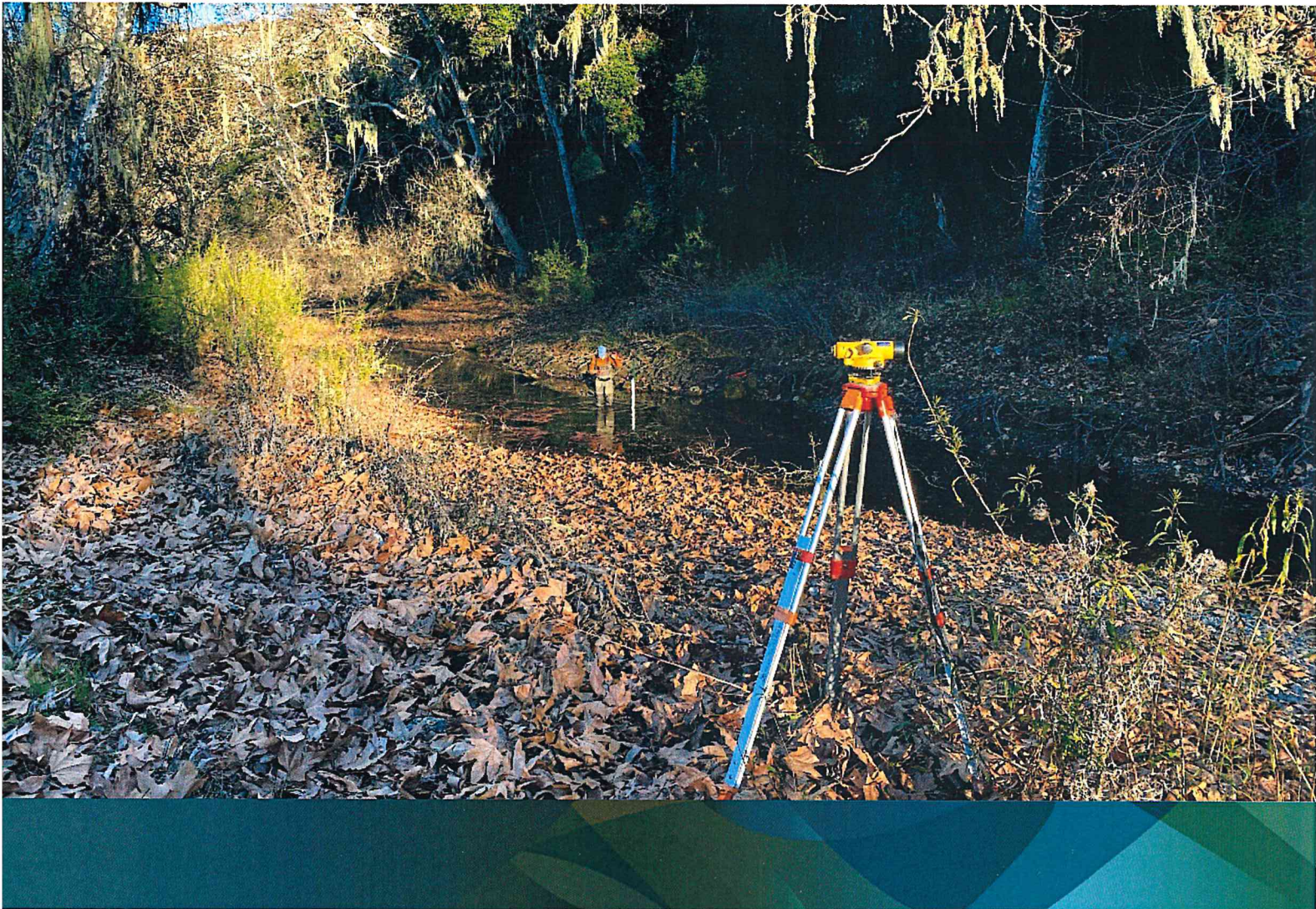
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STATEMENT OF QUALIFICATIONS

## *Preparation of an Instream Flow Management Plan*

*Prepared for*

San Simeon Community Services District  
District Office  
111 Pico Avenue  
San Simeon, CA 93452

October 14, 2021

  
Stillwater Sciences



## Statement of Qualifications

Stillwater Sciences has conducted over 30 instream flow evaluations in the last two decades. Flow studies have included landscape-scale regional assessments of flow needs and environmental water demand (San Luis Obispo County Instream Flow Regional Assessment, Sacramento River Ecological Flows Assessment), as well as single watershed evaluations of instream flow needs in regulated river systems (McCloud River Instream Flow Study, Rector Creek Instream Flow Study, Antelope Creek Fish Passage Study). About a dozen of these were in creeks and watersheds the same size as Pico Creek and in coastal watershed systems. In all cases, ecological criteria were developed early in the process using the best available science to ensure that instream flow assessments were conducted based on a targeted and criteria-driven approach. These criteria were often developed with diverse stakeholder groups and technical advisors to ensure robust scientific input and basis for the flow recommendations. We have assembled a team that includes the expertise of Stillwater Sciences for instream flow study design and implementation, aquatic ecology, and hydrology, with support from Cleath-Harris Geologists, for surface flow and groundwater analyses. Below, we provide a more in-depth introduction to our two firms and our approach to instream flow studies and groundwater and streamflow monitoring, as well as project examples that demonstrate our expertise.

### Team Members

Stillwater Sciences is an employee-owned science and engineering S-corporation with 85 specialists in aquatic and terrestrial biology, geology and geomorphology, hydrology and hydraulics, water quality, restoration ecology, engineering, spatial analysis, and regulatory compliance. Founded in 1996, Stillwater specializes in science-based technical approaches to environmental management and has extensive experience conducting fisheries habitat studies, completing instream flow evaluations and modeling, and integrating interdisciplinary information to support instream flow recommendations, including developing innovative approaches for instream flow criteria development and evaluation. Our scientists also have extensive experience working with diverse stakeholder groups to achieve consensus on instream flow criteria development and flow recommendations, particularly in regulated stream systems. In addition, Stillwater has been leading the analysis of groundwater-dependent ecosystems for eight Groundwater Sustainability Agencies throughout the state and as part of Groundwater Sustainability Plan development. Key staff bios and resumes are below and in Attachment A. Staff include:



Stillwater Sciences

<b>Ethan Bell</b>	Contract Manager/Instream Flow Subject Matter Expert
<b>Ken Jarrett</b>	Project Manager/Instream Flow Subject Matter Expert
<b>Dirk Pedersen</b>	Instream Flow Subject Matter Expert
<b>Wayne Swaney</b>	Instream Flow Subject Matter Expert
<b>Aleksandra Wyzdga, PH</b>	Hydrology & Surface Water Subject Matter Expert
<b>Nate Butler, PhD</b>	Surface & Groundwater Subject Matter Expert

**Cleath-Harris Geologists** have been providing geological consulting services for over thirty-five years in and around the central coast. Their team consists of professional geologists with certifications in hydrogeology and engineering geology whose project experience extends throughout California and into other western states. Key staff bios and resumes are found below and in Attachment A. Staff include:



<b>Timothy Cleath, PG, CHG, CEG</b>	Groundwater Subject Matter Expert
<b>Spencer Harris, PG, CHG, CEG</b>	Hydrogeology Subject Matter Expert

### **Instream Flow Studies and Habitat Assessment**

Stillwater biologists and physical scientists have developed and conducted numerous instream flow analyses throughout California. These range from landscape-scale studies to estimate flow requirements and water demand, to watershed- and site-specific studies to determine minimum flows required to allow key focal species to persist. Stillwater scientists tailor the instream flow study and the field data collection effort to match the available funding and project goals. For example, existing hydrologic and physical terrain data can be overlaid in a GIS framework to provide a rapid assessment of flow needs that can be coupled with targeted field habitat assessments to validate the model. For more simple stream habitats, traditional Instream Flow Incremental Methodology (IFIM) studies coupled with Physical Habitat Simulation (PHABSIM) modeling can provide reasonable results to guide instream flow evaluations. However, PHABSIM has important limitations and flaws (e.g., spatial and temporal scales can be inappropriately limiting), and Stillwater scientists and biostatisticians are adept at developing more tailored approaches, particularly for regulated river systems where instream flow releases are enveloped in larger regulatory and permitting processes. For steep channels with complex hydraulics where a transect-based IFIM approach is less applicable, Stillwater has developed a more focused Habitat Criteria Mapping (HCM) approach to quantify suitable habitat. Stillwater's approach includes conducting a limiting factors analysis to understand which life history stages of key focal species are limited by flow (either in terms of habitat or movement), so that instream flow criteria development and ecological evaluation can be conducted within this framework.

### **Groundwater and Streamflow Monitoring**

Stillwater scientists have worked with multiple water suppliers, including Cambria Community Services District, Paradise Irrigation District, United Water Conservation District, Santa Clara Valley Water District, and others. This work has included assessing the influence of groundwater extraction on surface flows, evaluating potential effects (beneficial and adverse) on special status aquatic biological species, and developing and implementing monitoring and adaptive management programs. In all cases these evaluations have been applied to the myriad of permitting requirements on water managers, including State Water Board permits, California lake and streambed alteration agreements, federal Clean Water Act Permits (404 and 401), scientific collecting permits, and state and federal Endangered Species Act incidental take permitting (including Section 7 consultations), multiple species habitat conservation plans, and research and recovery permitting. Our partners at Cleath-Harris Geologists have been involved with Pico Creek hydrology and hydrogeology since 1985 and have provided hydrogeologic input for water master plans. Cleath-Harris' recent work in the Pico Creek watershed includes the Groundwater Availability Update (2014) for the District, and the dual-density (SEAWAT) groundwater model of the Pico Creek Valley.

### Relevant Project Experience

Stillwater staff have experience throughout the state in conducting instream flow evaluations and groundwater sustainability plans (GSPs) and have conducted over 30 studies in the last decade. Figure 1 (below) identifies our recent instream flow and GSP project experiences in California. Please see the descriptions below the map for more detail on the key relevant projects.

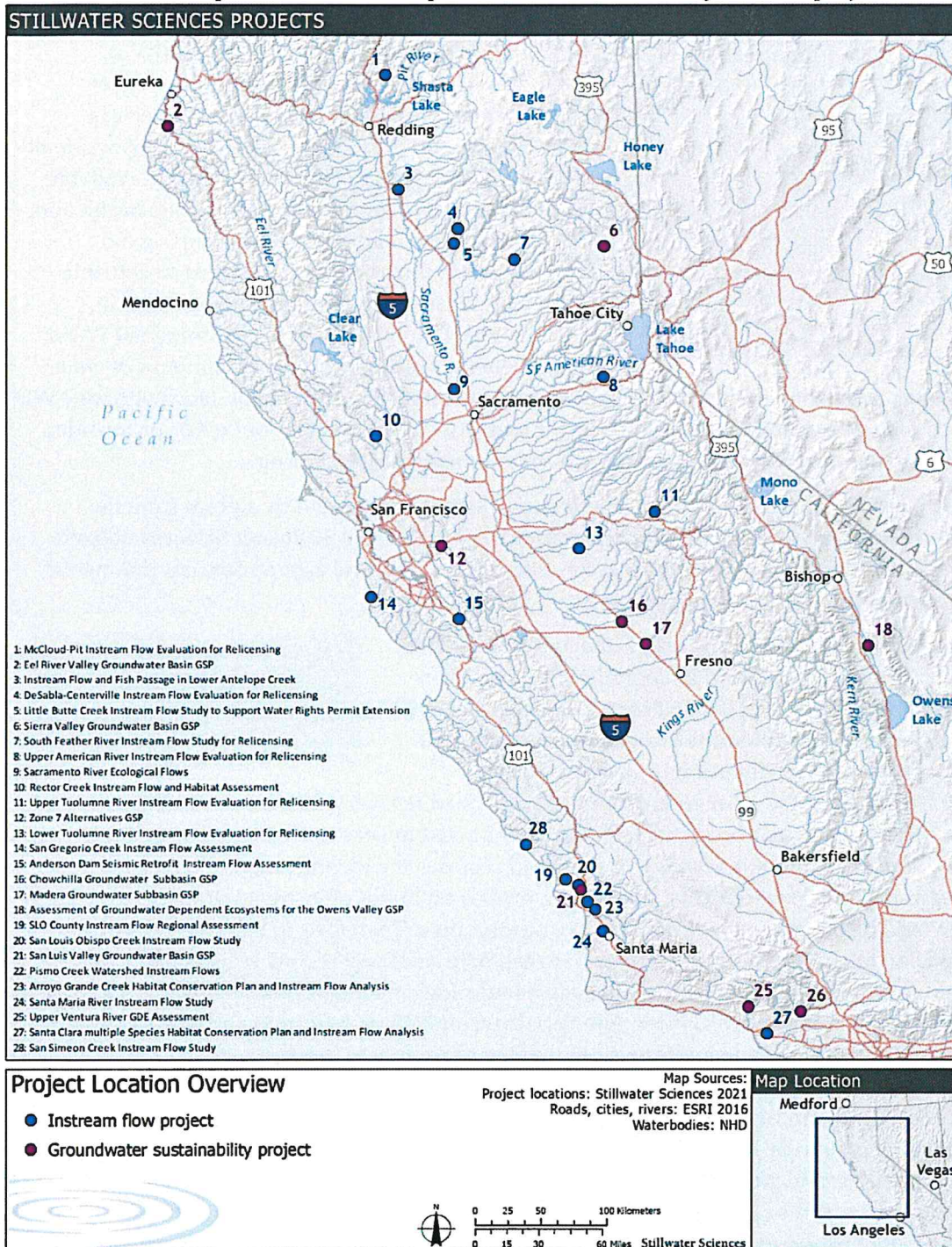


Figure 1. Map showing the locations where Stillwater Sciences led instream flow studies and developed groundwater sustainability plans (GSPs) in California.

## San Luis Obispo County Instream Flow Regional Assessment, San Luis Obispo County

**CLIENT:** COASTAL SAN LUIS RESOURCE CONSERVATION DISTRICT

**REFERENCE:** CAROLYN BERG, PE, SENIOR WATER RESOURCES ENGINEER, 805-781-5536,  
[CBERG@CO.SLO.CA.US](mailto:CBERG@CO.SLO.CA.US)



In 2012, San Luis Obispo County (County) compiled a Master Water Report (MWR), documenting the current and future water resource management activities underway throughout the County. The MWR was written to support efforts to effectively manage available water resources to protect the public health and safety, maintain viable ecosystems, avoid seawater intrusion, and allow for sustainable agriculture. Included in the report was an estimate of the County’s Environmental Water Demand (EWD), which is the amount of water

needed in an aquatic ecosystem, or released into it, to sustain aquatic habitat. However, the EWD approach did not provide estimates for specific seasons, subwatersheds, or creeks, or consider seasonal fluctuations in flow, or support real-time compliance monitoring.

Hired by Coastal San Luis Resource Conservation District and funded by a grant from the Integrated Regional Water Management program, biologists from Stillwater Sciences utilized existing data and implemented a process for estimating useful and appropriate environmental instream flow requirements for the County.

For this analysis, environmental water demand was defined in relation to specific steelhead biological requirements. In both the South-Central and the Southern California steelhead recovery plans, National Marine Fisheries Service (NMFS) identifies surface-water diversions and groundwater

extraction as some of the most severe threats to steelhead recovery. However, detailed studies to identify instream flow requirements have been conducted in very few watersheds in either recovery domain. Although recovery of steelhead requires the identification of watershed and stream-specific flow requirements, conducting precise estimates of instream flows across a large region would be time-intensive and likely cost-prohibitive. Therefore, in this study Stillwater developed an alternative, efficient approach to estimate site-specific flow requirements for steelhead in San Luis Obispo County. Available hydrology, instream flow analysis, and physical terrain data were analyzed to explore appropriate watershed stratification and to assess the ability to extrapolate existing instream flow analysis to County watersheds. We conducted a rapid field assessment in numerous steelhead-bearing watersheds throughout the County to estimate the minimum flows needed to support steelhead rearing during the sensitive spring and summer rearing periods. We analyzed these results to identify relationships between instream flow requirements and physical watershed characteristics (e.g., drainage area and physical landscape terrain of the contributing watershed). Results of this effort were used to prioritize watersheds for more precise estimates of instream flows, and to improve the assessment of environmental water demand used by the County in their Master Water Plan.

#### KEY RELEVANT ATTRIBUTES:

- ✓ Instream Flow Study
- ✓ Public Agency
- ✓ Regional Experience

Project Deliverables:

- A technical report summarizing predicted flow requirements in streams with potential steelhead rearing habitat throughout the County
- An interactive Google Earth map summarizing predicted flow requirements to increase the accessibility of the study results to a larger audience
- A prioritization of watersheds for additional stream flow monitoring and/or precise estimates of instream flow requirements
- A framework for updating environmental water demand estimates as additional information becomes available.

**San Simeon Creek Instream Flow Study, San Luis Obispo County**

**CLIENT:** CAMBRIA COMMUNITY SERVICE DISTRICT

**REFERENCE:** RAY DIENZO, DISTRICT ENGINEER 805-927-6119, [RDIENZO@CAMBRIACSD.ORG](mailto:RDIENZO@CAMBRIACSD.ORG)

The Cambria Community Service District (CCSD) operates a water facility that serves approximately 4,000 customers along the California Central Coast. The water facility was built to address local water shortages and has operated under an Emergency Coastal Development Permit (CDP) which allows the facility to extract water from three wells along San Simeon Creek. The extraction wells and the facility are in proximity, and in some cases inclusive of, endangered species, a coastal lagoon, intermittent stream pools, and other coastal resources comprising Environmental Sensitive Habitat Areas (ESHA).



**KEY RELEVANT ATTRIBUTES:**

- ✓ Instream Flow Study
- ✓ Public Agency
- ✓ Adjacent Watershed
- ✓ Technical Advisory Committee
- ✓ Public Meetings

To support continued operation of the water facility, Stillwater Sciences is conducting an instream flow study to help establish conditions for continued operation of the facility under a new CDP that address environmental resource concerns. Stillwater’s role on this project is to develop and implement an instream flow study in San Simeon Creek to evaluate the relationship

between habitat conditions for sensitive aquatic species and stream flow. Stillwater is working closely with the CCSD and regional experts under a Technical Advisory Committee to support development of the Instream Flow Study Plan to address resource agency requirements and meet permitting requirements. Results from the San Simeon Creek Instream Flow Study will be used to evaluate instream flow management criteria to inform permitting conditions for continued operation of the water facility.

## Assessing Instream Flows in the Pismo Creek Watershed, Pismo Creek

**CLIENT:** CREEK LANDS CONSERVATION

**REFERENCE:** STEPH WALD, WATERSHEDS PROJECT MANAGER, 805-473-8221, [STEPH@CREEKLANDS.ORG](mailto:STEPH@CREEKLANDS.ORG)

Stillwater Sciences conducted a study to identify the flows necessary to provide and maintain basic ecological functions for steelhead in Pismo Creek. Ecological functions being assessed in the study included upstream and downstream migration (i.e., fish passage), macroinvertebrate (i.e., salmonid food) production and delivery, and maintenance of steelhead spawning and rearing habitats. The study aimed to quantify aquatic habitat and fish passage conditions under a range of moderate to low flow conditions using two distinct methods to better understand the effect of low instream flows in the summer and fall on the steelhead population and habitat in Pismo Creek.



### KEY RELEVANT ATTRIBUTES:

- ✓ Instream Flow Study
- ✓ Applied CDFW IFIM Protocol
- ✓ Habitat Criteria Mapping
- ✓ Fish Passage Assessment

Habitat Criteria Mapping (HCM) and 1-dimensional physical habitat simulation (PHABSIM) component of the U.S. Fish and Wildlife Service (USFWS) Instream Flow Incremental Methodology (IFIM) were used to provide both a direct and measured assessment of stream conditions and a quantitative assessment of the functional relationship between flow and aquatic habitat. Through HCM, the extent of habitat meeting specific suitability criteria is measured and mapped under each study flow. The goal of the study was to quantify and compare the extent of different habitat types/ecological functions under each measured flow to identify minimum instream flow requirements that sustain steelhead in Pismo Creek. To further characterize the relationship between flow and aquatic habitat, representative transects were established in select study reaches for use in the PHABSIM model. Hydraulic conditions were modeled with habitat suitability criteria for steelhead used during HCM to develop a quantitative assessment of aquatic habitat over a range of flows. At the end of this study, results from PHABSIM modeling were compared with the results of the HCM.

**Santa Rosa Creek Watershed Management Plan, Cambria, San Luis Obispo County**

**CLIENT:** GREENSPACE – THE CAMBRIA LAND TRUST, FUNDED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

**REFERENCE:** RICK HAWLEY, EXECUTIVE DIRECTOR (RETIRED), 805-927-2866, [RICK@GREENSPACECAMBRIA.ORG](mailto:RICK@GREENSPACECAMBRIA.ORG)



Santa Rosa Creek in northern San Luis Obispo County once supported one of the largest populations of steelhead along the central California coast south of San Francisco. Perennial flow in most years, suitable instream habitat, and few physical barriers contributed to the success of the species in the watershed. However, the population has declined significantly below historical levels, driven by factors including land uses and urbanization, road building, and groundwater and surface water management. Accordingly, Greenspace – The Cambria Land Trust hired

Stillwater Sciences to provide a strategic and scientifically based watershed plan for improving steelhead habitat in Santa Rosa Creek. This comprehensive watershed management plan, completed in 2012, synthesizes technical and local information to identify steelhead limiting factors and prioritize restoration activities expected to improve physical and ecological conditions and facilitate steelhead recovery in the watershed, while accounting for land use and water supply constraints. The plan has guided several restoration projects in the last decade throughout the watershed.

**KEY RELEVANT ATTRIBUTES:**

- ✓ Watershed Management Plan
- ✓ Habitat Assessment
- ✓ Public Agency

Key outcomes of the plan included a summary of historical watershed conditions and the assessment of current physical and biological conditions, identification of key factors most likely limiting the steelhead population in the watershed, and recommendations to improve overall fish and wildlife habitat in the watershed (including a prioritized list of actions to address limiting factors for steelhead). Additional outcomes of the watershed management planning process led to community education on watershed conditions and ecological processes and development of local support among private landowners, local nonprofit groups, resource conservation districts, and other stakeholders for watershed conservation and restoration actions. In addition to developing this important document, Stillwater participated in the project’s extensive community outreach efforts, which were led and facilitated by Creek Lands Conservation (formally Central Coast Salmon Enhancement). Ultimately, this collaboratively crafted, comprehensive plan provides the information and direction necessary to implement actions that improve overall watershed condition and contribute to steelhead recovery while being compatible with local stakeholder concerns and priorities.

The plan is available online at <https://greenspacecambria.org/srcwmp>



**Arroyo Grande Creek Habitat Surveys to Support Lopez Habitat Conservation Plan, Arroyo Grande**

**CLIENT:** SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

**REFERENCE:** KEITH MILLER, ENVIRONMENTAL DIV. MANAGER, 805-781-5714, [KLMILLER@CO.SLO.CA.US](mailto:KLMILLER@CO.SLO.CA.US)



Stillwater Sciences is currently assisting the County of San Luis Obispo Flood Control and Water Conservation District in the preparation of a Habitat Conservation Plan (HCP) for the Lopez Water Project in Arroyo Grande Creek. Under this project, Stillwater scientists are evaluating how flow releases from Lopez Dam affects habitat for federally listed steelhead and California red-legged frogs (CRLF) in Arroyo Grande Creek.

Stillwater is conducting several studies to evaluate habitat conditions and their relationship to various flow releases from Lopez Dam. These surveys include a fish passage assessment, water temperature monitoring, habitat surveys to quality steelhead spawning and CRLF breeding habitat, and habitat surveys to quantify habitat for juvenile steelhead and assess flow connectivity within a losing reach of Arroyo Grande Creek under various minimum summer baseflow releases. Results from this study will be used to develop project operation and mitigation measures under the HCP that allow operation of Lopez Dam to supply water users while also minimizing potential impacts on habitat that support federally listed aquatic species.

- KEY RELEVANT ATTRIBUTES:**
- ✓ Instream Flow Study
  - ✓ Habitat Assessment
  - ✓ Fish Passage Assessment
  - ✓ Habitat Conservation Plan
  - ✓ Public Agency

## **Project Communications**

Instream flow studies require the careful and thoughtful balancing of managing societal water needs and demands with natural resource management. Stillwater's approach for these types of projects is to communicate widely and transparently, conduct focused data collection that builds on past work and studies, and develop a scientific framework from which management decisions can be made for regulatory compliance. Our team is structured such that the key technical team members and subject matter experts are also the contract and project managers. This approach builds trust and respect with stakeholders because our team members are aware of all of the project needs and requirements, and streamlines cost and efficiency for the project because fewer people are involved overall. Additional relevant details of our approach to this project are summarized below.

## **Project Coordination**

Stillwater Sciences brings a depth of experience in project coordination and management, as well as a well-honed approach that includes the ability to listen and communicate effectively; the skill to rapidly assess problems and direct the appropriate people and resources to their resolution; the experience with and understanding of the Pico Creek watershed; and excellent organizational and budget management skills. Based on the needs of this project, we propose Ethan Bell as Contract Manager and Ken Jarrett as Project Manager.

To best monitor performance on scope, budget, and schedule as the work progresses, the Stillwater Project Manager (Ken) will oversee monthly invoicing, progress reporting, and tracking and will be the main point of contact for the District. Ethan will have direct responsibility for overseeing the team's scope of work, providing the District's General Manager (or designee) with periodic progress updates, and providing a final level of technical review on work products.

## ***Project Management Processes and Tools***

Stillwater manages our projects using Microsoft SharePoint and Teams. All relevant background files and interim and final work products will be housed in a SharePoint directory accessible to all team members. While this technology has become a necessity in the last year given the global pandemic and many of our staff are still working remotely, Stillwater has been investing in this technology for over five years, and our staff are highly accustomed to sharing and accessing files across a web-based platform. The SharePoint site will include a dashboard with key information on schedule and progress, key upcoming milestones, notes from relevant project management check-ins, budget issues, if any, and a place to track any technical issues as they arise. Frequent check-ins with the project team and monthly tracking of actuals versus expected budget spending will help identify and correct design schedule slippage and budget overages. In addition, project schedule and budget are tracked by Stillwater management monthly. The Project Manager is offered additional support and guidance should issues be evident.

## ***Document Review***

Microsoft SharePoint is a versatile tool, and a segment of the project site can be made available to outside partners and/or reviewers, such as stakeholders or resource agencies. This segment of the project site could include background information and interim review deliverables, but not all

the data and internal communications. Comments on draft technical reports and specifications will be requested in tracked changes to easily evaluate and address. Comments placed into a single draft document will be encouraged such that all comments can be reviewed by all stakeholders. A brief memo responding to comments will be produced for all major deliverables to establish a written record of comments received and how they were addressed. As described above, scheduled meetings will also be encouraged for key decision points and milestones. Our team has had success with “live editing” sessions with key decision-makers to help expedite review processes that we can explore for this project.

### *Quality Control*

Stillwater maintains a comprehensive Quality Assurance/Quality Control (QA/QC) Program for all aspects of our projects. We tailor the QA/QC Program for each project. For this project, quality assurance will be integrated into (a) data collection and (b) data analysis and modeling. At project onset, the Project Manager and key design leads will determine the QC milestones that will need to be met at each step of the project.

Our document review QC process includes checking the document against a thorough list of formatting and grammatical standards, establishing a senior reviewer not associated with the project for all major technical reports, and document templates and dedicated document production and technical editing staff to ensure comprehensive and readily usable documents.

### *Scope and Schedule Management*

In the event of project delays or other circumstances affecting the project schedule and/or budget, the Contract Manager (Ethan) will immediately notify the District to determine potential consequences and strategize how best to address the issue(s). Potential strategies for overcoming a project delay could include increased staffing (by either or both of our firms and/or District staff), expediting review periods using working sessions or “live” editing of documents, or revising the scope of interim work products to accommodate the project delay. If a schedule delay cannot be avoided, we will work with the District to discuss a reasonable schedule extension that would be acceptable. Potential strategies for addressing tasks that run over budget may include a reallocation of budget from other tasks, an evaluation of interim deliverables to identify potential efficiencies, and/or adjusting staffing to better meet the available remaining budget. Our goal will be to communicate frequently such that there will be no surprises in the management of the project and so that we can efficiently work together to address unanticipated changes in scope and schedule.

### *Public Outreach*

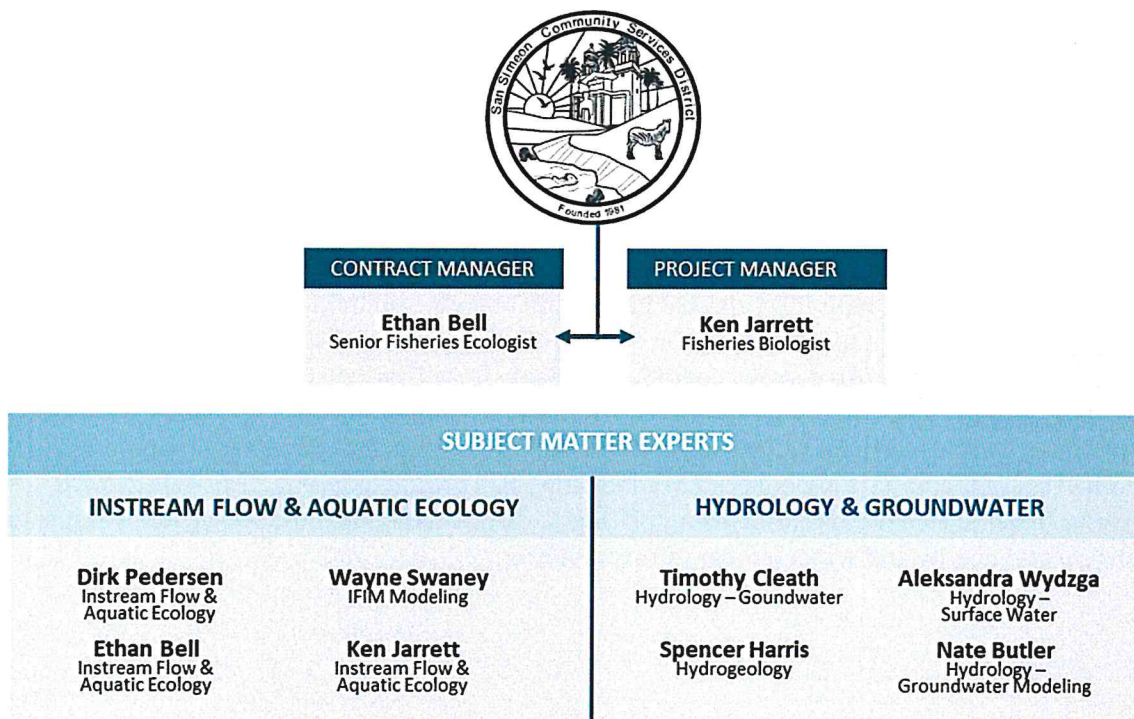
Stillwater’s approach to public outreach and stakeholder negotiation is founded on respect, organization, and responsiveness. Our staff emphasize effective public outreach and facilitation services to reach stakeholders in an all-inclusive process throughout the project life. Our reputation for practical approaches facilitating effective negotiations with regulatory agencies and key partners keeps projects focused on addressing our client’s key questions, which allows us to stay on schedule and within budget. Our particular strengths include identifying and engaging with appropriate stakeholders, developing clear presentations on our work, and facilitating and incorporating feedback after discussion with our clients. Additionally, we have the capabilities to utilize a variety of project management tools (i.e., SharePoint, Teams, etc.) to

efficiently elicit public and stakeholder feedback, making public outreach a seamless component of our management strategy.

Our management team personnel have extensive experience presenting their work to a wide range of audiences, and understand that respectful communication that acknowledges shared objectives and the position and requirements of others is key to success. Our proposed contract manager Ethan has a significant amount of experience with public outreach and stakeholder communication. He has served as Chair on the Morro Bay National Estuary Program Executive Committee since 2016 and he is the public representative to the California Advisory Committee on Salmon and Steelhead Trout (CAC). Ethan’s technical expertise in aquatic ecology combined with this public outreach experience makes him an efficient and effective liaison for clients, as well as a capable and articulate representative at stakeholder and public meetings. Additionally, proposed Project Manager Ken has experience participating in multiple Technical Advisory Committees, including for central coast projects such as the San Simeon Creek Instream Flow Study, the Chorro Creek Pikeminnow Management Plan and the endangered species management plan for steelhead on Camp Roberts.

**Proposed Staffing**

We have assembled a team that is composed of locally-based instream flow, steelhead, and hydrology-groundwater experts. Both our Contract and Project Managers additionally will be serving as Instream Flow Subject Matter Experts based on decades of technical expertise researching the habitat needs of steelhead on the central coast and assessing instream flows. This approach will provide the District a highly experienced team, capable of leading technical discussions with state regulators and other stakeholders, with the efficiency and cost advantages of a locally-based firm. Brief introductions to each of our key staff and their qualifications are found below. Resumes are available in Attachment A.



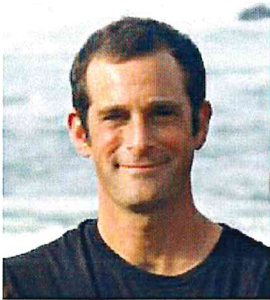
## Management Team

### Ethan Bell, MS, Fisheries Biology

SENIOR FISHERIES BIOLOGIST, STILLWATER SCIENCES

PROPOSED ROLE: CONTRACT MANAGER; SUBJECT MATTER EXPERT – INSTREAM FLOW

**KEY RELEVANT SKILLS:** INSTREAM FLOW; IFIM PROTOCOL SURVEYS, HABITAT CONDITIONS ASSESSMENT; AQUATIC HABITAT ENHANCEMENT DESIGN; CONTRACT MANAGEMENT; HABITAT CONSERVATION PLANNING; ADAPTIVE MANAGEMENT; STAKEHOLDER COORDINATION



Ethan is a senior fisheries biologist with particular expertise with Pacific salmonids and trout. He is an experienced project and contract manager and has provided technical expertise on a wide variety of interdisciplinary projects, including instream flows, large-scale watershed assessments, fish passage analysis, population dynamics modeling, limiting factors analysis, restoration design, endangered species consultation, and hydroelectric relicensing and compliance. Ethan has led or participated in the analysis and instream flow recommendation development for a number of watersheds throughout the Central Coast and the state, including San Grègorio Creek in San Mateo and Santa Maria River in Santa Barbara County. He is also instrumental in coordinating and managing PIT-tag-based field studies, analyzing collected data, and researching and writing reports. Ethan has been the lead scientist on multiple projects requiring consultation and coordination with key stakeholders. He is a prolific author in peer-reviewed journals and has published widely on steelhead issues. Ethan is currently serving as Chair of the Morro Bay National Estuary Program's Executive Committee and is the Public Representative to the California Advisory Committee on Salmon and Steelhead Trout (CAC).

### Ken Jarrett, BS, Fisheries Biology

FISHERIES BIOLOGIST, STILLWATER SCIENCES

PROPOSED ROLE: PROJECT MANAGER; SUBJECT MATTER EXPERT – INSTREAM FLOW

**KEY RELEVANT SKILLS:** INSTREAM FLOW, IFIM PROTOCOL SURVEYS, AQUATIC ECOLOGY, HABITAT ASSESSMENTS, PROJECT MITIGATION PLANNING, FISH PASSAGE, PROJECT MANAGEMENT



Ken is a fisheries biologist with 17 years of experience in aquatic ecology with focused experience in fish population monitoring, instream flow assessments, watershed management plans, fish passage analysis, and fish habitat assessments. Ken is an experienced project manager and has supported numerous instream flow studies throughout the state using both IFIM and habitat criteria mapping methods in Pismo Creek, San Luis Obispo Creek, and San Gregorio Creek. He has led efforts to assess fish passage conditions in Santa Rosa Creek, San Luis Obispo Creek, and Arroyo Grande Creek. Ken has led numerous fish population monitoring efforts using various techniques, including electrofishing, netting, and direct observation (snorkel) surveys and he is experienced in conducting fish habitat mapping, fish scale growth analysis, fish movement monitoring using PIT tags, acoustic radio tags, and rotary screw traps, as well as water quality and water temperature monitoring.

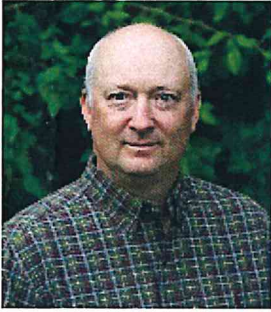
### Subject Matter Experts – Instream Flows and Aquatic Ecology

#### Dirk Pedersen, BS, Fisheries Science

SENIOR AQUATIC ECOLOGIST, STILLWATER SCIENCES

PROPOSED ROLE: SUBJECT MATTER EXPERT – INSTREAM FLOW

**KEY RELEVANT SKILLS:** INSTREAM FLOW; FISHERIES BIOLOGY; WATER RIGHTS/USE; FISH PASSAGE; ADAPTIVE MANAGEMENT



Dirk is an aquatic ecologist with almost 30 years of experience assessing aquatic habitat conditions for fish, amphibians, and other aquatic species. He has led multiple studies evaluating instream flows for hydroelectric projects and factors limiting fish populations, as well as designed aquatic habitat enhancement projects. He has managed multidisciplinary projects at regional, watershed, and site-specific scales to assess the effects of land management on aquatic and terrestrial resources, identify sensitive areas, and to prioritize enhancement opportunities. Dirk has developed and managed ecological studies and conducted focused research in a range of settings throughout the western United States. He is currently providing technical support in fisheries for the Navarro River Instream Flow Needs Assessment, and serving as technical lead in fish passage and fish ecology on the Antelope Creek Instream Flow and Fish Passage Study.

#### Wayne Swaney, BS, Resource Development, Water Resources

WATER TEMPERATURE SCIENTIST, STILLWATER SCIENCES

PROPOSED ROLE: SUBJECT MATTER EXPERT – INSTREAM FLOW/IFIM MODELING

**KEY RELEVANT SKILLS:** INSTREAM FLOW MODELING AND ANALYSIS; DATA MANAGEMENT



Wayne is a project scientist and data manager. He has more than 30 years of experience in supervising and performing field data collection for projects relating to fisheries, instream flow, hydrology, and watershed assessment in California and Oregon. He excels at data organization, analysis, and management, and has extensive experience with database design, computer programming, spatial analysis, surveying, and physical and biological modeling. In addition to Wayne's technical experience, he has participated in field data collection for instream flow, water quality, fisheries and wildlife studies, and physical habitat modeling. Wayne has significant experience on the central coast, including serving as field crew leader for IFIM data collection on two study reaches on Pismo Creek.

### Subject Matter Experts – Hydrology and Groundwater

#### Timothy S. Cleath, PG, CHG, CEG, MS, Geology

VICE PRESIDENT AND CHIEF HYDROLOGIST/ENGINEERING GEOLOGIST, CLEATH-HARRIS GEOLOGISTS  
PROPOSED ROLE: SUBJECT MATTER EXPERT – HYDROLOGY – GROUNDWATER

**KEY RELEVANT SKILLS:** HYDROGEOLOGIC ANALYSES AND GROUNDWATER/SURFACE WATER CONNECTION EVALUATIONS



Tim, a certified hydrogeologist (CHG) and certified engineering geologist in California (CEG), is the vice president of Cleath-Harris Geologists. Tim has an extensive understanding of water resources gained through over 40 years of hands-on experience and personal involvement with water issues on the Central Coast. Tim's knowledge of local ground water conditions and his working relationships with local and State agencies will greatly facilitate and expedite projects. Tim brings personal specific historical insights into the hydrogeology of the Pico Creek groundwater basin.

#### Spencer J. Harris, PG, CHG, CEG, BA, Geology

PRESIDENT AND SENIOR HYDROGEOLOGIST, CLEATH-HARRIS GEOLOGISTS  
PROPOSED ROLE: SUBJECT MATTER EXPERT – HYDROGEOLOGY

**KEY RELEVANT SKILLS:** GROUNDWATER MODELING, GROUNDWATER/SURFACE WATER INTERACTION AND STREAM FLOW DEPLETION STUDIES, GEOPHYSICAL SURVEYING, AND ENVIRONMENTAL ASSESSMENTS



Spencer is a Senior Hydrogeologist who brings over 35 years of professional experience and has managed public agency and water company projects for over 25 years. He has been involved in Pico Creek hydrology since the mid-1990s, and has performed subsurface investigations, conjunctive use studies, and groundwater modeling to characterize the local water resources. He authored the most recent Groundwater Availability Update (2014) for San Simeon Community Services District and developed the current dual-density (SEAWAT) groundwater model of the Pico Creek Valley. Spencer, in coordination with the professional staff at Cleath-Harris Geologists, will provide hydrologic and hydrogeologic support related to Pico Creek stream flow and groundwater/surface water interaction, including monitoring program options, during development of the Instream Flow Management Plan.

#### Aleksandra Wyzga, PH, MS, Engineering

HYDROLOGIST/ENGINEERING GEOMORPHOLOGIST, STILLWATER SCIENCES  
PROPOSED ROLE: SUBJECT MATTER EXPERT – HYDROLOGY – SURFACE WATER

**KEY RELEVANT SKILLS:** HYDROLOGIC, HYDRAULIC, AND GEOMORPHIC ASSESSMENT



Aleks is a hydrologist and geomorphologist with expertise in abiotic and biotic riverine processes, groundwater dependent aquatic ecosystems, and hydro-geomorphic response to human land-use changes. She is an experienced project manager and has provided technical expertise on a wide variety of interdisciplinary projects, including hydrologic and geomorphic assessments; ecologically relevant hydrological processes; restoration planning, design, and construction; sedimentation and sediment transport studies; erosion assessments; fish passage analysis; and lake, riverine, and estuarine management. Aleks developed and leads a pilot water quality monitoring program in partnership with State Parks currently aimed at three estuaries: San

Simeon, Santa Rosa, and Villa Creek Estuaries. Her wide range of interdisciplinary experience allows her to deftly integrate engineering, hydrologic, geomorphic, and biotic perspectives into project assessments and restoration designs. Prior to joining Stillwater, Aleks worked for a wide range of local, state, and federal agencies; non-profit organizations; tribal councils; private consulting firms; private landowners; and academic institutions. She holds a concurrent position as an adjunct professor at California Polytechnic State University at San Luis Obispo and teaches geomorphology, geology, earth science, and water resources engineering.

**Nate Butler, PhD, Environmental Engineering**

SENIOR HYDROLOGIST, STILLWATER SCIENCES

PROPOSED ROLE: SUBJECT MATTER EXPERT – SURFACE AND GROUNDWATER

KEY RELEVANT SKILLS: HYDROLOGY, MODELING, GROUNDWATER-SURFACE WATER INTERACTIONS



Nate has a decade of experience in aquatic sciences and engineering spanning water quality, hydrology, groundwater-surface water interactions, and modeling. Nate has particular expertise in surface water-groundwater monitoring, synthesis of large hydrology datasets, fisheries programs, and stream temperature, hyporheic, and subsurface heat transport modeling. He has led hydrologic analysis and modeling for several reservoir operation projects in coastal California river systems to balance fisheries and water supply needs. Nate also has conducted technical evaluations of Sustainable Groundwater Management Act (SGMA) alternative groundwater sustainability plans.

**Additional Information**

Stillwater Sciences has additional capabilities that may be relevant. This includes:

- **In-house biostatistician:** Stillwater mathematicians regularly organize and analyze large data sets, including statistical analysis and modeling of hydrologic, water quality, and biological data.
- **Web-mapping and hosting:** Stillwater GIS Analysts have used spatial data to develop regional instream flow guidelines, and to summarize results in a publicly accessible web-map, updated quarterly.
- **UAS and aerial imagery:** Stillwater has FAA-certified pilots and equipment that allows for cost-effective collection of high resolution, digital and georeferenced low elevation aerial photographs using unmanned aircraft systems (UAS) and other compact airborne devices ideal for repeat mapping of physical and biological features in small or difficult to access reaches. We have successfully used drone-produced aerial imagery for mapping suitable habitat for steelhead on Coyote Creek, vegetation mapping and monitoring on the Santa Clara River Estuary, and gravel augmentation monitoring in the Central Valley. Additionally, because site visits may be challenging to accomplish, either due to site accessibility, stakeholder scheduling, or pandemic restrictions, we have also successfully used drone flight footage combined with video conferencing to bring stakeholder groups together and can use this approach here if appropriate.



# Attachment A

## Key Personnel Resumes

Ethan Bell (*M.S., Fisheries Biology*) is a fisheries biologist with two decades of experience working with Pacific salmonids and trout. He is an experienced project manager and has provided technical expertise on a wide variety of interdisciplinary projects, including large-scale watershed assessments, fish passage analysis, population dynamics modeling, limiting factors analysis, instream flow studies, restoration design, endangered species consultation, and hydroelectric project relicensing. Mr. Bell is also instrumental in coordinating and managing field studies, analyzing collected field data, as well as researching and writing reports and proposals. He is currently serving as Chair of the Morro Bay National Estuary Program's Executive Committee.

### AREAS OF EXPERTISE

- Instream Flows
- Fish Stranding Evaluations
- Aquatic Ecology
- Hydroelectric project effects

### YEARS OF EXPERIENCE

At Stillwater: 21 years  
In Total: 24 years

### EDUCATION

*M.S., Fisheries Biology*, Humboldt State University, 2001

*B.S., Ecology and Evolution*, University of California at Santa Barbara, 1990

### PERMITS

USFWS Section 10(A)(1)(A) (Permit #TE198917-2) for tidewater goby

NMFS Section 10(A)(1)(A) (Permit #20085) for take of listed species for – South Central California Coast Steelhead

### TRAINING

Tidewater goby training. U.S. Fish and Wildlife Service, September 2009

### PROFESSIONAL AFFILIATIONS

- American Fisheries Society

### SELECTED PROJECT EXPERIENCE

**San Gregorio Creek Watershed Management Plan, San Mateo, CA** (*Client: American Rivers*): Mr. Bell led an ecological assessment of instream flows to identify the flows necessary to protect basic ecological function for steelhead and coho salmon in San Gregorio Creek, such as upstream and downstream migration, food production and delivery, and maintenance of spawning and rearing habitat. The study quantified habitat and passage conditions under a range of moderate to low flow conditions, to identify the effect of low instream flows in the summer and fall on salmonid habitat and populations. Additionally, Mr. Bell provided assistance and support to assess historical and current habitat conditions of the San Gregorio Creek lagoon and inform restoration planning for steelhead, coho salmon, and tidewater goby, including field studies to monitor water temperature, salinity, dissolved oxygen, instream flow, sandbar breaching patterns, water surface elevation, and hydrologic connectivity between the lagoon and adjacent marsh.

**Regional Assessment of Environmental Water Demand, San Luis Obispo County, CA** (*Client: Coastal San Luis Resource Conservation District*): Mr. Bell led this study to estimate environmental water demand (defined as flows required to support steelhead) throughout all fish-bearing watersheds in San Luis Obispo County. Analysis of all existing hydrologic and physical data, as well as a rapid field assessment in numerous steelhead-bearing watersheds throughout the County was used to estimate the minimum flows needed to support steelhead rearing during the sensitive spring and summer rearing periods. Results of this effort will be used to prioritize watersheds for more precise estimates of instream flows, and to improve the assessment of environmental water demand used by the County in their Master Water Plan.

**Santa Maria River Instream Flow Study, Santa Barbara County, CA** (*Client: Ocean Protection Council*): Mr. Bell provided technical assistance on this high-profile study to identify the flows necessary to allow endangered southern California steelhead to migrate through the Santa Maria River to and from the Pacific Ocean and spawning and rearing

- Morro Bay National Estuary Program Executive Committee (Chair)

## SELECTED PUBLICATIONS

Dagit, R., E. Bell, K. Adamek, J. Mongolo, and E. Montgomery. 2017. **The effects of a prolonged drought on southern steelhead trout (*Oncorhynchus mykiss*) in a coastal creek, Los Angeles County, California.** Bulletin of the Southern California Academy of Sciences 116: 162–173.

Krug, J., E. Bell, and R. Dagit. 2012. **Growing up fast: diet and growth of a population of *Oncorhynchus mykiss* in Topanga Creek, California.** Calif. Fish Game 98(1):38–46.

Bell, E., S. Albers, and R. Dagit. 2011. **Juvenile growth in a population of southern California steelhead (*Oncorhynchus mykiss*).** California Department of Fish and Game Fish Bulletin.

Bell, E., R. Dagit, and F. Ligon. 2011. **Colonization and Persistence of a Southern California Steelhead (*Oncorhynchus mykiss*) Population.** Bulletin of the Southern California Academy of Sciences.

Bell, E., S. Kramer, D. Zajanc, and J. Aspittle. 2008. **Salmonid fry stranding mortality associated with daily reservoir fluctuations in Trail Bridge Reservoir, Oregon.** North American Journal of Fisheries Management 28: 1515–1528.

Bell, E., W. G. Duffy, and T. D. Roelofs. 2001. **Fidelity and survival of juvenile coho salmon in response to a flood.** Transactions of the American Fisheries Society 130: 450–458.

habitats in the upper Sisquoc River watershed. The goal of the study was to develop flow recommendations that more closely support the historical timing, frequency, and duration of migration opportunities for anadromous steelhead. The analysis required developing suitability criteria for adult and juvenile steelhead passage in this ephemeral river, where flows suitable for successful migration are infrequent.

### **Pismo Creek Assessment of Steelhead Instream Flow Requirements, San Luis Obispo, CA** (*Client: Creek Lands Conservation*):

Mr. Bell led this study to identify the flows necessary to protect basic ecological function for steelhead in Pismo Creek, such as upstream and downstream migration, food production and delivery, and maintenance of spawning and rearing habitat. The study will quantify habitat and passage conditions under a range of moderate to low flow conditions, to identify the effect of low instream flows in the summer and fall on steelhead habitat.

### **Instream Flow Study, Anderson Dam Seismic Retrofit Project, Santa Clara County, CA** (*Client: Valley Water, as a subconsultant to Horizon Environmental*):

Mr. Bell serves as fisheries lead for the regulatory compliance of this project that will stabilize the dam embankment, modify and improve the existing spillway and dam crest, replace outlet works, while restoring and maintaining healthy steelhead and Chinook salmon populations in the Coyote Creek watershed. Mr. Bell led the instream flow study which employed a habitat criteria mapping approach to evaluate flow-habitat relationships for steelhead.

### **Santa Rosa Creek and San Simeon Creek Watershed Management Plans, San Luis Obispo County, CA** (*Client: Greenspace – the Cambria Landtrust*):

Mr. Bell provided fisheries input for the development of two watershed management plans for the Santa Rosa Creek and San Simeon Creek watersheds, which included steelhead limiting factors analyses. The plans synthesize overall watershed conditions and are leading to the development and prioritization of restoration and research recommendations that will enhance riparian ecosystem conditions and contribute to steelhead population recovery.

### **Big Sur River Steelhead Management Plan, Monterey County, CA** (*Client: Resource Conservation District of Monterey County*):

Mr. Bell leads Stillwater Sciences' contributions to this collaborative planning project. He is conducting an evaluation of steelhead limiting factors, based on an integration of results of assessments of hydrology, geology, water quality, and habitat conditions. He will have a critical role in integrating the results of these evaluations, along with the work of project partners, to identify appropriate measures to conserve, manage, and potentially enhance the steelhead population in the watershed.

Ken Jarrett (*B.S., Fisheries Biology*) is a fisheries biologist with 17 years of experience in aquatic ecology with focused experience in fish population monitoring and fish habitat assessments. Ken has led numerous fish population monitoring efforts using various techniques including electrofishing, netting, and direct observation (snorkel) surveys. He is also experienced in conducting instream flow assessments, fish passage analysis, fish habitat mapping, biological monitoring for construction projects, fish scale growth analysis, fish movement monitoring using PIT tags, acoustic radio tags, and rotary screw traps, as well as water quality and water temperature monitoring.

### AREAS OF EXPERTISE

- Fisheries Biology
- Instream Flows
- Water Quality Monitoring
- Water Temperature Monitoring
- Aquatic Invertebrate Studies

### YEARS OF EXPERIENCE

At Stillwater: 17 years  
In Total: 17 years

### EDUCATION

*B.S., Fisheries Biology*, Humboldt State University, 2006

### PERMITS

NMFS Section 10(A)(1)(A) (Permit #20085) for take of listed species for – South Central California Coast Steelhead

### AFFILIATIONS

American Fisheries Society

### TRAININGS, WORKSHOPS, SYMPOSIUMS

- California Freshwater Shrimp Training, California Department of Fish and Game (July 2009)
- Stream Habitat Survey Training, U.S.D.A. Forest Service. Bend, OR. 2003

### SELECTED PROJECT EXPERIENCE

**San Luis Obispo Creek Instream Flow Study to Support Flow Enhancement** (*Client: Creek Lands Conservation*): Mr. Jarrett led studies to assess the relationship between flow and steelhead habitat using habitat criteria mapping surveys over a range of flows. He also evaluated steelhead passage conditions using the critical riffle analysis protocol. Results from this study were used to identify and evaluate potential impacts and benefits on site-specific biological resources of a proposed off channel water storage facility. Mr. Jarrett prepared a report discussing operational conditions potential impacts and benefits to steelhead in San Luis Obispo Creek.

**Pismo Creek Instream Flow Assessment, Pismo Beach, CA** (*Client: Creek Lands Conservation*): Mr. Jarrett conducted instream flow studies to assess steelhead habitat in the Pismo Creek Watershed under multiple flows. Methods included IFIM surveys for use in 2-D modeling, habitat criteria mapping, and fish passage assessments at critical riffles. Results from this study were used to assess ecological requirements for establishing optimal stream flows to support South Central California Coastal Steelhead.

**Instream Flow Studies, New Don Pedro Project License Compliance, Tuolumne River, CA** (*Client: Turlock and Modesto Irrigation Districts*): Mr. Jarrett conducted habitat suitability criteria validation surveys in the lower Tuolumne River. He played a large part in study development and data analysis used to evaluate and develop fish habitat suitability curves for fall run chinook salmon and *O. mykiss*. In addition, he assisted in IFIM transect surveys to evaluate fish habitat over various stream flows.

**San Gregorio Creek Instream Flow Study, San Gregorio, CA** (*Client: American Rivers*): Mr. Jarrett lead conducted instream flow surveys in San Gregorio Creek to evaluate steelhead habitat conditions over a range of stream flows. These surveys included both IFIM transect surveys methods and habitat criteria mapping on low elevation aerial photos. In addition, Mr. Jarrett evaluated fish passage conditions using the critical riffles analysis protocol and he contributed to large portions of the technical report.

- *Salvelinus confluentus* Curiosity Society Meeting. Atlanta, ID. 2003.

## PUBLICATION

Jarrett, K. W., E. Bell, E. A. Wilson, T. Dudley, and C. M. Geraghty. 2019. Using eDNA to validate predation on native *Oncorhynchus mykiss* by invasive Sacramento pikeminnow (*Ptychocheilus grandis*). Calif. Fish game 105(3):177-187.

## SELECTED PRESENTATIONS

- Assessing predation by a voracious non-native predator in Chorro Creek. Morro Bay National Estuary Program Science Talk, San Luis Obispo, CA. February 2019.
- Managing a voracious invasive predator of steelhead in Chorro Creek. California Central Coast Chapter of The Wildlife Society annual symposium, San Luis Obispo, CA. November 2018.
- Tidewater goby of the Santa Clara River: Big Changes for a Little Fish. California Central Coast Chapter of The Wildlife Society annual symposium, San Luis Obispo, CA. January 2017
- Tidewater goby of the Santa Clara River: Big Changes for a Little Fish. California-Nevada Chapter of the American Fisheries Society annual conference, Eureka, CA. April 2017
- The use of radio telemetry in estimating entrainment rates California-Nevada Chapter of the American Fisheries Society annual conference, Folsom, CA. April 2010.

## Coyote Creek Instream Flow Studies, Santa Clara County, CA

(Client: Santa Clara Valley Water District [Valley Water]): Mr. Jarrett led instream flow field studies which involved habitat criteria mapping to evaluate the relationship between steelhead habitat and stream flows within a four-mile study reach of Coyote Creek. He prepared a report assessing the relationship between available steelhead habitat and stream flow based on results of the instream flow study.

## Fisheries Studies to Support Water Rights Permits EIR, CA (Client:

Paradise Irrigation District): Mr. Jarrett served as technical lead for stream fish and reservoir fish monitoring efforts on this environmental permitting project. His duties include leading field data collection efforts, analysis, and reporting on these focus areas. In addition, Mr. Jarrett assisted in habitat assessments for anadromous salmonids including an IFIM instream flow assessment, water temperature monitoring and data analysis, and physical habitat data collection and analysis.

## Stream Habitat Surveys to Support the Lopez Water Project Habitat Conservation Plan, Arroyo Grande, CA (Client: San Luis

Obispo County Flood Control and Water Conservation District): Mr. Jarrett is conducting stream habitat surveys to assess habitat conditions for steelhead and California Red-legged Frog to support the Lopez Water Project Habitat Conservation Plan. Under this study, Mr. Jarrett is assessing fish passage conditions to identify passable flow for adult steelhead migration, assessing juvenile steelhead rearing habitat during different summer flow release schedules and documenting the quality and distribution of suitable habitat for specific life stages of steelhead and California Red-legged frogs. Results from these efforts will be used to inform reservoir operations and stream management objectives included in the Habitat Conservation Plan.

## Estuary Special Studies, Santa Clara River, Ventura County, CA

(Client: City of Ventura): Mr. Jarrett is providing technical input to help assess the ecological impact of wastewater discharge into the Santa Clara River Estuary. He has conducted intensive fish sampling efforts targeting tidewater goby surveys throughout the estuary using beach seining, dip netting, and eDNA sampling to assesses seasonal abundance and distribution.

## Camp Roberts Steelhead Management Plan and Biological Evaluation, Nacimiento River, Monterey County, CA (Client: California Army

National Guard): Mr. Jarrett developed a steelhead management plan and a Biological Evaluation for the Camp Roberts California Army Nation Guard training site. Planning focused on assessing the potential impacts of military training on steelhead habitat, as well as the development of conservation actions to benefit steelhead in the Nacimiento River.

Dirk Pedersen (*B.S., Fisheries Science*) is an aquatic ecologist with almost 30 years of experience assessing aquatic habitat conditions for fish, amphibians, and other aquatic species. He has led studies evaluating instream flows for various water resource projects and factors limiting fish populations, and designed aquatic habitat enhancement projects. He has managed multidisciplinary projects at regional, watershed, and site-specific scales to assess the effects of land management on aquatic and terrestrial resources, identify sensitive areas, and to prioritize enhancement opportunities. Mr. Pedersen has developed and managed ecological studies and conducted focused research in a range of settings throughout the western United States.

### AREAS OF EXPERTISE

- Habitat Conditions Assessment
- Aquatic Habitat Restoration
- Limiting Factors Analysis
- Fish Habitat Relationships
- Salmonid Ecology
- Watershed Analysis
- LWD Dynamics
- Fluvial Geomorphology
- Hydroelectric Relicensing
- Instream Flow Evaluation
- Enhancement design
- Project Management

### YEARS OF EXPERIENCE

At Stillwater: 25 years

In Total: 29 years

### EDUCATION

*B.S., Fisheries Science*, Humboldt State University, 1992

### PERMITS

USFWS Section 10(A)(1)(A) (Permit #TE198917-1) For Native Endangered Species Recovery – Wildlife

### TRAINING

- Tidewater goby training. U.S. Fish and Wildlife Service, September 2009

### SELECTED PROJECT EXPERIENCE

#### **Instream Flow Study Lead, McCloud-Pit Hydroelectric Project**

**Relicensing, CA** (*Client: Pacific Gas and Electric Company [PG&E]*): Mr. Pederson led the habitat criteria mapping (HCM) study to determine the effects of prescribed flows on trout populations in the McCloud River. Large volumes of depth-velocity data were collected at a range of flows using acoustic Doppler current profiler (ADCP) technology and point mapping techniques. These detailed, spatially-explicit field data were used to establish flow-habitat relationships for two focal species to inform instream flows for the new project license. He led a wadeable flow assessment to evaluate recreational fishing opportunities in the McCloud River, and led HCM and PHABSIM assessments in support of the 401 certification process to evaluate habitat for anadromous fish for potential reintroduction.

#### **Upper Tuolumne River Instream Flow Studies, CA** (*Client: Turlock and Modesto Irrigation Districts*):

Mr. Pedersen was Stillwater's technical study lead for collecting the data required to develop a two-dimensional hydraulic model to assess flow-habitat relationships in the Wild and Scenic Reach of the Tuolumne River. The field approach involved collecting detailed stream channel topography using total station surveys, single-beam sonar, and RTK GPS. Velocity calibration data was collected using an ADCP and manual flow meters with total station surveying and RTK GPS. Data processing and analysis is currently underway. Modeling results were used to inform habitat quantity and quality for resident and anadromous salmonids in the study reach.

#### **Assessment of Hydrology and Geomorphology Related to Fish Passage in Lower Antelope Creek, CA** (*Client: US Fish and Wildlife Service*):

Mr. Pedersen is directing a project to determine the location and causes of salmonid passage barriers potentially affecting access to up to 30 miles of anadromous salmonid habitat in Antelope Creek, Tehama County. This involves assessing past and present hydrogeomorphic characteristics, identifying opportunities and constraints, and evaluating the feasibility of improving fish passage.

## PROFESSIONAL AFFILIATIONS

- American Fisheries Society

## SELECTED PUBLICATIONS

Booth D, Y. Cui, Z. Diggory Z., D. Pedersen, J. Kear, and M. Bowen. 2013. Determining appropriate instream flows for anadromous fish passage on an intermittent mainstem river, coastal southern California, USA. *Ecohydrology*.

Pedersen D., J. Stallman, F. Ligon. 2013. **The effects of habitat enhancements on juvenile coho salmon carrying capacity in a tributary to the North Umpqua River.** Presented at the 31st Annual Salmonid Restoration Conference. Fortuna, California.

Ligon F., D. Pedersen, E. Bell, and S. Kramer. 2007. **A habitat criteria mapping approach to instream flow management.** Presented at the Oregon Chapter American Fisheries Society 43rd annual meeting. Eugene, Oregon.

Pedersen D., J. Stallman, M. Sloat. 2006. **Low elevation aerial photography in riverine settings.** Presented at HydroVision 2006. Portland, Oregon.

## Critical Riffle Analysis, Potter Valley Hydroelectric Project

**Relicensing, Lake County, CA** (*Client: PG&E, as a subcontractor to Cardno*): Mr. Pedersen oversaw aquatic resources studies and was the Fish Passage Study lead for relicensing studies for this project. This included the development and implementation of an evaluation of adult Chinook salmon and steelhead passage over critical riffles across a range of stream flows.

## Aquatic Habitat and Instream Flow Studies, Carmen-Smith

**Hydroelectric Project Relicensing, OR** (*Client: Eugene Water and Electric Board [EWEB]*): Mr. Pedersen led the instream flow study which employed a habitat criteria mapping (HCM) approach to evaluate flow-habitat relationships for resident and anadromous fish and macroinvertebrate communities to support the license application and agency negotiation.

## Navarro River Instream Flow Needs Assessment, CA

(*Client: State Water Resources Control Board and North Coast Regional Water Quality Control Board, as a subcontractor to R2 Resource Consultants*): Mr. Pedersen is Stillwater Sciences' project manager and technical lead for developing the habitat analysis study plan as well as providing technical support on other tasks. The Water Board is currently seeking funding to implement the next phase.

## Instream Flow Study and Hydraulic Analyses, Upper Tuolumne River

**Ecosystem Project, CA** (*Client: San Francisco Public Utilities Commission, as a subcontractor to McBain Associates*): Mr. Pedersen is Stillwater Sciences' project manager and technical lead for fisheries monitoring studies to assess the effects of implementing modified instream flow measures on resident trout populations as part of the SFPUC's Upper Tuolumne River Ecosystem Program. He assisted the SFPUC with revising fish population monitoring methods to focus effort and increase sampling efficiency and to improve the ability to detect annual changes and long-term trends in population abundance. Mr. Pedersen continues to lead analysis and reporting tasks for evaluating annual fisheries monitoring studies in the upper Tuolumne River, Cherry and Eleanor Creeks.

## Santa Maria River Instream Flow Study, Santa Barbara County, CA

(*Client: Ocean Protection Council*): Mr. Pedersen was the co-project manager and fisheries lead for identifying the flows necessary to allow endangered southern steelhead to migrate through the Santa Maria River to and from the Pacific Ocean and spawning and rearing habitats in the upper Sisquoc River watershed. The analysis required developing suitability criteria for adult and juvenile steelhead passage in this ephemeral river, where flows suitable for successful migration are infrequent. Flow recommendations were scientifically-based with a frequency and duration similar to conditions prior to construction of major water management facilities in the basin.

Wayne Swaney (*B.S., Resource Development, Water Resources*) is a fisheries biologist and data manager. He has more than 30 years of experience in supervising and performing field data collection for projects relating to fisheries, instream flow, hydrology, and watershed assessment in California and Oregon. He excels at data organization, analysis, and management, and has extensive experience with database design, computer programming, spatial analysis, surveying, and physical and biological modeling. In addition to Mr. Swaney's technical experience, he has participated in field data collection for instream flow, water quality, fisheries and wildlife studies, and physical habitat modeling, and has been a licensed migratory raptor bander for almost 20 years.

### AREAS OF EXPERTISE

- Instream Flow Incremental Methodology
- Fisheries Biology
- Data Management
- Hydrology
- Water Temperature Modeling
- Watershed Assessment
- Construction Monitoring
- Raptor Biology
- Air Quality

### YEARS OF EXPERIENCE

At Stillwater: 20 years  
In Total: 34 years

### EDUCATION

*B.S., Resource Development, Water Resources*, Michigan State University, 1981

Course work; Information Technology, UC Berkeley Extension, Berkeley, California; 1992

Course work; W.K. Kellogg Biological Station, Hickory Corners, Michigan; 1980

### TRAINING

- PHABSIM 40-hour Introductory Course (USFWS)
- Theory and Concepts of the Instream Flow Incremental Methodology (USGS)

### SELECTED PROJECT EXPERIENCE

**IFIM Data Collection and Habitat Modeling, Ecological Assessment of Pismo Creek, San Luis Obispo County, CA** (*Client: Creek Lands Conservation*): Mr. Swaney was the field crew leader for IFIM data collection on two study reaches on Pismo Creek. He was responsible for water surface elevation surveys, depth and velocity measurements, and discharge measurements in conjunction with PHABSIM modeling for steelhead suitability. Mr. Swaney provided PHABSIM modeling and weighted-usable-area (WUA) simulation results for steelhead suitability in conjunction with Habitat Criteria Mapping (HCM) on Pismo Creek as part of an overall assessment of instream flow management strategies.

**IFIM Data Collection and Habitat Modeling, Ecological Assessment of San Gregorio Creek, San Mateo County, CA** (*Client: American Rivers*): Mr. Swaney was the field crew leader for IFIM data collection on three study reaches on San Gregorio Creek. He was responsible for water surface elevation surveys, depth and velocity measurements, and discharge measurements in conjunction with PHABSIM modeling for steelhead suitability. Mr. Swaney provided PHABSIM modeling and weighted-usable-area (WUA) simulation results for steelhead suitability in conjunction with Habitat Criteria Mapping (HCM) on San Gregorio Creek as part of an overall assessment of instream flow management strategies.

**IFIM Habitat Modeling, McCloud-Pit Hydroelectric Project Relicensing, CA** (*Client: PG&E*): Mr. Swaney provided PHABSIM modeling and weighted-usable-area (WUA) simulation results for trout species suitability in conjunction with Habitat Criteria Mapping (HCM) on the Lower McCloud River as part of an overall assessment of instream flow management strategies. In addition, Mr. Swaney participated in snorkel surveys as part of fisheries sampling to provide trout population estimates in the Lower McCloud River.

**IFIM Data Collection and Habitat Modeling, Paradise Irrigation District Project, CA** (*Client: PG&E*): Mr. Swaney was the field crew leader for IFIM data collection on two study reaches on Little Butte Creek. He was responsible for water surface elevation surveys, depth





- Water Quality Standards Academy 40-hour training (USEPA)
- Theory and Application of PHABSIM for Windows 2002 (Utah State University)
- The Stream Segment and Stream Network Temperature Models: A Self-Study Course, Version 2.0 (USGS)
- CPR and First Aid (American Red Cross)
- OSHA (Occupational Safety and Health Administration) 40-Hour Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) Training

and velocity measurements, and discharge measurements in conjunction with PHABSIM modeling for steelhead and trout species suitability. Mr. Swaney provided PHABSIM modeling and weighted-usable-area (WUA) simulation results for steelhead and trout species suitability in conjunction with Habitat Criteria Mapping (HCM) on Little Butte Creek as part of an overall assessment of instream flow management strategies.

**IFIM Data Collection, Upper American River Project Relicensing, CA** (*Client: Sacramento Municipal Utility District*): Mr. Swaney was the field crew leader and a technical advisor for IFIM data collection on 10 study reaches on the Upper American River. He was responsible for water surface elevation surveys, depth and velocity measurements, and discharge measurements in conjunction with PHABSIM modeling for trout species suitability. He also participated in habitat mapping of selected study reaches. In addition, Mr. Swaney performed model calibration and validation of water surface and velocity data. He generated weighted-usable-area (WUA) simulation results for instream flow and time-series analysis.

**IFIM Data Collection, DeSabra-Centerville Hydroelectric Project Relicensing, CA** (*Client: PG&E*): Mr. Swaney was field crew leader and a technical advisor for IFIM data collection on five study reaches on Butte Creek and the West Branch Feather River. He was responsible for water surface elevation surveys, depth and velocity measurements, and discharge measurements in conjunction with PHABSIM modeling for Chinook salmon and trout species suitability. In addition, he performed model calibration and validation of water surface and velocity data. He generated weighted-usable-area (WUA) simulation results for instream flow and time-series analysis.

**IFIM Data Collection, South Feather Hydroelectric Project Relicensing, CA** (*Client: South Feather Water and Power Agency*): Mr. Swaney was field crew leader and technical advisor for IFIM data collection on four study reaches on the South Feather River. He was responsible for water surface elevation surveys, depth and velocity measurements, and discharge measurements in conjunction with PHABSIM modeling for trout species suitability. In addition, Mr. Swaney performed model calibration and validation of water surface and velocity data. He generated weighted-usable-area (WUA) simulation results for instream flow and time-series analysis.

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**TIMOTHY S. CLEATH, PG, CEG, CHG**  
Chief Hydrogeologist / Engineering Geologist

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Tim Cleath, a certified hydrogeologist (CHG) and certified engineering geologist in California (CEG), is the vice president of Cleath-Harris Geologists. Tim has an extensive understanding of water resources gained through over 40 years of hands-on experience and personal involvement with water issues on the Central Coast. Tim's knowledge of local ground water conditions and his working relationships with local and State agencies will greatly facilitate and expedite projects. Tim brings personal specific historical insights into the hydrogeology of the Pico Creek groundwater basin.

**RELEVANT WORK EXPERIENCE**

**Groundwater Study of the Pico Creek Basin, 1986**

When the San Simeon Acres Community Services District was experiencing high salinity in their water supply, we performed an investigation that defined the alluvial basin and its aquifers, estimated the safe yield, and simulated streamflow.

**Hydrogeologic Exploration, Pico Creek Basin, San Simeon Acres CSD 1986-87**

Directed hydrogeologic exploration at the Pico Creek beach. Test hole drilling was performed at the beach to define the alluvium/bedrock contact and the interbedded aquifers and aquitards.

**Assessment of Water Supply Wells, Water Master Plan, Boyle Engineering, San Simeon Community Services District, 2006**

Contributed this assessment of the District's water supply wells to the Water Master Plan. Pumping tests were performed on the wells which noted a lower efficiency and well rehabilitation measures were recommended. Groundwater level and water production levels



**EDUCATION**

M.S. Geology, 1978  
California State University, Los Angeles  
B.A. Geology, 1974  
California State University, Fresno

**PROFESSIONAL REGISTRATION**

California:  
Certified Hydrogeologist, HG 81  
Certified Engineering Geologist, CEG 1102  
Professional Geologist, PG 3675

**PROFESSIONAL ASSOCIATIONS**

Association of Engineering Geologists  
National Ground Water Association

**CAPABILITIES**

Water Resource Management

- Water rights
- Hydrologic inventories
- Hydrogeologic characterization
- Groundwater recharge and banking
- Water conservation methods
- Basin sustainable yield optimization
- Institutional approaches
- Wastewater disposal siting and analysis
- Water quality investigations
- Well design and construction monitoring
- Groundwater monitoring programs
- Environmental impacts assessments

Engineering Geology

- Sea cliff retreat
- Seismic hazard assessment
- Landslide studies
- Dam siting
- Subsidence assessment and mitigation
- Geotechnical investigations

Field Exploration:

- Well site evaluation
- Geologic mapping
- Aquifer testing
- Drilling programs
- Geophysical survey analysis
- Stream flow monitoring



were updated and water quality conditions were reviewed with respect to sea water intrusion factors.

**Groundwater Supply Assessment, Hearst Ranch, 2014**

Evaluated groundwater resources on the Hearst Ranch. As a part of this evaluation, directed pumping tests at the Arroyo de la Laguna water wells, reviewed well production and stream flow in Pico Creek valley, and sited and oversaw the drilling of several exploratory wells.

**Potential for Sea Water Intrusion, San Simeon Community Services District, Water Year 2014-2015**

Reviewed groundwater production, water levels, and water quality and evaluated the potential for sea water intrusion. Graphed stream flow at Pico Creek discharge to the ocean for a storm event December 2014-January 2015.

**Preliminary Hydrogeologic Assessment of Groundwater Recharge with Recycled Water, Cayucos Sanitation District, Water Systems Consulting, 2015**

Assessed the potential for groundwater recharge in the Cayucos, Old Creek and Toro Creek groundwater basins. The recharge assessment included identifying where recharge could best be done and evaluating surface water/groundwater connectivity.

**Technical Memorandum on Groundwater for Santa Rosa Creek Recharge Enhancement Study, Central Coast Salmon Enhancement, 2019**

Directed geophysical, pumping tests and hydrogeologic studies of intermediate Santa Rosa Creek basin area. Evaluated potential groundwater recharge projects.

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**SPENCER J. HARRIS, PG, CHG, CEG**  
**Senior Hydrogeologist**

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Spencer Harris, a certified hydrogeologist (CHG) and certified engineering geologist (CEG) in California, has over 35 years of work experience in geology and hydrogeology, including over 25 years managing projects on the Central Coast, and 10 years prior experience in geophysical exploration and environmental consulting. Spencer's varied background includes groundwater exploration and development, water resource management, groundwater flow and transport modeling, groundwater/surface water interaction and stream flow depletion studies, geophysical surveying, environmental assessments, and experience in numerous techniques related to subsurface investigation.

**SELECTED PROJECT WORK EXPERIENCE**

**Arroyo Grande Creek Field Services (2021)**

Project manager for synoptic stream flow survey and groundwater level data collection in support of the groundwater sustainability plan for the Arroyo Grande Subbasin. Surveys were performed in association with a controlled release program for Lopez Dam to provide data for calibration of the integrated groundwater and surface water model of the Arroyo Grande Creek watershed.

**Central Coast Blue - Pismo Test Injection Well (2021)**

Project manager for the construction and testing of a test injection well and nearby nested monitoring well for the City of Pismo Beach as part of the Central Coast Blue groundwater sustainability project. The stainless-steel test injection well was designed a part of a planned coastal seawater barrier that will use recycled water for injection.

**Paso Robles Supplemental Environmental Program (2021)**

Project manager for three stream gage installations and four monitoring well installations that will be used to evaluate groundwater/surface water interaction in the Paso Robles Groundwater Subbasin.



**EDUCATION**

B.A. Geology, 1982  
Pomona College, Claremont, CA

**PROFESSIONAL REGISTRATION**

Certified Hydrogeologist, HG 633  
Certified Engineering Geologist, EG 2735  
Professional Geologist, PG 6310  
(all California)

**PROFESSIONAL ASSOCIATIONS**

Geological Society of America  
National Ground Water Association

**CAPABILITIES**

Water Resource Management

- Hydrologic inventories and budgets
- Basin characterization
- Sustainable yield evaluation
- Flow and transport modeling
- Groundwater development
- Seawater intrusion assessment
- Anti-degradation and assimilative capacity studies
- Wastewater disposal projects
- Climate readiness evaluation
- Water quality investigations
- Well design and construction monitoring
- Groundwater monitoring programs

Environmental Impacts Studies

- Well and streamflow interference
- Drainage, erosion, and sedimentation
- Salt loading

Field Investigations

- Well site evaluation
- Geologic mapping
- Aquifer testing
- Surface water influence
- Geophysical methods
- Borehole logging
- Groundwater/surface water interaction
- Streamflow measurement



**San Luis Obispo Valley Groundwater Basin GSP (2019-2021)**

Technical lead for water budget and monitoring program in support of the Groundwater Sustainability Plan for the San Luis Obispo Valley groundwater basin, a high-priority basin under SGMA. The water budget addressed changes in storage, groundwater/surface water interaction, sustainable yield, and overdraft. The monitoring program addressed groundwater and surface water monitoring.

**Arroyo Grande Groundwater Subbasin GSP (2021)**

Technical lead for groundwater conditions, water budget, and monitoring program in support of the Groundwater Sustainability Plan for the Arroyo Grande Subbasin.

**Los Osos Basin Plan, Groundwater Monitoring and Annual Reports, (2015-2021)**

Primary technical contributor on hydrogeology for the Los Osos Basin Plan used for groundwater basin adjudication and included solutions for sustainable management. Developed and implemented basin monitoring program and prepared Annual Reports. Developed dual-density SEAWAT model for groundwater basin to evaluate sustainable yield.

**Strauss Wind Energy Project (2019-2021)**

Project Manager for groundwater exploration and development program in Monterey Formation, followed by construction and testing of three production wells and one monitoring well to support construction of a large wind turbine farm near Lompoc, Santa Barbara County. Also developed monitoring program to evaluate potential impacts on shallow off-site well.

**San Luis Obispo Geophysical Survey (2019)**

Project manager for passive seismic geophysical survey using the horizontal to vertical spectral ratio method. Survey results

were used to develop a contour map on the base of San Luis Obispo groundwater basin sediments to characterize the bedrock divide between the San Luis Valley and Edna Valley subareas.

**Topaz Solar Farm Groundwater Studies and Monitoring Program (2012-2021)**

Characterized northern portion of Carrizo Plain Groundwater Basin. Developed hydrogeologic conceptual model and associated groundwater model for groundwater impacts analysis. Managed drilling and well testing program for solar power facility construction water supply. Developed and implemented extensive groundwater monitoring program.

**Lopez Dam Hydrogeological Services (2015)**

Analyzed applied water records and crop information from growers to estimate agricultural water use in the Arroyo Grande Valley, including Tar Springs Canyon. Also developed and calibrated spreadsheet model that estimated streamflow in Arroyo Grande Creek based on Lopez dam releases, precipitation, and groundwater production.

**Groundwater Availability Study, Pico Creek Valley Groundwater Basin, San Simeon CSD (2014)**

Project manager and technical lead for Updated groundwater basin characterization, developed hydrogeologic conceptual model, analyzed aquifer tests and calibrated dual-density SEAWAT model to assess the effects of storm surge and drought on seawater intrusion at the well field.

**San Luis Obispo County Master Water Report (2012)**

Primary technical contributor on the hydrogeology of the County groundwater basins along North Coast, South Coast, San Luis Obispo/Avila, and South County inland areas, including the Cuyama Valley, Huasna

# Aleksandra Wydzga, PH

## Hydrologist/Engineering Geomorphologist

Aleksandra Wydzga (*M.S., Engineering*) is a surface water hydrologist and engineering geomorphologist with expertise in abiotic and biotic riverine processes and hydro-geomorphic response to human modification of landscapes and drainage networks. She is an experienced project manager and has provided technical expertise on a wide variety of interdisciplinary projects, including hydrologic, hydraulic, and geomorphic assessments; steelhead habitat assessments; groundwater dependent ecosystems assessments and analysis; restoration planning, design, and construction; sedimentation and sediment transport studies; erosion and water quality assessments; and lake, estuarine, and riverine management. Ms. Wydzga is also instrumental in coordinating and managing watershed-scale field studies, analyzing collected field data, and grant writing.

### AREAS OF EXPERTISE

- Riverine Processes and Salmonid Habitat Formation
- Hydrologic, Hydraulic and Geomorphic Assessment
- Groundwater Dependent Aquatic Ecosystems
- Surface-Groundwater Connectivity
- Sediment Transport and Sedimentation Studies
- Restoration Planning, Design and Construction

### YEARS OF EXPERIENCE

At Stillwater: 5 years  
In Total: 19 years

### EDUCATION/CERTIFICATION

*M.S., Engineering*, University of Washington, Seattle, 1997

*B.S., Hydrological Sciences*, University of California, Santa Barbara, 1994

**Professional Hydrologist** (AIH: #15-H-7014)

### PROFESSIONAL AFFILIATIONS

- American Fisheries Society
- American Geophysical Union
- Geological Society of America
- American Society of Civil Engineers

### TRAINING

**Fluvial Geomorphology for Engineers**, 2001. R. Hey & D. Rosgen, Research & Education Center for River Studies, CO.

### SELECTED PROJECT EXPERIENCE

**Central Coast Estuary Water Quality Assessments, CA\*** (*CLC and Stillwater Sciences*): Ms. Wydzga developed and leads a pilot water quality monitoring program in partnership with State Parks currently aimed at three estuaries: San Simeon, Santa Rosa, and Villa Creek Estuaries. The program includes measurement of both periodic and continuous in-situ water quality parameters (e.g., pH, DO, conductivity), grab samples for laboratory analysis (e.g. nutrients, chlorophyll-a), and continuous water level monitoring. The aim of the program is to characterize flow into and out of the estuary, estuarine breach dynamics, suitability of habitat for species of special concern, and eutrophication potential. She has also previously conducted similar work in Pismo Creek Estuary.

**Upper San Pedro, AZ** (*Client: The Nature Conservancy [TNC]*): Ms. Wydzga is leading an ongoing effort to analyze precipitation, groundwater, and surface-water flow monitoring data collected by TNC and their partners (e.g., Cochise County, the cities of Sierra Vista and Bisbee, and the Hereford RCD). Long-term hydrologic monitoring data (2002–present) is utilized to evaluate the effectiveness of stormwater recharge, wastewater effluent recharge, and groundwater pumping modification projects to enhance streamflow in the San Pedro River.

**Santa Rosa Creek Instream Flow Enhancement Project** (*Client: Creek Lands Conservation [CLC]*): Ms. Wydzga is technical lead in conducting scientific assessments and producing 100% engineering designs to enhance dry season instream flow in Santa Rosa Creek. The work encompasses geology, geophysics, surface water hydrology, groundwater hydrology, ecology, and civil engineering. The work is being conducted in collaboration with eight private agricultural landowners. Engineering designs are anticipated to include rainwater harvest, stormwater capture, groundwater recharge, floodplain reconnection, and steelhead habitat enhancement projects.

**Instream Flow Augmentation Planning and Evaluation, San Luis Obispo County, CA\*** (*Central Coast Water Conservancy and CLC under a*

**California Hydrology**, 2000. R. Ott, University of California, Berkeley Extension.

**Fluvial Geomorphology**, 2001. W. Dietrich, University of California, Berkeley Extension.

**Habitat Modifications for Salmon and Trout**, 1999. University of Washington, Professional Engineering Liaison Program.

**Culvert Analysis for Fish Passage**, 1999. University of Washington, Professional Engineering Liaison Program.

## RELATED EXPERIENCE

Adjunct Faculty, California Polytechnic State University at San Luis Obispo.

- Department of Natural Resources Management and Environmental Sciences
- Department of Physics
- Department of Civil and Environmental Engineering
- Teaching includes Geomorphology, Geology, Earth Science, and Water Resources Engineering.

*California Wildlife Conservation Board grant*): Ms. Wyzdga managed all aspects of an integrated county-wide effort to improve instream flow data in San Luis Obispo County. The project goals included determining which streams in SLO County with high salmonid rearing potential meet environmental water demand. To this extent low flows were monitored at 65 sites through-out the county. In addition, data was synthesized to update rating curves at sites managed by SLO County Public Works Department.

**Hydrology, Sedimentation, and Water Quality Review of Laguna Lake, San Luis Obispo, CA\*** (*Client: City of San Luis Obispo*): Laguna Lake is a natural shallow lake in San Luis Obispo County that has experienced high rates of sedimentation due to the diversion of a tributary into the lake in the 1960's. Ms. Wyzdga conducted a technical review to assist the City of San Luis Obispo in evaluating lake management options. Specific tasks included reviewing existing hydrologic and water quality data, identifying sediment sources in the watershed, calculating sedimentation rates, and proposing alternative lake management strategies.

**Villa Creek Estuary Restoration** (*Client: CA State Parks*): Stillwater Sciences developed 65% design plans to restore Villa Creek Estuary's historic hydrodynamic and ecological processes. Ms. Wyzdga was project manager and technical lead in all aspects of project design including hydrology, hydraulics, ecology, geomorphology, water quality, sediment transport, and civil engineering.

**Long Term Management of Vegetation and Debris on the Salinas River** (*Client: City of Paso Robles*): The purpose of this study was to evaluate whether the effects of riparian vegetation in and adjacent to the Salinas River posed a potential risk to infrastructure and the health, safety, and welfare of residents of the City of Paso Robles. Ms. Wyzdga conducted several technical analyses including riverbed scour analysis and assessment. The study demonstrated that there is no evidence that vegetation is posing a hazard to existing infrastructure and provided the technical justification to leave riparian vegetation in the river system.

**Arroyo Grande Creek Stream Gage Modification Project, Arroyo Grande, CA\*** (*CLC under a California Department of Fish and Wildlife grant*): The Arroyo Grande Stream Gage is an operational stream gage weir operated by the County of San Luis Obispo. The stream gage is slated for reconstruction because the current weir has become a fish passage blockage. Ms. Wyzdga is managing the engineering design, reconstruction of the stream gage (slated for 2022), and the collection/analysis of pre and post-construction hydrologic, hydraulic, and salmonid spawning and rearing data.

*\*Denotes project completed prior to joining Stillwater Sciences.*

Dr. Nate Butler (*Ph.D., Environmental Engineering*) has nearly a decade of experience in aquatic sciences and engineering spanning water quality, hydrology, groundwater-surface water interactions, and modeling. He has particular expertise in surface water-groundwater monitoring, synthesis of large hydrology datasets, fisheries programs, and stream temperature, hyporheic, and subsurface heat transport modeling. He has led hydrologic analysis and modeling for several water resource projects in coastal California river systems to balance fisheries and water supply needs. Dr. Butler also has conducted technical evaluations of Sustainable Groundwater Management Act (SGMA) alternative groundwater sustainability plans.

### AREAS OF EXPERTISE

- Hydrology
- Modeling
- Groundwater-surface water interactions
- Hyporheic exchange
- Civil and Environmental Engineering
- Water Quality
- Fisheries Biology

### YEARS OF EXPERIENCE

At Stillwater: 4 years  
In Total: 9 years

### EDUCATION

*Ph.D., Environmental Engineering, U.C. Berkeley, 2015*

*M.S., Environmental Engineering, U.C. Berkeley, 2008*

*B.S., Civil and Environmental Engineering, U.C. Berkeley, 2007*

### SELECTED PRESENTATIONS

**Availability of thermal stratification and thermal refugia in the middle San Joaquin River system.** 34<sup>th</sup> Annual Salmonid Restoration Federation. Fortuna, CA. 9 April 2016.

**Availability of thermal stratification and thermal refugia in the middle San Joaquin River system.** 48<sup>th</sup> Annual California-Nevada Chapter American Fisheries Society Annual

### SELECTED PROJECT EXPERIENCE

**Rector Creek Preliminary Instream Flow and Steelhead Habitat Assessment, Yountville, CA** (*Client: California Department of Veteran Affairs*): As part of ongoing studies of Rector Creek, Dr. Butler developed a modified rational method rainfall-runoff watershed model to estimate the Rector Reservoir inflows from the Rector Creek watershed upstream of the dam. He also developed a statistical tool to project the overall water-year type for reservoir releases before a water-year is complete based on statistical analysis of the historical water-year cumulative precipitation and monthly total precipitation conditions in the Rector Creek watershed. More recently, Dr. Butler developed a daily-time scale water balance model for the reservoir to evaluate the impact of potential flow releases on water storage. The model and its results were instrumental in estimating the water volume available for downstream flows while still meeting existing water user needs. In addition to leading the technical analysis, Dr. Butler produced recommendations for future data collection activities to refine the estimates of water availability.

**Ecohydrologic Study of Municipal Wastewater Discharge Effects, Santa Clara River Estuary, Ventura County, CA** (*Client: City of Ventura*): As part of a multi-disciplinary team, Dr. Butler conducted analysis, modeling, and reporting to quantify the impacts of municipal wastewater discharge on the Santa Clara River Estuary. Dr. Butler improved and operated an existing surface water-groundwater water balance model to evaluate the influence of wastewater discharge on estuary water level and beach berm breaching frequency. He created a new model to estimate salinity variations in the estuary and used existing models to estimate nutrients and water temperature impacts from wastewater discharge. Dr. Butler combined modeling results with analysis of ecological parameters to predict the effects of alternative management strategies on ecological functions and human uses of the estuary.

**Hydrogeomorphic Assessment of Fish Canyon Creek Stream Gauge Repairs, Los Angeles County, CA** (*Client: California Department of Water Resources, as a sub to Dudek*): Dr. Butler evaluated the potential



Conference. Sacramento, CA. 29  
March 2014.

hydrologic and geomorphic impacts of a proposed replacement and repair project to the Fish Canyon Creek stream gauge. He compiled available hydrologic data and calculated flow exceedance probabilities to estimate the frequency of flows that would transport sediment and cause scour. Dr. Butler also analyzed the potential hydraulic and geomorphic impacts by reviewing the proposed changes to the gauge in the replacement and repair design plans.

**United Water Multiple Species Habitat Conservation Plan, Ventura County, CA** (*Client: United Water Conservation District*): Dr. Butler provided technical support and senior review for development of a multiple species Habitat Conservation Plan (HCP) needed to modify operations at the Freeman Diversion Dam on the Santa Clara River, including evaluating key modeling components.

**Two Creek Environmental Impact Report (EIR), Santa Clara Valley, CA** (*Client: Valley Water, as a sub to HDR*): Dr. Butler analyzed Water Evaluation and Planning (WEAP) model results to assess habitat conditions in the Stevens Creek and Guadalupe River watersheds to support regulatory compliance for water allocation activities. This builds on Dr. Butler's previous work leading the hydrologic analysis for developing an alternative reservoir operations rule curve as part of a technical workgroup.

**Napa County Alternative Groundwater Management Plan Review, CA\*** (*Client: National Marine Fisheries Service [NMFS] – Santa Rosa*): Dr. Butler evaluated the data, modeling, and conclusions of the Napa County Groundwater Sustainability Basin Analysis report to identify areas where more hydrologic analysis or modeling was needed to meet SGMA requirements for fisheries. Dr. Butler collaborated with NMFS biologists to write a comment letter specifying the need for additional analysis.

**Middle San Joaquin River System Temperature Study, Turlock, CA\*** (*Client: U.S. Bureau of Reclamation – San Joaquin River Restoration Program*): Dr. Butler was the principal investigator for a study of the influence of surface water – groundwater interactions on stream temperature in Reach 4, 5, and the Eastside Bypass in the middle San Joaquin River system. He designed the study, managed project schedules, equipment, resources, and personnel, coordinated with local, state, and federal stakeholders for site access and permits, and conducted all piezometer and sensor field data collection. Dr. Butler analyzed the temperature and pressure data using MATLAB and a 1-D advection dispersion subsurface heat transport model to quantify thermal stratification, thermal refugia, and the role of surface – subsurface water interactions on stream temperature.

\* Denotes project completed prior to joining Stillwater Sciences.



# Stillwater Sciences

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Stillwater Sciences is an employee-owned, small, women-owned business of science and engineering consultants.

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RECEIVED

OCT 29 2021

BY: CAM

Sage Institute's proposal to be a sub-consultant for Hasan Consultants becomes a part of our Oct 14 proposal. The tasks identified in the sub's proposal are added to the tasks submitted previously for IFMP by Hasan Consultants.

Fee Estimate: Preparation of an Instream Flow Management Plan as part of the Addendum to the District Master Plan			
San Simeon Community Services District			
Scope of Work			
#	Tasks/Deliverables	Total hours	Total \$*
1	Assemble and organize historic information on Pico Creek surface and subsurface flows for the stretch within 2 miles of the ocean.	48	\$10,320
2	Assess the environmental impacts of groundwater extraction on the stream environment between SSCSD's well and the ocean.	50	\$10,750
3	Sub-consultant IFMP specialist biologist	LS	\$49,960
	Add 10% admin. to sub-consultant cost		\$4,996
	Total dollars (Hasan Consultants with Sub)		\$76,026
	Optional Tasks/Deliverables		
		TBD	TBD
	Optional additional dollars	-	\$0



RECEIVED

OCT 13 2021

BY: CM



October 14, 2021

San Simeon Community Services District  
111 Pico Avenue  
San Simeon, CA 93452  
Attn: Mr. Charles Grace, General Manager

Subject: Proposal for the **preparation of an Instream Flow Management Plan** as part of the addendum to the District Master Plan

Dear Mr. Grace:

An Instream Flow Management Plan (IFMP) is used or required by the California Department of Fish and Wildlife to identify flows required to maintain healthy relationships between flow and available stream habitat. Pico Creek is so small that CDFW has not established minimum flow requirements.

San Simeon Community Services District's (SSCSD) water supply well is adjacent to the ocean (as shown by seawater infiltration) and has an allocation (140 AFY) much higher than current use (80 AFY). However, increased groundwater extraction may impact the wetlands downstream of SSCSD's wells. A partial IFMP may be adequate.

Hasan Consultants, a civil and environmental firm, is familiar with the hydrology of an IFMP, and would team up with a biologist (as a subconsultant) specializing in IFMPs. If the full IFMP becomes necessary, it would be included during preparation of the addendum to District master plan.

You are welcome to contact Mohammed Hasan directly with any question at any time, cell phone: (805) 218-5574, email: [m.hasan@hasanconsultants.com](mailto:m.hasan@hasanconsultants.com).

Sincerely,

*Mohammed Hasan*

M. A. Hasan, dual M.S., P.E., ex R.E.A., F. ASCE, PWLF  
Principal

Enclosure

2436 E. Thompson Blvd., P. O. Box 6385, Ventura, CA 93006

## Table of Contents

A.	Cover Letter	...	1
B.	Statement of Qualifications	...	3
	Firm description and Personnel		
	Brief resumes		
	References		
C.	Project Communications	...	5
D.	Project Understanding and Approach	...	5
E.	Business Organization	...	6

\*Fee Estimates and Rates (in a separate envelope)

**PREPARATION OF AN INSTREAM FLOW MANAGEMENT PLAN  
AS PART OF AN ADDENDUM TO THE MASTER PLAN  
FOR THE  
SAN SIMEON COMMUNITY SERVICES DISTRICT**

**B. Statement of Qualifications**

**Firm description and personnel**

We have included a single page description of our company in the following pages. The brief resumes of staff members to serve on this project follows this description page.

**Firm Information**

Hasan Consultants

[m.hasan@hasanconsultants.com](mailto:m.hasan@hasanconsultants.com)

Mailing address:

P. O. Box 6385  
Ventura, CA 93006

Street address:

2436 East Thompson Blvd.  
Ventura, CA 93003

Business License, City of Ventura

Federal Tax ID: 483749910

Phone: (805) 218-5574 cell

Fax: (805) 639-0307

**Public Agencies**

Numerous civil engineering projects including water/wastewater systems have been successfully completed by Hasan Consultants. Below is a partial list of the public agencies we have recently served:

- California Public Utilities Commission
- City of Los Angeles
- City of San Fernando
- City of Camarillo
- City of Port Hueneme
- County of Ventura
- City of Ventura
- City of Oxnard
- Ojai Valley Sanitation District
- City of Santa Paula

City of Ojai  
City of Thousand Oaks  
Oceanview School District  
Ventura Unified School District  
Ventura and Moorpark Colleges  
Ventura Community College District  
United Water Conservation District  
Casitas Municipal Water District  
Ventura Regional Sanitation District

### **News Story**

An example of a news story of Hasan Consultants' project in the local newspaper, Ventura County Star is included in the following pages. This unusual pipeline project was completed for the Casitas Municipal District in an area known for mega slides near La Conchita in the western part of Ventura County. The project has received national attention in drilling magazines for innovative design.

### **Key staff allocation**

The District will be served by three senior professionals on this project, they are:

Mohammed Hasan, P.E., Principal in charge  
Mark Capron, P.E., Senior Project Manager  
John Mundy, Grade 5, MPA., Project Manager

Resumes: Their resumes are all included in the following pages, resume section. Only that of Mark Capron, the Senior Project Manager and Mohammed Hasan, Principal in charge are highlighted below in this section.

**Mark E. Capron**, PE C 31510 was the water and wastewater engineer for Ventura Regional Sanitation District (VRSD). During Mr. Capron's tenure, VRSD managed water and recycled water distribution systems for Oak Park Water Service (14,000 people). This included saving Oak Park \$150,000/year with a one-time \$150,000 expense to install a SCADA system, providing the vision for an Integrated Water Master Plan (by a consultant), and guiding the location and construction replacing unused and seismically deficient water tanks.

Mr. Capron managed the project team improving the sewer system for Malibu Bay Club from failed beach-side septic tanks to mostly below-ground tertiary treatment with UV disinfection. Processes were within 20 feet of residence front doors and bedroom windows with no odor complaints and one (resolved) noise/light complaint.

Mr. Capron managed the project team preparing environmental documents, finding funding, design, construction, and operation of the Saticoy Sanitary District (SSD) wastewater treatment and collection improvements. SSD customers put up \$535,000 while obtaining \$5 million in grants and loans for a plant upgrade and extension of the sewer system to commercial properties. The commercial properties repaid the loan. The grant paid for upgrading SSD's treatment from a community septic tank to secondary with nutrient



**Mohammed A. Hasan, P.E.** has been involved in various environmental projects in California since 1973. He has been part of design and construction teams involving streams similar to the District's Pico creek. He currently serves on the of boards of a large public groundwater agency serving most of Ventura county, and a private environmental non-profit organization in Ventura. He has directed projects involving instream flow management and wetland restoration. As recently as early this year he has been involved in Kalorama wetland restoration project in Ventura. The non-profit organization has been successful in obtaining help from school children, teachers and citizens for the field work.

### **Rates and Fees**

Our published hourly rate for all senior engineering professionals is \$215.00/ hr.  
Fee estimates based on the tasks are provided in a separate envelope attached to this proposal.

### **References**

Mr. Steve Blois	Director and Board Secy, Metropolitan Water Dist. Of S. California Past Board Member, L.A. Regional Water Quality Control Board Director, Calleguas Municipal Water District (805) 732-0005
Mr. Russ Baggerly	Director Ojai Basin Groundwater Management Agency, Ojai, CA (805) 640-1207
Mr. John Minkel	Water and Wastewater Manager City of Thousand Oaks, CA (805) 491-8121

Additional references will be submitted as necessary.

### **C. Project Communications**

Hasan Consultants' decades of success in projects has been due to excellent consistent communication with all the parties involved. Hasan Consultants practices, "Overcommunication never hurts, it's the under communication that hinders project success".

Throughout the course of the project, we conduct routine weekly progress meetings with SSCSD staff. Other materials of our communication strategy are presented in our task list #6.

### **D. Project Understanding and Approach**

In addition to SSCSD main water well being adjacent to the ocean and operating at 60% of its water rights, CDFW has not established minimum flow requirements for Pico Creek. (See list at: [https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/existing\\_flow\\_requirements.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/existing_flow_requirements.html)).

However, SSCSD's groundwater extraction combines with climate change impacts (drought, evaporation, and sea level rise) to affect the wetlands downstream of SSCSD's wells. Tasks 1 and 2 will quantify how much, if any, increased demand (from more customers) will affect the

wetlands. If a full IFMP becomes necessary during the preparation of the minimalist Urban Water Management Plan, Hasan Consultants will retain a biologist who specializes in IFMPs.

### **Task descriptions**

Task 1. Assemble and organize historic information on Pico Creek surface and subsurface flows for the stretch within 2 miles of the ocean. For example, The Nature Conservancy has published a map at: <https://rivers.codefornature.org/#/map> that shows not-yet-reviewed historic flow data for Pico Creek. It shows that more than 10% of dry-season dry-year (surface water) flows have been zero. This information suggests that SSCSD should emphasize in its UWMP how recommended projects could change flows, but without the expense of a complete IFMP.

Task 2. Assess the increased environmental impacts, if any, of groundwater extraction on the stream environment between SSCSD's well and the ocean should SSCSD accept more water customers.

Task 3. IFMP by biology specialist sub-consultant.

### **Optional tasks for Hasan Consultants**

- a. None

### **E. Business organization**

#### **Insurances**

Hasan Consultants' current insurances are shown on the single page information sheet for the company in the following pages.

#### **Equal Opportunity**

Hasan Consultants stands and ensures against discrimination in employment practices based on State and Federal laws and regulations.

#### **Equal Opportunity Employment Compliance**

Hasan Consultants is a minority, small and disadvantaged business. Details are shown on the single page information sheet for the company in the following pages.

#### **No conflicts**

Hasan Consultants and OceanForesters, their employees and associates have no past, or present conflict, nor anticipates any conflict that could affect this project work and the ability to complete the services on schedule.

### **No District Liability**

Hasan Consultants clearly acknowledges that the District is not liable for any of our preparation and submittal costs for this proposal. The District may accept or reject any proposal or proposed agreement without limitation. Nothing creates any vested rights in any person

### **Non-Collusion**

Hasan Consultants declare that only persons or parties interested in its proposal as principals are those named herein; that no officer, agent, or employee of the District is personally interested, directly or indirectly. Our proposal is in all respects fair and without collusion or fraud.

### **Contact person:**

Mohammed A. Hasan, P.E.  
Principal Engineer and Owner  
Hasan Consultants  
[m.hasan@hasanconsultants.com](mailto:m.hasan@hasanconsultants.com)  
(805) 218-5574 cell

### Mailing address:

P. O. Box 6385  
Ventura, CA 93006

### Street address:

2436 East Thompson Blvd.  
Ventura, CA 93003

Mohammed Hasan will be the Principal-in-charge responsible for direct liaison with the District. Hasan Consultants is a sole proprietorship company. Contract and billing will be through Hasan Consultants



### ***Background***

Since 1984, Hasan Consultants, a civil engineering and environmental engineering/planning firm, has provided local clients with consulting services in the areas of water, wastewater and solid waste, land development, environmental assessment, residential construction, commercial modification, surveying and parcel maps, aerial photography, grading, drainage, structural design and repairs, street improvement, underground tanks, toxicity, source control, traffic and transportation, and stormwater permitting. In addition, the staff of Hasan Consultants has experience in preparing EIRs, processing environmental projects and obtaining environmental permits.

### ***Services Offered***

- Design
- Plans and Specifications
- Cost Estimates
- EIR Preparation
- Master Plans
- Construction Inspection and Management
- SWPPP Preparation and Permitting
- Drafting and Graphics
- Phase I and II Investigations
- Coordination with Regulatory Agencies
- Grant Application Preparation
- Field review and Monumentation
- Permitting, Sampling and Monitoring
- Risk Management Prevention Plan
- Client Consultation
- Feasibility Studies
- Expert Witness
- Water/Energy audit
- Vulnerability Assessment
- Operator Training

### ***Principal***

Mohammed A. Hasan, dual M.S., P.E., R.E.A., F.ASCE, PWLF  
*Civil and Environmental Engineering/Transportation*

### ***Associates***

John Mundy, MPA, Grade V  
*Senior Project Manager*

Steven Birge, P.E., P.L.S.  
*Senior Civil Engineer/Surveyor*

Richard Herrera, P.E., T.E., PTOE  
*Senior Associate, Traffic/Transportation*

Mark Capron, M.S., P.E., M.ASCE  
*Environmental Manager*

Max Copenhagen, M.S., CH  
*Hydrology and Watershed Manager*

Wyatt Troxel, B.S., Grade V  
*Process Control Manager*

### ***Current Insurance and Indemnification***

Hasan Consultants currently carries full range of insurances. Our general liability insurance limit is \$2,000,000.00. Professional liability limit is \$1,000,000.00.

- General Liability – State Farm Insurance
- Professional Liability – ASCE - Pearl
- Workers Compensation - State Comp Insurance Fund
- Automobile – Mercury Insurance

### ***Minority, Small and Disadvantaged Business***

Hasan Consultants is certified as a minority, small and disadvantaged business enterprise.  
California Department of Transportation, Certification # CT-020907  
California Office of Small and Minority Business, PIN # 419157  
California Department of General Services, small business certification  
California Public Utilities Commission - WMBE Clearinghouse

# Ventura

Thursday, January 17, 2013

## Technique touted in La Conchita job

■ **Drilling found to spare money, land**

By **Stephanie Snyder**  
stephanie.snyder@vcstar.com  
805-437-0216

The Casitas Municipal Water District saved millions of dollars and spared the surrounding environment by using an innovative drilling technology to replace 1,200 feet of damaged water pipeline that serves parts of the Ventura County beach community.

To replace the pipeline, the water district's board of directors considered options costing up to \$6 million — to build a bridge across the canyon near La Conchita — but decided on the less environmentally invasive directional drilling technique to embed the pipeline in the canyon at an angle. The cost was \$620,000.

"We could have put a bridge there to put across the canyon or we could've gone around; it would have cost three, four, five times more than what we have achieved," said Mohammed Hasan, principal consulting engineer for the project. "The most interesting thing in this project was that we did not disturb anything. No flora or fauna was disturbed."

Speaking to about 50 people Tuesday night at the Coast Geological Society's monthly meeting in Ventura, Hasan said it was the first directional drilling project in the Western United States used to build a large pipeline for drinking water.

The project was completed in April after nearly two months of drilling into the land at an angle using a constantly moving drill rig, Hasan said.

"It's basically a lesson in cooperation, a lesson in ability to think in terms of innovative solutions," Hasan said. "Time, money and also the environmental pollution — all these problems, we solved it."

The original pipeline was constructed in the 1960s. Builders cut down a 70-degree slope of the canyon, creating irreparable damage to the land, Hasan said.

"It's still bald," he said. "Today, environmental regulations will not allow you to cut like this, and it would be so unfair because ... the scars are still there. We damaged the Earth. That's what happens."

The original line was installed by means of a burial method in the ravine that is no longer viable because of increased regulations and safety issues, said Neil Cole, the water district project manager overseeing the new pipeline.

The water pipeline was damaged in 2005, not because of a landslide that killed 10 people and destroyed 13 homes but because of erosion and debris. A temporary repair was made, but it soon became clear that a full replacement had to be made, Cole said.

Cole said he hesitated about using directional drilling because problems arose when he used the technique on a past project.

"There was some concern on my part ... but it did make the most sense in this case," he said.

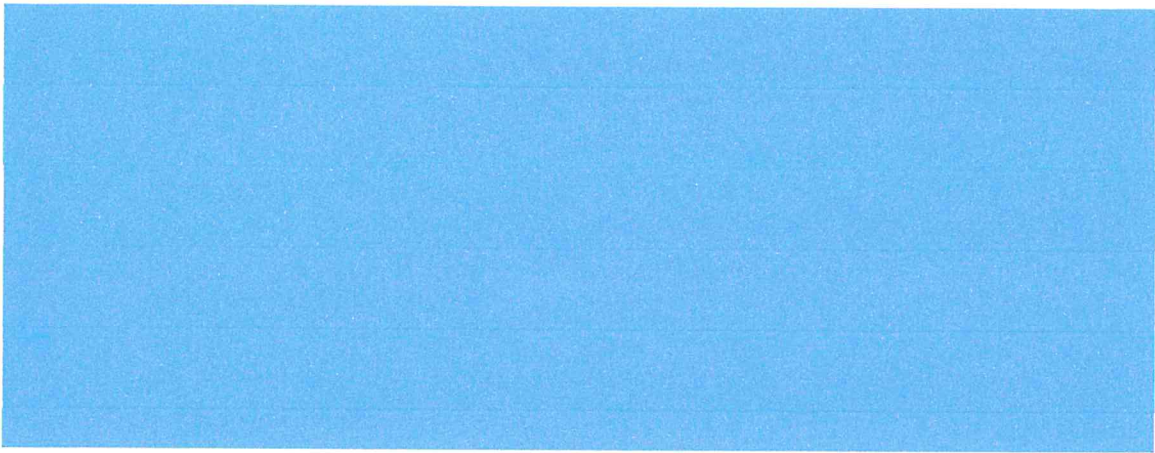
The success of the proj-

ect has convinced Cole that directional drilling will "be used quite a bit" in Ventura County.

Hasan's use of directional drilling has garnered local attention. In addition to Tuesday night's meeting, he will travel to Santa Barbara next week to speak to the American Society of Civil Engineers.

Robert Dame, vice president of the society and a geophysicist for the Interior Department in Camarillo, said he was impressed by Hasan's design to build the pipeline in an "environmentally friendly way."

"The project was pretty interesting; using directional drilling in an area that's fairly challenging from a design standpoint," Dame said. "That project saved the Casitas Water District several million dollars. ... With budgetary constraints, that can be a pretty attractive alternative to doing a surface pipeline."



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# *Résumés*

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**Mohammed A. Hasan, M.S., P.E., PWLF, F. ASCE**  
Principal  
*Hasan Consultants*

***Education***

M.S., Environmental Engineering, University of Iowa  
M.S., Transportation Engineering, University of Iowa  
B.S., Civil Engineering, NED University of Engineering and Technology

***License***

Professional Engineer (Civil), California  
Community College Instructor Credential, California

***Membership***

American Society of Civil Engineers- Fellow  
American Water Works Association, Distinguished Life Member  
California Water Environment Association  
American Public Works Association, Leadership Fellow  
Channel Counties Water Utilities Association - President  
Consult/Net - President  
Association of Water Agencies - Director  
Association of Environmental Professionals  
North American Society for Trenchless Technology  
American Society of testing Materials

***Experience***

Mr. Hasan has over thirty-five years of diversified professional experience in engineering, management, research and teaching. Specific areas of expertise include water and wastewater system design, storm water compliance, land development and grading, street improvement, traffic and transportation studies, underground tanks evaluation, site assessment and remediation, hazardous waste management, geohydrological investigation, and regulatory agency compliance. The following is a summary of his experience.

**1984-Present Principal Engineer, Hasan Consultants, Ventura, CA**

Oversees all projects involving civil engineering, environmental engineering and planning. Areas in which Hasan Consultants specializes include water and wastewater systems, roadway projects, traffic and transportation, drainage and flood control and water supply system design, operation and maintenance. Some of the more extensive and prominent projects which have been prepared under Mr. Hasan include:

Procurement audit of the largest private water company in California for the Public Utilities Commission.

Design and construction management of asphalt overlay of various streets, City of Ojai-residential Streets and parking lots along with specifications and engineers cost estimates.

Public Hearing, Design and construction management of crosswalks, trail crossings, bike-ped improvements for City of Ojai.

Design, Specifications, Cost Estimates, Construction assistance and Preliminary Engineering Report for Casitas Municipal Water District for the completion of a large canyon pipe crossing, 150' deep. After evaluation of various alternatives, Horizontal Directional Drilling was used for this construction of a twelve hundred feet of 14" pipeline.

Complete Civil and Environmental design for Dole Berry complex on Gonzales Road in Oxnard including storm water pollution prevention.

Design and construction management of \$1.2 million earthquake sewer repair project for the City of San Fernando.

Feasibility study for the City of Fillmore new Foothill pressure zone.

Ventura Unified School District: Various projects including asphalt rehabilitation, grading and hydrologic studies.

Operations and Maintenance Manual, Moorpark Wastewater Treatment Plant, County of Ventura.

Wastewater collection system rehabilitation, City of Camarillo.

Pavement overlay design, specifications and estimates, City of Ojai

City of San Fernando Truman Street Reconstruction project involving design of pavement and consideration of Federal funding to best suit the needs of the City.

Design of campsites at the Lake Piru Recreational Area including water and sewer system conveyance and treatment: this was performed for the United Water Conservation District, Santa Paula. This project included grading, access road paving, construction of restroom facilities and handicap regulation compliance for the Park.

Design and construction management of water distribution system improvement for Channel Islands Beach Community Services District, a \$2.1 million project. By innovative design, Hasan Consultants was able to save the District \$0.5 million.

Water and Wastewater system rehabilitation for Rose Valley Sheriff's detention facility in Ventura County: Provided design and drawings for over 200 inmate housing for the water distribution system including reservoir capacity analyses.

Completed entire environmental study required for discharge of brine into Arundell channel for release to ocean for Harris Water Conditioning, Inc., a water softening company in Ventura.

Completed preliminary environmental site assessment for various firms in the Ventura-Oxnard area.



Environment Site Assessment (Phase I) for the City of San Buenaventura Redevelopment Agency.

City of San Fernando's underground tank related evaluation and report was completed to address contamination, remediation and possible compliance with statutes.

Preliminary Engineering Report was prepared for five-city fire station of the City of San Buenaventura for underground tank rehabilitation. The report reviewed the immediate environmental activities and their relationship to the tank replacement project.

1979-84 Utilities Superintendent, City of Oxnard, Oxnard, CA

Served as manager of the Utilities Division for the City of Oxnard. Responsible for production, treatment, storage, distribution and maintenance of the City's water supply system. Also responsible for operation and maintenance of both the domestic and industrial wastewater collection and disposal systems. As Project Manager for water and wastewater construction programs, prepared long and short-range capital improvement programs. Prepared the Division budget, which was in excess of 18 million dollars annually. Established Division goals and objectives, managed personnel, and coordinated projects with other government agencies and private contractors.

1974-79 Civil Engineer, Ventura Regional Sanitation District, Ventura, CA

Responsible for preparing the 1976 County Solid Waste Management Plan and for evaluating resource recovery alternatives and recycling of solid waste. Managed hazardous wastes and administered the

County's wastewater reclamation program. Designed and constructed anti-litter stations and recycling centers. Provided technical consultation on operation of existing and development of proposed landfill sites. Trained wastewater treatment facility and solid waste landfill operators. Served as project

manager for the CETA program. Prepared grant applications and source control permits for industrial waste discharges.

1973-74 Engineer, Alderman, Swift and Lewis, Consulting Engineers, South Pasadena, CA

Responsible for designing reservoirs and water distribution systems, flood control and storm drainage facilities. Also worked in traffic engineering field.

***Selected Publications***

Drought is not a Four-Letter Word, Amazon Books, August, 2015

Negative Carbon via Ocean Afforestation, Special-Negative Carbon Technology issue of Process Safety and Environmental Protection, Elsevier Press, London, U.K. November 2012

Earthquake Damaged Sewer System Saved by Using Trenchless Technology, Proceedings of North American Society for Trenchless Technology, Seattle, WA, April 1997

Buyers Should Check Now or Pay Later, Ventura Sun, Ventura, CA, February 1993.

Problems of Land Disposal of Hazardous Wastes, Proceedings of the 2nd National Conference on Hazardous Materials, San Diego, CA, February 1979.

Resource Recovery from Small Tonnages, Solid Waste Systems, GRCDA, May 1975

***Languages***

Working knowledge of the languages besides English:  
Spanish, Hindi, Bengali, Urdu and Arabic

***Interests***

Real estate, Rotary, outdoor sports, longevity, family oriented arts and entertainment

---

**Mark Capron, M.S., P.E., M.ASCE**  
**Senior Project Manager**  
*Hasan Consultants*

***Education***

B.S., Civil Engineering, University of California, Berkeley, CA 1976  
M.S., Structural/Ocean Engineering, University of California, Berkeley 1981  
U.S. Navy Dive School, Officer's Basic Diving 1982

***Experience***

*2008-Present President of OceanForesters, Inc.*

OceanForesters is organizing regional Programme proposals for the UN Decade of Ocean Science for Sustainable Development (2021-2030). The OceanForesters Programme "Science Enables Abundant Food (SEAFood with Healthy Oceans)" merges living reefs, SEAFood ecosystem lifeboats, and water resource recovery. (The term "wastewater treatment" is outdated.)

The U.S. Department of Energy Advanced Research Projects Agency – Energy (ARPA-E) funded two OceanForesters-organized teams to find ways to grow seaweed-for-biofuel inexpensively and sustainably. The same knowledge of emerging water resource recovery industry technologies that are important to global scale ocean forests that appeals to ARPA-E will be important to the HCTP Master Plan:

- a) nutrient recycling – organic to inorganic C, N, and P conversions, ammonia and phosphate recovery and concentrating, etc.
- b) energy processes and the efficiency of nutrient recovery with that process – hydrothermal liquefaction, anaerobic digestion, supercritical carbon dioxide cycles, supercritical oxidation, etc.

OceanForesters led teams have won three "paid travel to present at ASCE Headquarters" awards in the 2016 and 2017 American Society of Civil Engineers' Innovation Contest. Both the 2016 "Best Overall" award and the 2017 award blend water resources recovery and ocean forestry.

FreshMining plans to recover metals from the ash leftover after Hydrothermal Liquefaction of biosolids.

*2009-September 2018 Ideas and Engineering for City of Thousand Oaks Treatment Plant, Environmental Manager of Hasan Consultants, and founder of FreshMining.*

Mr. Capron served as a part-time employee of the City of Thousand Oaks acting as Ideas and Engineering (a scientist-engineer) at HCTP. Mr. Capron helped HCTP staff select appropriate existing and emerging technologies, design, and build many repairs and process

improvements. HCTP's construction tools included HCTP staff and less-than-\$45,000 informal (three-bid minimum) construction contracts. A less-than-10% sample of projects:

- Drafted initial Integrated Water and Energy Master Plan.
- Increasing HCTP hydraulic capacity from 16 mgd to over 30 mgd with a vacuum pump that uses about two kWh/year. This project won a "presentation at WEFTEC" and the first such winner featured in Water Environment & Technology for the WEF Operator Ingenuity Contest.
- When a consultant recommended 8 to 10 turnovers/day to cure foaming issues in the anaerobic digesters, the HCTP team installed one (of five) larger mixing pump on a VFD. Unexpectedly, foaming was cured and biogas production remained the same by dialing down to 1-2 turnovers/day. The project switched from five bigger pumps to a VFD on each pump and obtained an energy saving rebate from Southern California Edison.
- Improved and standardized measurement of flow out of each of the six bioreactors. The four deep bioreactors have level sensors mounted on the weir gates so that changing the water level does not require resetting the zero-flow distance.
- Improved performance of the deep bioreactors with contracted computational fluid dynamics of the anoxic zones leading to: "doors" for each baffle wall, V-port knife gate air throttle valves, permanent ladders, inexpensive mixing of the mixed liquor channel, and tuning of the simple sidestream filtrate treatment.
- Found SENTRY-BOD and arranged a free "beta-test".

1989-2010 Senior Engineer, Ventura Regional Sanitation District, Ventura, CA

While Senior Engineer for Ventura Regional Sanitation District (VRSD), Mr. Capron completed several projects with VRSD-awarded construction contracts including:

- Installing pumps and over-the-top pipes converting the existing aeration basins into nutrient removal bioreactors (a multi-year trial prior to a capital improvement conversion);
- The hopper for the dewatering building;
- The truck scales for the new dewatering building.

Elsewhere at VRSD and for Triunfo Sanitation District (TSD), Mr. Capron was responsible for envisioning, finding funding, environmental documentation, detailed design, construction, and maintenance of water, recycled water, wastewater, and energy facilities. As TSD's engineer, he managed extensions of the TSD recycled water system and its transfer of ownership to Calleguas Municipal Water District.

While at VRSD, Mr. Capron led a team winning the California Water Environment Association's Engineering Innovation Award, the Ventura County Business Times' "Public Service Deal of the Year," and the American Public Works Association, Ventura County Chapter's "Project of the Year" for the \$5 million Saticoy Wastewater Improvements. The Saticoy project included the first use of GeoTubes for biosolids dewatering. He led a team installing a \$3 million invisible and odorless on-site wastewater treatment plant within 20 feet of bedroom windows for the Malibu Bay Club, using an energy conserving process. He solved a public health crisis by convincing 35 property owners to fund a \$750,000 sewer pipeline extension, which can serve 120 properties in the area with existing homes on failing septic tanks. Successfully demonstrated the nutrient removal capabilities of individual home-sized on-site wastewater treatment systems with 50% grant funding at the request of the California Water Resources Control Board.

1986-1989 Senior Project Engineer, Naval Civil Engineering Laboratory, Port Hueneme, CA

Responsible for recognizing naval facilities needs and connecting those needs with new technologies, procuring funding, and conducting research and development on new products. My team demonstrated that a relatively light netting fence could prevent suicide-bomb boats from getting close to Navy ships by using the terrorist's own speed against them.

1976-1986 Engineering Management Positions, U.S. Navy Civil Engineer Corps, Puerto Rico, Gulfport, MS, Guam, Mare Island, CA, Berkeley, CA, Brunswick, ME, Port Hueneme, CA

Responsible and in training for managing the US Navy's infrastructure construction and ensured safe conditions for the construction divers as the Diving Officer at Naval Civil Engineering Laboratory. As an assistant officer in charge of construction at Naval Air Station Brunswick, Maine, my change order rate was among the lowest in the Atlantic Division while managing \$20 million a year construction-in-place. Provided general engineering expertise to resolve nuclear safety issues for the Public Works Department while nuclear submarines were refueled at Mare Island Naval Shipyard.

**Membership**

Water Environment Federation, and California Water Environment Association  
American Society of Civil Engineers  
American Geophysical Union

**Publications**

- “Restoring pre-industrial CO<sub>2</sub> levels while achieving Sustainable Development Goals” *Energies* (2020).
- “Secure Seafloor Container CO<sub>2</sub> Storage.” OCEANS’ 13 MTS/IEEE San Diego Technical Program #130503-115 (2014)
- “Negative carbon via Ocean Afforestation” Special – Negative Carbon Technology issue of Process Safety and Environmental Protection, Elsevier Press, November 2012
- “Holistic Approach Needed” Water Environment & Technology, May 2009
- “Suggesting Judge Wiki,” UK Parliament Engineering: turning ideas into reality-Innovation, Universities, Science and Skills Committee, March 2009
- “Plankton Power” Civil Engineering, March 2008

**Patents**

Granted or pending, including:

- Hybrid Hydrothermal Liquefaction with Anaerobic Digestion.
- Dozens of innovations associated with Ocean Forestry.
- Concentrating the ammonia from anaerobic digestion from 1,000 mg/L to 10% ammonium sulfate for easier storage and use as fertilizer.
- Combining unique heating and mixing into unusually cost-effective geosynthetic anaerobic digesters for food waste, manure, and wastewater.
- Open ocean algal-biofuel, “Systems and Methods for off shore energy production with carbon dioxide sequestration.”
- Improving CCHP with integrated heat-to-electricity engines and absorption chillers.
- The US Navy acquired four patents and four technical bulletins while preserving rights to Mark E. Capron inventions.

---

**John R. Mundy, Grade 5, M.P.A.**  
*Project Manager*  
*Hasan Consultants*

***Education***

M.P.A., National University  
B.B.A., National University

***Experience***

*January 2013 – Present Senior Project Manager, Hasan Consultants*

Provide consulting services to cities in management and organizational support, strategic planning and policy development, organizational reviews, financial reviews, service and operational reviews and outreach program development. Senior Manager overseeing all projects at Hasan Consultants; consulting and directing managers and engineers.

*January 2004 – January 2013 Las Virgenes Municipal Water District General Manager*

Responsible for the overall management of the district's water, wastewater and recycled water enterprises through 119 employees. Combined Operating and Capital budget exceeded \$60 million annually. Worked with the board of directors in conducting strategic planning and formulating policies in meeting the district's core mission. Engaged regularly with the public and community leaders in furthering the service needs of the communities served.

*November 1996 - December 2003 Las Virgenes Municipal Water District Director of Facilities and Operations*

Led the planning, organization and direction of 75 staff members in treatment, production and quality control of the potable and recycled water systems, wastewater collection and treatment, wastewater recycling and biosolids reuse, and maintenance of all district facilities and equipment. Evaluated and recommended consultants for evaluation and design of facilities and operations.

Directed the preparation of O&M and CIP budgets exceeding \$39 million annually. Directed and participated in development and implementation of district goals and objectives with staff and the board of directors. Formulated and implemented departmental rules/procedures/policies. Directed preparation of technical/regulatory reports, meet and coordinate with regulatory agencies, and directed development of departmental training programs. Directed the preparation and presentation of Board reports and agenda items. Acted on behalf of the general manager in his absence.

November 1991 – November 1996 City of Santa Monica Utilities Manager

Management/budgeting/planning of the city's Water and Sewer Systems, Industrial Waste Inspection and Storm Water Programs, Utility Billing Office and City Cemetery. Directed the preparation of O & M and Capital Improvement budgets exceeding \$35 million annually. Managed the development of rates, revenue, and expense projections for water, sewer and cemetery enterprises. Developed and presented budgets, appropriation requests, utility rate revisions and municipal code changes to the City Council.

January 1986 - November 1991 City of Ventura Water Superintendent

Directed resource planning, operations, maintenance, and customer service and conservation activities of the city's water system. Developed and implemented division policies and procedures, reviewed development projects for impacts on water systems. Directed preparation of O&M and CIP budgets exceeding \$8 million annually.

February 1974 – November 1985 Ramona Municipal Water District Assistant General Manager & Director of Operations (January 1984 December 1985)

Oversaw district operations. Developed annual operating and CIP budgets exceeding \$8 million annually. Prepared agenda and recommendations to the board of directors.

Other Positions Held

Wastewater Superintendent & Lead Operator  
Lab Tech/Water Plant Operator  
Equipment Maintenance Mechanic

***Certifications***

Water Treatment Plant Operator Certificate; Grade 5  
Wastewater Treatment Plant Operator Certificate; Grade 5  
California Community College Teaching Credential

***Affiliations***

American Water Works Association  
American Public Works Association  
Water Pollution Control Federation

***Military***

United States Army, 1970-1973, Honorable Discharge

- Civil Engineering
- Environmental
- Traffic/Transportation
- Surveying
- Bio Energy

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Los Osos, CA 93402  
Tel 805.434.2804 fax 805.980.5886  
sage@sageii.com  
www.sageii.com

October 28, 2021

Mohammed A. Hasan  
Hasan Consultants  
P. O. Box 6385  
Ventura, CA 93006

**SUBJECT: Scope of Work, Schedule, and Cost Estimate for Preparation of a Pico Creek Instream Flow Management Plan for the San Simeon Community Service District**

Dear Mohammed:

Sage Institute, Inc. (SII) appreciates the opportunity to submit this scope of work, schedule, and cost estimate to prepare a Pico Creek Instream Flow Management Plan (IFMP) for the San Simeon Community Service District (SSCSD). I have prepared this scope of work based on our conversations and a detailed review of the Request for Proposal for Preparation of an Instream Flow Management Plan as Part of the Addendum to the District Master Plan (SSCSD, August 2021), the IFMP requirements as detailed by the California Department of Fish and Wildlife (CDFW), and recently published IFMP's.

### **Project Understanding & Approach**

The SSCSD provides several municipal services to the community. The SSCSD water service is a small community water system and does not meet the status of an Urban Water Supplier pursuant to Water Code Section 10617. As a result, the District is not required to prepare and Urban Water Management Plan and is exempt from various requirements mandated on Urban Water Suppliers. The District is currently working on the preparation of an addendum to the District's Master Plan (2018) based on certain requirements for Urban Water Management Plans (UWMP Standards) to obtain a determination of water that is available for new development. Per your request, this proposal includes scope of work, cost, and schedule information to prepare an IFMP to support the District's addendum to their 2018 Master Plan. Since the District established the existing water moratorium in 1986, the nature and extent of water conservation, water use efficiencies, implementation of water quality facilities, and an updated water license issued by the State Water Resources Control Board provide significant and substantial evidence indicating that repealing, or more likely, modifying the moratorium should be considered because objective evidence compels a conclusion that water is now available for new development.

The updated Master Plan will utilize standards established pursuant to the California Water Code for Urban Water Management Plans, to determine the amount of water that is now available for new development. The SSCSD has requested that the preparation of the Addendum to the District Master Plan include an IFMP to be conducted within Pico Creek. The main goal of the IFMP is to provide a collaborative work plan to guide the collection and analysis of high-quality science that is robust, credible, transparent, and relevant per CDFW requirements. In addition, the SSCSD intends the study to satisfy the recommendations stated within the North Coast Area Plan as provided in the County of San Luis Obispo General Plan.

## SII Statement of Qualifications

SII provides high quality and cost effective biological and environmental resources planning and regulatory compliance services for private and public sector clients throughout California. SII brings experience and expertise in addressing wetland and biological resources for a full range of projects including private development, golf courses, large linear utility infrastructure projects, remediation, roadways, water resources and flood control, municipal airports, habitat restoration, and regional habitat conservation planning. SII specializes in baseline biological and wetland resources studies, construction, restoration design and monitoring, regulatory compliance strategies, and permit process facilitation. We take pride in providing highly effective and efficient services to our diverse private and public clients.

SII staff has a thorough understanding of local aquatic ecology, including special-status species such as California red-legged frog, steelhead, and tidewater goby. SII staff is also strategically located in north and coastal San Luis Obispo County, and can mobilize quickly to collect required data during storm events. SII's principal, senior, and associate biologists are trained in the extensive flora and fauna of California. Currently, SII is providing consulting services for a number of large and small-scale private, infrastructure, energy, utility, and natural resource clients. SII biologists conduct special-status species surveys for rare plants and wildlife species known to occur in the region including, but not limited to, vernal pool branchiopods (fairy shrimp) under Recover Permit TE090849-2, California red-legged frog, California tiger salamander, least Bell's vireo, southwestern willow flycatcher, steelhead, and tidewater goby. The SII Team has professional affiliations with the Association of Environmental Professionals, American Planning Association, Society of Wetland Scientists, The Wildlife Society, California Botanical Society, Society for Ecological Restoration, California Invasive Plant Council, and California Native Plant Society.

SII has a long history of state and federal of Endangered Species Act compliance efforts throughout the state. SII staff has successfully implemented various Section 7 / Section 10 and Section 2081 permitting efforts from USACE, CDFW, USFWS, including coordinating and supporting large-scale multi-county Programmatic Biological Opinions and HCP's. SII is an approved San Luis Obispo County biological consultant, and we have most recently prepared Biological Assessment(s) within the Templeton Community Services District service area.

Jason Kirschenstein, SII Principal Biologist, will act as deputy project manager, technical lead, and lead Geographic Information System (GIS) analyst during preparation of the IFMP. Mr. Kirschenstein has been conducting biological and wetland resources studies and assisting clients with regulatory compliance services throughout San Luis Obispo County for over 20 years. He is an accomplished biologist with detailed field knowledge of San Luis Obispo County and threatened and endangered species that occur within the County. Mr. Kirschenstein has advanced GIS skills and experience that will be key to species and conservation analysis. Mr. Kirschenstein's proficiency with advanced GPS technology, AutoCAD applications, image processing software, database management, and other GIS-related equipment enhances his overall GIS production and management capabilities.

Mr. Kirschenstein is also well versed in the planning process and has successfully performed as an integral member of planning and design teams where he has provided biological and regulatory compliance insight for local agencies, utility companies, and private development projects. Mr. Kirschenstein has conducted numerous biological surveys and is experienced in preparing biological assessments related to flora, fauna, endangered species, and sensitive habitats. Mr. Kirschenstein is well versed in construction and mitigation monitoring and habitat restoration design / implementation.

Mr. Kirschenstein has also managed the preparation of U.S. Fish and Wildlife Service Section 7 and Section 10 documentation per the Federal Endangered Species Act and CDFW Section 2081 take authorization documentation per the California Endangered Species Act. Mr. Kirschenstein has worked closely with local agencies on permitting and environmental compliance projects.

SII staff have been conducting biological resources studies and preparing mitigation plans for public and private sector clients in San Luis Obispo County (County) for over 20 years. We understand the importance and timely nature of this “marriage” of local land use planning with federal and state biological resource regulations. SII is uniquely qualified to facilitate and complete the proposed scope of work for the reasons summarized below.

- Dedication of principal level biologist with skills directly related to all aspects of this project without the staff dilution and cost inefficiencies typical of project teams with an extensive organizational hierarchy.
- An unequalled understanding of the conservation needs of species through the lens of public and private sector project approvals and local, state and federal environmental review processes. SII excels at understanding the land use and regulatory context that are the umbrella under which biological resources studies are conducted.
- Decades of project team experience directly related to the conservation planning and public participation process in San Luis Obispo county.
- SII’s unbiased and objective approach based on our skills and experience gleaned from preparing single and multiple species Habitat Conservation Plans, developing multiple species conservation strategies for Endangered Species Act Biological Opinions, and providing biological resources and regulatory compliance services for city and county governments, public utilities, special districts (airports, water districts, flood control districts), and private development interests.

### Organization and Structure

SII is a California Corporation and a “boutique” environmental consulting firm with full time staff and part time field biologists. SII prides itself on the dedication of principal level involvement for all our clients and projects. With our staff focused on our projects and client services, there is very little vertical structure in our approach to providing our high-level consulting services.

SII is dedicating principal level staff to all aspects of the Conservation Program development process. As stated above, we offer a focused team with extensive biological resources and GIS skills with a true understanding of the context under which a successful Conservation Program can be approved. We feel this is a cost-effective approach that eliminates inefficient horizontal/vertical organizational structure commonly applied to regional habitat plans. Our approach will allow for easy communication between SII and all stake holders throughout the process for both scheduled meetings as well as ongoing communications for updates, questions, and impromptu meetings as needed to keep the project moving forward.

Simply stated, we have the skills, dedication, and the commitment to the process to develop a technically sound IFMP for Pico Creek that will be embraced by the regulated public and stakeholder interests.

### Project Communications

Successful development of a scientifically defensible IFMP will require close coordination with all stakeholders. As indicated above, SII utilizes an organizational structure that minimizes redundant or unnecessary communications so time can be focused on efficiently accomplishing the project goals. In this spirit, Mr. Kirschenstein would act as the primary contract manager, project manager, and subject matter expert for SII.

SII will approach the development of the IFMP with a clear understanding of the context of the process from all agency and stakeholder interests. We clearly understand that this is a land use process for both development and the conservation of biodiversity in the region. Neither can be addressed in separately in a vacuum if there is to be success. We believe this approach will be a sound foundation for educating the public and providing the context of the program during the public scoping meetings and stakeholder group meetings.

### **Proposed Work Plan**

SII is proposing to prepare an IFMP for Pico Creek that meets the requirements of CDFW and other stakeholders as described below. The study will be developed in full compliance with the current and readily accessible CDFW Instream Flow Program guidelines. The following Tasks have been identified for this effort:

#### **Task 1: Project Coordination & Communication**

Task 1 includes initial and ongoing project coordination and communication as needed to complete project goals.

- Preparation for and attendance at a kick-off meeting with the SSCSD and Hasan Consultants.
- Assist with Technical Advisory Committee (TAC) establishment.
- Preliminary grant options review.
- Attendance by a SII Principal Biologist at up to ten (10) public / Board of Director meetings or public scoping sessions.
- As-needed project coordination and communications.

#### *Assumptions:*

- It is assumed the TAC will be similar to those identified for the pending San Simeon Creek IFMP. SII is proposing to utilize this list as a baseline for establishing agency stakeholders and will act as team lead for stakeholder coordination.
- Kick-off meeting will be attended by one Principal and one Senior level staff members.
- A preliminary review of grant opportunities will be conducted per CDFW guidance and input from the TAC. An additional scope and cost estimate may be required for grant application preparation. Assumes one Principal Biologist for up to 8 hours for preliminary grant review.

#### *Deliverables:*

- Draft Kick-off meeting agenda
- Weekly updates including schedule information and milestones.
- Draft TAC list for review and approval

## Task 2: Review of Existing Documents and Data

SII staff will utilize existing planning documents, focused studies, and GIS data to the extent it is available for public use. It is our understanding that the following documents and data will be provided by the SSCSD for use in the analysis:

- San Simeon CSD Master Plan (2018)
- Pico Creek Groundwater Availability Study (2014)
- SSCSD Water Conservation Plan (2016)
- Water Usage Calculations (2014)
- Water Wait List Reconciliation (2020)
- Water License issued by the State Water Board (2012)
- Water Treatment Capabilities
- North Coast Area Plan (Revised October 5, 2018)

### *Assumptions:*

- Task 2 will rely heavily on historic baseline data provided by the SSCSD. The Cambria CSD will be contacted for other relevant baseline data that may assist with preparing and calibrating the IFMP.

### *Deliverables:*

- A spreadsheet summarizing all resources reviewed will be provided to the SSCSD after completion of this task. At a minimum the database will include source information, a list of what data will be utilized in the IFMP, and a summary of the overall usefulness of the information.

## Task 3: Instream Flow Management Plan Data Collection & Preparation

A formal study plan will likely be required for TAC and public agency approval. SII proposes to coordinate directly with the TAC develop a plan that meets or exceeds the CDFW guidelines. Early coordination with the TAC will occur to define a study area, finalize data collection methodology, and to further refine the biological resource and baseline data requirements that will be key components of the study plan. SII will also follow CDFW's Instream Flow Incremental Methodology (IFIM), which includes five riverine components (biology, hydrology, geomorphology, water quality and connectivity) that are reviewed when developing instream flow criteria. The development of instream flow criteria will provide information on important factors in Pico Creek, such as:

- Relationships of flow to aquatic habitat
- Aquatic habitat suitability
- Stream temperature
- Channel geomorphology
- Riparian habitat and restoration activities
- Temporal and spatial hydrologic characteristics of flow regimes
- Fish population abundance, distribution and dynamics
- Aquatic invertebrate production

Onsite field data collection will occur as required by the CDFW guidelines and will be scheduled to maximize success of data collection to obtain critical Watershed Flow Criteria data such as, but not limited to, Sensitive Period Indicator Flows and Salmonid Passage Flows (as defined by CDFW). Based on

review of other final IFMP's, ideally data collection would occur from winter 2021/2022 through spring 2023.

*Assumptions:*

- Assumes one study reach will be required with up to 10 survey transects. Will require confirmation and refinement during Task 1.

*Deliverables:*

- Two (2) drafts and one (1) final IFIM (hard copy and digital format as requested)
- Two (2) drafts and one (1) final IFMP (hard copy and digital format as requested)
- Compiled GIS database with all relevant data used in the analysis.

### **Representative Local / Public Agency References**

- City of Arroyo Grande
- City of Buellton
- City of Grover Beach
- City of Paso Robles
- City of Pismo Beach
- City of San Luis Obispo
- City of Santa Maria Utilities Department
- Heritage Ranch Community Services District
- San Luis Obispo County, Approved Consultant List
- Santa Barbara County, Approved Consultant List
- School Districts (various)
- Templeton Community Services District
- Westlake Lake Management Association

### **Schedule**

SII is prepared to begin immediately on this scope of work upon completion of a written agreement and your authorization to proceed. A refined schedule will be prepared after completion of Task 1, but for the purposes of this proposal it is assumed Task 1 would be completed by March 1, 2022, Task 2 would be completed by July 1, 2022, and Task 3 would be completed by May 2023. SII is accustomed to quickly revising draft documents based on multiple sources of input. Depending on complexity of comments received on draft documents, it is anticipated that final version documents can be produced from one (1) to four (4) weeks from date of the draft submittal.

## Cost Estimate

SII is prepared to begin immediately on this scope of work for a not-to-exceed cost of \$49,960.00 as summarized below in Table 1.

**Table 1 - Cost Estimate and Hourly Rates**

	Principal Biologist	Senior Biologist	Cost
	\$155/hr	\$125/hr	
Task 1 - Project Coordination & Communication	48	12	\$8,440.00
Task 2 - Review of Existing Documents and Data	48	24	\$10,440.00
Task 3 - Instream Flow Management Plan Data Collection & Preparation	136	72	\$29,080.00
<b>Labor Subtotal</b>	<b>232</b>	<b>108</b>	<b>\$47,960.00</b>
	Direct Expenses		\$2,000
	<b>Total</b>		<b>\$49,960.00</b>

## Insurance Requirements

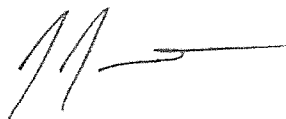
SII fully meets the minimum insurance requirements per section IX if the RFP.

## Equal Opportunity Employment Compliance

Sage Institute, Inc. is an equal opportunity employer and makes employment decisions on the basis of merit. We want the best available persons in every job. Company policy prohibits unlawful discrimination based on race, color, creed, gender, religion, marital status, registered domestic partner status, age, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics or is associated a person who has or is perceived as having any of those characteristics. All such discrimination is not tolerated and is unlawful. SII is currently a registered Small Business with the State of California (#2006285) and is a certified Woman Business Enterprise (WBE) with the California Public Utilities Commission (#14080030).

Thank you very much for considering SII for your regulatory compliance consulting services. Please contact me if you have any questions or need any additional information. I look forward to hopefully working with you on this project.

Very truly yours,



Jason Kirschenstein, Principal Biologist  
805.748.1519; jason@sageii.com

## **6. D. Business Items**





## **BUSINESS ACTION ITEM STAFF REPORT**

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### **ITEM 6.D. APPROVAL OF A PROPOSAL FROM COOPERATIVE STRATEGIES FOR DISTRICTING SERVICES NOT TO EXCEED THE AMOUNT OF \$25,090.00.**

#### Background:

The San Simeon Community Services District (District) currently elects its Board through an at-large electoral system in which each Board member may reside anywhere within the District's boundaries, is elected by the entire electorate, and the candidates with the most votes fill the open seats. This electoral system is known as the "multi-seat plurality electoral system."

The California Voting Rights Act (CVRA) allows for legal challenges alleging that an at-large system has resulted in racially polarized voting within a jurisdiction and the ability to seek a court order that a jurisdiction convert to a by-district election system. Racially polarized voting" under the CVRA means voting in which there is a difference between the choice of candidates or other electoral choices that are preferred by voters in a protected class and in the choice of candidates and electoral choices preferred by voters in the 'rest of the electorate', and in which the candidates preferred by 'the rest of the electorate' defeat the candidates preferred by the protected class voters. A by-district based electoral system is one in which a jurisdiction is divided into separate geographic districts, each with one representative who resides in the district and is elected only by the voters residing within the district. In a by-district system, voters within each district may vote for only one candidate. "

Moving to a by-district election system is the 'safe harbor' under the California Voting Rights Act that prevents a CVRA lawsuit alleging the dilution of protected class voting strength. As a result, staff and legal counsel examined the various alternative approaches considering recent legal decisions and what would protect the District from lawsuits under the CVRA. While alternative election systems may enhance a District's defense in a CVRA lawsuit, none currently provides a safe harbor from being sued under the CVRA except for moving the District to by-district elections.

#### Discussion:

As part of the District's diligence in conducting its business consistent with laws and regulations that promote well governed communities, the Board adopted Resolution 21-430 on February 11, 2021. This Resolution declared its intention to transition from at-large to District-based elections by November 2022. The Board authorized the General Manager to contract with a Demographer to begin drawing District maps.

GES staff contacted three vendors to obtain quotes.

1. National Demographics Corporation – Non-responsive
2. Redistricting Strategies - \$8,500.00 – Provided a quote to review the demographics for San Simeon CSD to determine potential need to convert to by-area election.
3. Cooperative Strategies - \$20,050.00 – Provided a quote to perform voting area creation services.

RECOMMENDATION:

Staff recommends that the Board approves the proposal from Cooperative Strategies for districting services and authorize the General Manager to execute an agreement with Cooperative Solutions for an amount not to exceed \$20,050.

Enc: Proposal - Cooperative Strategies  
Proposal – Redistricting Strategies



# ▶ **VOTING AREA CREATION SERVICES**

SAN SIMEON COMMUNITY SERVICES DISTRICT

**OCTOBER 26, 2021**



**COOPERATIVE**  
**STRATEGIES**  
ASSESS • PLAN • FUND • BUILD

## ▶ LETTER OF INTEREST

**Mr. Charles Grace & Ms. Cortney Murguia**

c/o San Simeon Community Services District  
111 Pico Avenue  
San Simeon, CA 93452

**Re: Proposal to Provide Voting Area Creation Services**

10/26/2021

Dear Mr. Grace & Ms. Murguia:

Cooperative Strategies, LLC is pleased to submit the enclosed proposal ("Proposal") to provide demographic services in compliance with the California Voting Rights Act ("CVRA") for San Simeon Community Services District ("SSCSD" or "District").

For more than 25 years, Cooperative Strategies has provided services to public agencies throughout California. Our philosophy is to provide relationship-based consulting services and to thoroughly understand our clients' specific needs.

Given our long history of working with public agencies and our expertise in analyzing and evaluating demographic data, Cooperative Strategies is uniquely qualified to assist SSCSD with demographic services in relation to compliance with the CVRA. We've provided similar services to more than 50 public agencies across the State of California ("State") which makes us intimately familiar with the requirements under the CVRA and the Federal Voting Rights Act ("FVRA").

We stand by our philosophy of acting as an advocate for our clients, and therefore only serve public agencies in these matters. We also offer simplified pricing with a single fee that includes all meetings required under applicable laws. Thank you for the opportunity to submit the enclosed proposal. Should you have any questions, please do not hesitate to contact me as I will serve as the primary point of contact for SSCSD.

Sincerely,



**David Lopez**  
**Executive Director**

▶ TABLE OF CONTENTS

SECTION	PAGE
<b>SCOPE OF SERVICES .....</b>	<b>1</b>
<b>KEY PERSONNEL .....</b>	<b>7</b>
<b>PAST PROJECTS .....</b>	<b>11</b>
<b>REFERENCES.....</b>	<b>16</b>
<b>FEE PROPOSAL .....</b>	<b>18</b>

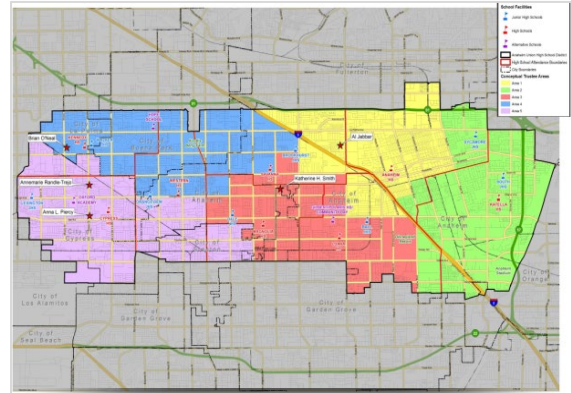


# SCOPE OF SERVICES

## VOTING AREA CREATION

Cooperative Strategies has aided a number of public agencies throughout the State with the creation and implementation of voting areas. When drawing voting areas, we utilize the following legal considerations:

- Each area shall contain nearly equal number of inhabitants based on total population with a variance of up to 10 percent between the largest and smallest areas
- Comply with the FVRA in that member of a protected class do not have their voting rights diluted through the creation of voting areas
- Be compact and contiguous, as much as possible
- Follow man-made and natural geographic features, as much as possible
- Respect incumbency where possible
- Consider other local criteria



Once several maps that meet the above criteria are created, we review them with District staff and legal counsel to ensure legal compliance. The maps are then shared with the governing board for review and comment prior to receiving public input. Public input can take the form of public hearings at board meetings or in town hall meetings across the District where community members can review the information and provide feedback.

After all feedback is compiled, the governing board can adjust the maps as it desires before ultimately deciding on the map that best meets the needs of the community. Cooperative Strategies then aids in the approval and adoption process to finalize and implement the new voting area election method. The following scope of work outlines the specific activities and tasks involved in Cooperative Strategies' voting area creation services.

# STATEMENT OF WORK

## Voting Area Creation

ACTIVITY & TIMING	TASKS
<p><b>1.</b></p> <p><b>Goals, Priorities and Data Analysis</b></p>	<p><b>1.A. Identify Goals and Priorities</b></p> <p>This task involves determining the goals the District has for the redistricting process. This determination will be based on Elections Code, including the California Voting Rights Act and Federal Voting Rights Act. Goals and priorities may or may not take into account:</p> <ul style="list-style-type: none"> <li>• Balanced Population (One Person, One Vote)</li> <li>• Civic Boundaries</li> <li>• Community Identity</li> </ul>
	<p><b>1.B. Identify Key Issues and Considerations</b></p> <p>This task involves identifying the key issues and considerations involved in creating Voting Areas. These may include legal issues, compliance with federal and State regulations, constituent/community concerns, as well as others.</p>
	<p><b>1.C. Discuss Requirements with Legal Counsel</b></p> <p>This task involves discussing the list of items identified in Tasks 1.A. and 1.B. with staff of the District and their counsel to ensure compliance with all applicable legal, statutory, and organizational requirements.</p>
	<p><b>1.D. Prepare Census Data Analysis for Voting Areas</b></p> <p>This task involves analyzing 2020 Census data to obtain information on population within the District as well as to use in creating conceptual Voting Areas.</p>
	<p><b>1.E. Evaluate Population of Community</b></p> <p>This task involves evaluating the demographics of the District based on data from the United States Census.</p>



<b>ACTIVITY &amp; TIMING</b>	<b>TASKS</b>
	<p><b>1.F. Attend and Present at Public Hearings</b></p> <p>This task involves Cooperative Strategies attending and presenting at the two (2) pre-map public hearings at meetings of the Governing Board of the District to gather input from the community and Board of Directors.</p>
<p><b>2.</b></p> <p><b>Prepare and Present Scenarios</b></p>	<p><b>2.A. Create Conceptual Voting Areas</b></p> <p>This task involves using Census data and GIS data gathered in Task 1.D. and input received in Task 1.F. to prepare three (3) conceptual Voting Area scenarios. This task will involve preparing alternative Voting Area boundary proposals for consideration, including maps and demographic data for comparative purposes.</p>
	<p><b>2.B. Present Recommendations to Staff</b></p> <p>This task involves presenting conceptual Voting Areas to District staff for their review and consideration. Cooperative Strategies will prepare deliverables and a presentation with the goal of refining the recommendations that will be delivered to the Board.</p>
	<p><b>2.C. Present to Board of Directors</b></p> <p>This task involves three (3) meetings to present the scenarios from Task 2.B. to the Board for comment and review. These meetings include the public hearings required prior to approval by the Governing Board.</p>
	<p><b>2.D. Assist in Public Outreach</b></p> <p>This task involves assisting in a public outreach effort to present conceptual scenarios to the public and solicit feedback from constituents on the scenarios.</p>
	<p><b>2.E. Revise Scenarios</b></p> <p>This task involves revising the conceptual scenarios based on feedback from the public and the Board.</p>
	<p><b>2.F. Present Revised Scenarios to Board of Directors</b></p> <p>This task involves presenting the revised scenarios to the Board for consideration and approval of new Voting Areas.</p>

<b>ACTIVITY &amp; TIMING</b>	<b>TASKS</b>
	<p><b>2.G. Assist in Implementation Process</b></p> <p>This task involves assisting in ensuring documentation is provided to the County offices to implement the change in Voting Areas.</p>



# KEY PERSONNEL

YOUR TEAM OF EXPERTS



**DAVID LOPEZ**  
**EXECUTIVE DIRECTOR**

David Lopez brings over 25 years of experience in managing project teams within the client service industry. He assists both Public Agencies and Local Education

Agencies with utilization of Community Facilities Districts ("CFDs") as facilities funding options, trustee area redistricting, facilities master planning efforts, enrollment projections, developer impact fee studies, redevelopment services and other specialized demographic needs.

In addition to being actively involved with client relations and outreach endeavors nationwide, David presents training topics at COE-sponsored meetings and various regional events hosted by and for public agencies.

**Education**

- B.A., American History, University of California, Berkeley

**Areas of Expertise**

- CFD Formation & Administration
- Trustee/Voting Areas
- Community Engagement
- Demographic Studies
- Enrollment Projections
- Facilities Master Planning
- Redevelopment

**Notable Accomplishments**

- Currently serves over 100 Public Agencies clients throughout 16 CA counties
- Involved in the formation of more than 50
- CFDs from 2008 to present

**Sample Experience**

**Apple Valley Unified School District, CA**  
*Capacity Analysis, Developer Fee Justification Studies, Facilities Usage Fee Studies*

**City of Beverly Hills, CA**  
*Disclosure Compliance Services; CFD Administration*

**Conejo Valley Unified School District, CA**  
*Developer Fee Justification Studies, Enrollment Projections, myschoolLOCATION, Trustee/ Voting Areas*

**East Orange County Water District, CA**  
*Trustee/Voting Areas*

**Lodi Unified School District, CA**  
*Developer Fee Justification Studies; Enrollment Projections; Facilities Master Planning; Facilities Usage Fees; myschoolLOCATION*

**Los Osos Community Services District, CA**  
*Trustee/Voting Areas*

**Menifee Union School District, CA**  
*CFD Administration; CFD Formation; Demographic Analysis; Developer Negotiations; Enrollment Projections; Funding Programs*

**Paso Robles Joint Unified School District, CA**  
*Redevelopment, Developer Fee Justification Studies, Attendance Boundaries, Trustee/Voting Areas*

**Perris Elementary School District, CA**  
*CFD Administration, Clean Energy Services, Developer Fee Justification Studies, Redevelopment, Trustee/Voting Areas*

**San Miguel Joint Union School District, CA**  
*Trustee/Voting Areas*

**Santa Ynez Valley UHSD, CA**  
*Developer Fee Justification Studies*

**Simi Valley Unified School District, CA**  
*Developer Fee Justification Studies, Facilities Usage Fee Studies*

**Victor Elementary School District, CA**  
*CFD Administration; Continuing Disclosure; Enrollment Projections, Trustee/Voting Areas*



## **JUSTIN RICH EXECUTIVE DIRECTOR**

Justin Rich brings over 15 years of experience in school facilities planning and finance. He assists both Public Agencies and Local Education Agencies with their facilities master planning efforts, specialized demographic analyses, and municipal advisory services. He has been involved in numerous community outreach efforts related to trustee area redistricting, facility planning, general obligation bond elections, and school attendance boundaries/closures.

In addition to being actively involved with client relations and outreach endeavors, Justin has presented on various topics at industry conferences and events.

### **Education**

- M.P.A., Public Administration, California State University, Long Beach
- B.A., Political Science, University of California, Los Angeles

### **Areas of Expertise**

- Trustee/Voting Areas
- Facilities Master Planning
- Community Engagement
- Development Impact Analyses
- Boundary Planning

### **Notable Accomplishments**

- MSRB Series 50, Municipal Advisor Representative.
- Advised on nearly \$7 billion in municipal bond transactions for school districts and community college districts.
- Facilitated multiple community outreach processes and townhall forums related to facilities master plans, school attendance boundary adjustments and school closures.

### **Sample Experience**

**Riverside Community College District, CA**  
*Trustee/Voting Areas*

**Riverside Unified School District, CA**  
*Trustee/Voting Areas*

**Castro Valley Unified School District, CA**  
*Bond Election Services; Financial Advisory*

**Lake Elsinore Unified School District, CA**  
*Boundary Planning; Developer Fee Justification Studies; Facilities Master Planning; Demographic Analysis; Developer Negotiations*

**Menifee Union School District, CA**  
*Financial Advisory; Demographic Analysis; Developer Negotiations; Enrollment Projections*

**Moreland School District, CA**  
*Boundary Planning; Developer Fee Justification Studies*

**Mountain View School District, CA**  
*Developer Negotiations; Developer Fee Justification Studies; Bond Election Services; Financial Advisory*

**Norris School District, CA**  
*Facilities Master Plan; Financial Advisory*

**Oakley Union Elementary School District, CA**  
*Bond Election Services; Financial Advisory*

**Pasadena Unified School District, CA**  
*Boundary Planning; Developer Fee Justification Studies; Redevelopment*

**Richland School District, CA**  
*Facilities Master Planning; Developer Fee Justification Studies; Enrollment Projections*

**San Dieguito Union High School District, CA**  
*Long Range Facilities Task Force; Bond Election Services; Financial Advisory*

**San Gabriel Unified School District, CA**  
*Developer Fee Justification Studies, Facilities Usage Fee Studies*



**ANDREW BISHOP  
SENIOR ASSOCIATE  
DIRECTOR**

Andrew Bishop has provided financial, demographic, and cartographic services to a wide variety of public agencies since 2005. His expertise with Geographic Information Systems has helped illustrate a variety of demographic and facilities planning services for hundreds of school districts, cities, and special districts.

Andrew also has extensive experience in calculating student generation rates to determine future student enrollment and the resulting impact on school facilities.

**Education**

- B.A., Geography, University of California, Los Angeles

**Areas of Expertise**

- Geographic Information Systems
- Trustee/Voting Areas
- School Facilities Needs Analyses
- Enrollment Projections
- Capacity Analyses
- Assessment District Administration
- Developer Fee Justification Studies

**Notable Accomplishments**

- Finalist, NYC Department of Education Call for Innovations, Enhancing School Zoning Efforts by Predicting Population change

**Sample Experience**

**Anaheim Elementary School District, CA**

*Trustee/Voting Areas*

**Beverly Hills Unified School District, CA**

*Developer Fee Justification Studies*

**Bonita Unified District, CA**

*Developer Fee Justification Studies; RIMD Administration*

**Fremont Unified School District, CA**

*Developer Fee Justification Studies; Enrollment Projections; School Facilities Needs Analyses*

**Hesperia Unified School District, CA**

*Annual & Five-Year Reports; Developer Fee Justification Studies; Enrollment Projections; School Facilities Needs Analyses*

**Irvine Unified School District, CA**

*Annual & Five-Year Reports; Developer Fee Justification Studies; RIMD Administration; School Facilities Needs Analyses*

**Marin County Office of Education**

*Trustee/Voting Areas*

**Menifee Union School District, CA**

*Annual & Five-Year Reports; Developer Fee Justification Studies; School Facilities Needs Analyses*

**North Orange County Community College District**

*Trustee/Voting Areas*

**Palm Springs Unified School District, CA**

*Developer Fee Justification Studies*

**Redondo Beach Unified School District, CA**

*Boundary Planning; Developer Fee Justification Studies; Enrollment Projections*

An aerial photograph of a residential neighborhood, showing a grid of streets, numerous houses with red and brown roofs, and green trees. The image is darkened to serve as a background for the text.

# PAST PROJECTS

PROVEN SUCCESS STORIES

## PAST PROJECTS

Please see below for a list of some of the agencies we have previously assisted or are being provided similar services by our firm at this time. Please note, we cannot disclose a full list of our clients for whom we have performed liability analysis services as many engaged our services through legal counsel which remain under attorney-client privilege.

District Name	Location	Service Type
Adelanto Elementary School District	San Bernardino County	Voting Area Creation Services
Alta Loma School District	San Bernardino County	Voting Area Creation Services
Alvord Unified School District	Riverside County	Voting Area Creation Services
Anaheim Elementary School District	Orange County	CVRA Analysis & Voting Area Creation Services
Anaheim Union High School District	Orange County	Voting Area Creation Services
Antelope Valley Union High School District	Los Angeles County	Voting Area Creation Services
Antioch Unified School District	Contra Costa County	Voting Area Creation Services
Apple Valley Unified School District	San Bernardino County	Voting Area Creation Services
Banning Unified School District	Riverside County	Voting Area Creation Services
Beaumont Unified School District	Riverside County	Voting Area Creation Services
Benicia Unified School District	Solano County	Voting Area Creation Services
Bonsall Unified School District	San Diego County	Voting Area Creation Services



<b>District Name</b>	<b>Location</b>	<b>Service Type</b>
City of Garden Grove	Orange County	CVRA Analysis
Conejo Valley Unified School District	Ventura County	Voting Area Creation Services
Corona-Norco Unified School District	Riverside County	Voting Area Creation Services
Davis Joint Unified School District	Yolo County	Voting Area Creation Services
Desert Sands Unified School District	Riverside County	Voting Area Creation Services
Diablo Water District	Contra Costa County	Voting Area Creation Services
Dublin Unified School District	Alameda County	Voting Area Creation Services
East Orange County Water District	Orange County	Voting Area Creation Services
Etiwanda School District	San Bernardino County	Voting Area Creation Services
Exeter Ambulance District	Tulare County	Voting Area Creation Services
Fallbrook Union High School District	San Diego County	Voting Area Creation Services
Fullerton School District	Orange County	Voting Area Creation Services
Garden Grove Unified School District	Orange County	Voting Area Creation Services
Hacienda La Puente Unified School District	Los Angeles County	Voting Area Creation Services
Hesperia Unified School District	San Bernardino County	Voting Area Creation Services
Hueneme Elementary School District	Ventura County	Voting Area Creation Services

<b>District Name</b>	<b>Location</b>	<b>Service Type</b>
Imperial Valley Community College District	Imperial County	Voting Area Creation Services
La Mesa-Spring Valley School District	San Diego County	Voting Area Creation Services
Lincoln Unified School District	San Joaquin County	Voting Area Creation Services
Moorpark Unified School District	Ventura County	Voting Area Creation Services
Moreno Valley Unified School District	Riverside County	Voting Area Creation Services
Mt. Diablo Unified School District	Contra Costa County	Voting Area Creation Services
North Orange County Community College District	Orange County	Voting Area Creation Services
Novato Unified School District	Marin County	Voting Area Creation Services
Oakley Union Elementary School District	Contra Costa County	Voting Area Creation Services
Ojai Unified School District	Ventura County	Voting Area Creation Services
Ontario-Montclair School District	San Bernardino County	Voting Area Creation Services
Oxnard School District	Ventura County	CVRA Analysis & Voting Area Creation Services
Palm Springs Unified School District	Riverside County	Voting Area Creation Services
Perris Elementary School District	Riverside County	Voting Area Creation Services
Redlands Unified School District	San Bernardino County	Voting Area Creation Services

<b>District Name</b>	<b>Location</b>	<b>Service Type</b>
Rim of the World Unified School District	San Bernardino County	Voting Area Creation Services
Riverside Community College District	Riverside County	Voting Area Creation Services
Romoland School District	Riverside County	Voting Area Creation Services
Rowland Unified School District	Los Angeles County	Voting Area Creation Services
San Juan Unified School District	Sacramento County	Voting Area Creation Services
San Mateo County Community College District	San Mateo County	Voting Area Creation Services
Santa Paula Unified School District	Ventura County	Voting Area Creation Services
Santa Rosa City Schools	Sonoma County	Voting Area Creation Services
Snowline Joint Unified School District	San Bernardino County	Voting Area Creation Services
South Whittier School District	Los Angeles County	Voting Area Creation Services
Temecula Valley Unified School District	Riverside County	Voting Area Creation Services
Val Verde Unified School District	Riverside County	Voting Area Creation Services
Vallecitos Elementary School District	San Diego County	Voting Area Creation Services
Vallejo City Unified School District	Solano County	Voting Area Creation Services
Victor Elementary School District	San Bernardino County	Voting Area Creation Services
Victor Valley Union High School District	San Bernardino County	Voting Area Creation Services

An aerial photograph of a residential neighborhood, showing a grid of streets, numerous houses with various roof colors (red, brown, grey), and green trees. The image is darkened to serve as a background for the text.

# REFERENCES

TRANSPARENCY IS TRUST

CLIENT	CONTACT INFORMATION
Conejo Valley Unified School District	Dr. Victor Hayek Deputy Superintendent 805.498.4557 VHayek@conejousd.org
Diablo Water District	Dan Muelrath General Manager 925.625.3798 dmuelrath@diablowater.org
Garden Grove Unified School District	Dr. Gabriela Mafi Superintendent 714.663.6000 gmafi@ggusd.us
North Orange County Community College District	Fred Williams Vice Chancellor 714.808.4746 fwilliams@nocccd.edu
Oakley Union Elementary School District	Cindy Peterson Assistant Superintendent 925.625.5054 cpeterson@ouesd.k12.ca.us
Paso Robles Joint Unified School District	Brad Pawlowski Assistant Superintendent 805.769.1000 bpawlowski@pasoschools.org

An aerial photograph of a residential neighborhood, showing a grid of streets, numerous houses with brown and grey roofs, and green trees. The image is overlaid with a semi-transparent dark grey filter. The text "FEE PROPOSAL" is centered in white, bold, sans-serif font.

# FEE PROPOSAL

The proposed fee for Cooperative Strategies to perform the services as described in Section I of this Proposal is outlined below. This fee includes attendance at up to five (5) meetings at the District (public hearings, Board meetings and community input meetings), as well as scenario creation and mapping services.

SERVICE DESCRIPTION	PROPOSED FEE
Voting Area Creation	\$21,500 (Plus Expenses)

Should the District wish to utilize a web-based tool for members of the community to provide scenarios or revise map options, there shall be an additional fee of \$5,000 for such service.

Should the District request attendance at additional meetings beyond those identified in Exhibit A, attendance is not guaranteed and will be subject to limited availability. If available, attendance may be virtual and the fee shall be \$850 per additional meeting.

## **AGREEMENT FOR CONSULTING SERVICES**

THIS AGREEMENT FOR CONSULTING SERVICES ("Agreement") is made and entered into this \_\_\_ day of \_\_\_\_\_ 2021 ("Effective Date"), by and San Simeon Community Services District at 111 Pico Avenue, San Simeon, CA 93452, hereinafter called "Client", and Cooperative Strategies, LLC at 2855 Michelle Drive, Suite 230, Irvine, CA 92606, hereinafter called "Consultant". The Client and the Consultant in consideration of the mutual promises and conditions herein contained agree as follows:

### **ARTICLE I.** **SERVICES TO BE PERFORMED BY CONSULTANT**

**Section 1.1** Services, Statement of Work. Client hereby retains Consultant to perform the services ("Services") set forth in the Statement of Work (the "SOW") attached as Exhibit A to this Agreement, which is hereby incorporated by reference. In the event of a conflict between this Agreement and the SOW, the SOW shall prevail for the purposes of such SOW only.

**Section 1.2** No Agency. The relationship of the Parties is that of independent contractors. Nothing herein will be deemed to create an employment, agency, joint venture, or partnership relationship between the Parties or any of their agents or employees. Neither Party will have the power to enter into any contracts or to incur any liabilities on behalf of the other.

### **ARTICLE II.** **OWNERSHIP; USE**

**Section 2.1** Consultant Materials. Consultant owns any and all work product created in the performance of this Agreement, including all intellectual property rights therein, including, but not limited to: (a) computer software (including financial models, compilations of formulas and spreadsheet models), inventions, designs, programs, improvements, techniques, ideas, concepts, trade secrets and know-how, proprietary models, processes and methods, and (b) reports, drawings, templates, specifications, computer files, field data, notes, other documents and instruments and other works of authorship and developments conceived, created, discovered, invented, or reduced to practice ("Consultant Materials").

**Section 2.2** Client's Rights and Obligations. This Agreement only entitles Client to a right to use the hard copy or electronic reports portion of the Consultant Materials (each a "Report"). Client shall not reuse Reports for any unlawful purpose. Client shall, to the fullest extent permitted by law, indemnify and hold harmless Consultant, its shareholders, officers, directors, members, managers, employees, and subcontractors ("Consultant Indemnified Parties") against any damages, losses, liabilities, and costs and expenses, including reasonable attorneys' fees and costs, arising from or allegedly arising from the unauthorized use of the Consultant Materials or Reports by or through Client.



**Section 2.3** Rights. Consultant reserves all rights in Consultant Materials, including the Reports. Consultant may use Consultant Materials for any purpose during the term of this Agreement or thereafter. Client agrees that Consultant has spent and will spend substantial time and effort in collecting and compiling data and information (including Client Data, as defined below) (the "Data Compilations") in order to produce the Report(s). Data Compilations may be used by Consultant for its own purposes, including, without limitation, sale, or distribution to third parties, provided that Consultant will not sell or distribute Client's Confidential Information that may be contained in Data Compilations unless such information is used on an aggregated, anonymous basis.

### **ARTICLE III. COMPENSATION**

**Section 3.1** Fees. Client shall pay Consultant a professional fee according to the fee schedule attached as Exhibit B hereto (the "Fee Schedule") for the Services rendered hereunder. Consultant may adjust its rates in the event of an amendment of the SOW.

**Section 3.2** Reimbursement. Client agrees that it shall reimburse Consultant for Consultant's out-of-pocket expenses incurred in performance of the Consulting Services. Expenses of Consultant in the performance of any Consulting Services that will be reimbursed by Client are the following:

- (a) Transportation costs, including mileage for the use of personal automobiles at the prevailing IRS standard rate, rental vehicles, travel, lodging and regularly scheduled commercial airline ticket costs; and
- (b) Third-party photographic reproduction and data purchases.
- (c) Photocopies, facsimile, postage, overnight deliveries.

**Section 3.3** Invoices. Consultant shall deliver to Client an invoice for Services performed and reimbursable expenses incurred in the prior month. Client shall pay all invoices within forty-five (45) days of the date of each invoice. A monthly charge of 1.2% may be imposed on past due accounts. Payment shall not be subject to any discounts or set-offs.

### **ARTICLE IV. OTHER AGREEMENTS OF CONSULTANT**

**Section 4.1** Performance. Consultant shall perform the Services in accordance with the SOW and generally accepted industry standards.

**Section 4.2** Necessary tools. Consultant shall supply all tools and instrumentalities required to perform the Services under the Agreement.

**Section 4.3** Workers' Compensation. Consultant shall maintain workers' compensation insurance for Consultant's employees and agents performing Services as required by law. Consultant shall comply with all federal, state, and local laws and ordinances as it relates to the work to be performed under this Agreement.

**Section 4.4** Liability Insurance. Consultant shall, at its sole cost and expense, carry and maintain throughout the term of this Agreement professional liability insurance covering errors and omissions, with limits of not less than \$1,000,000 per occurrence or

\$2,000,000 aggregate. Evidence of such insurance shall be provided to Client as soon as reasonably practicable following Client's written request.

## **ARTICLE V. OTHER AGREEMENTS OF CLIENT**

**Section 5.1** Client's Assistance. Client shall provide all information, data and documents as specified in the SOW, or reasonably requested by Consultant. Client shall also satisfy any assumptions, perform any SOW obligations, and comply with all applicable laws and regulations.

**Section 5.2** Client Responsibility.

(a) Client acknowledges Consultant will be using various data, reports, studies, computer printouts and other information, documents, and representations as to facts, the source of which may be Client ("Client Data"), and data from public agencies or third-parties ("Other Data"). Client agrees that Consultant is entitled to use and rely upon such Client Data in performing Services, and that Consultant shall not be obligated to verify the accuracy of the Client Data or Other Data or be responsible for its impact of on its work products (including without limitation the Reports).

(b) Client represents and warrants to Consultant that Client has the right to deliver the Client Data to Consultant and neither the Client Data, nor its use shall (i) infringe any intellectual property rights of any third party, (ii) violate any laws or privacy rights of any third party, or (iii) violate any third parties' privacy policies, and Client shall use commercially reasonable efforts to ensure that Client Data does not contain any viruses or other damaging or disabling code.

**Section 5.3** Non-Solicitation. Client shall not solicit for employment or hire Consultant's employees during the term and for one year following the termination of this Agreement; provided, however, that this shall not prohibit Client from generalized solicitation or advertising, including the use of an independent agency or search firm whose efforts are not specifically directed at such employees. Such employees shall not include any individual (a) whose employment with Consultant has terminated for any reason, or (b) whose employment or solicitation has been agreed upon in writing by Consultant.

## **ARTICLE VI. TERM; TERMINATION**

**Section 6.1** Term. This Agreement shall become effective on the Effective Date and will continue in effect until the earlier of (a) completion of performance under the SOW, or (b) termination as provided herein.

**Section 6.2** Convenience. Either party may terminate this Agreement (and the SOW) for convenience upon thirty (30) prior written days' notice to the other party.

**Section 6.3** Breach. Either party may terminate this Agreement with written notice to the other party in the event of a material breach which is not cured within ten (10) days. Without limiting the foregoing, if Client fails to make payments when due, Consultant may suspend Services upon notice. Consultant shall have no liability to Client for any costs or damages arising as a result of such suspension. Upon payment in full by Client (if Consultant has not terminated the Agreement), Consultant shall resume Services and the

SOW shall be adjusted for the suspension period plus reasonable time and expense for the Consultant to resume performance.

**Section 6.4** Fees. Upon expiration or termination of this Agreement, Client shall pay all of Consultant's fees, expenses, and other costs payable by Client pursuant to Article III, which have accrued through the date of expiration or termination.

**Section 6.5** Mutual Indemnification. Each Party shall defend, indemnify and hold the other Party harmless from and against all obligations, losses, liabilities, damages, claims, attachments, executions, demands, actions and/or proceedings (collectively, "Claims") and all costs and expenses in connection therewith, including reasonable attorneys' fees and expenses, arising out of or connected with this Agreement when such Claims arise from, relate to, or in any way result from (i) breach of any representation or warranty in this Agreement, (ii) breach of any applicable law or (iii) gross negligence or willful misconduct. Client's obligations under this subsection shall be reduced to the extent that they arise out of Consultant's gross negligence or willful misconduct.

**Section 6.6** Survival. Sections 1.2, 5.2, 5.3, 6.4, 6.5, 6.6, and Articles II, III, VII, and VIII shall survive the expiration or termination of this Agreement.

## **ARTICLE VII.** **CONFIDENTIALITY**

**Section 7.1** Definition. "Confidential Information" means all information that is disclosed by a party to the other party and that: (a) is designated as confidential, regardless of the form in which it is disclosed; or (b) relates to a party's markets, customers, patents, trade secrets, inventions, procedures, methods, designs, strategies, distributors, or business in general. It shall not include any item which: (i) the receiving party can prove was in its possession prior to disclosure thereof by the disclosing party whether prior to or during the term of this Agreement; (ii) is or becomes generally available to the public other than as a result of any action or omission by the receiving party; (iii) is rightfully disclosed to the receiving party by a third party without the imposition on the third party of any confidentiality obligation or restrictions on use; or (iv) is independently developed by the receiving party without reference to the disclosing party's Confidential Information, as evidenced by the receiving party's written records. The Consultant Materials are Consultant's Confidential Information (subject to the rights set forth in Section 2.2).

**Section 7.2** Obligation. Each party, as a receiving party, shall (a) hold all Confidential Information in confidence and not disclose same to anyone except its employees who have a need to know and who are bound by the confidentiality and nondisclosure restrictions herein; (b) use the other party's Confidential Information only as necessary for its performance hereunder; and (c) hold and protect Confidential Information with the same degree of care it uses with its own information of like importance, but in no event less than a reasonable standard of care.

**Section 7.3** Compelled Disclosure. If either receiving party is required by law to disclose any Confidential Information, the receiving party shall provide the disclosing party with prompt oral and written notice, so that the latter may seek a protective order or other appropriate remedy. In the event that such a protective order or other remedy is not promptly obtained, the receiving party shall furnish only that portion of the Confidential

Information which is legally required and shall exercise its best efforts to obtain a protective order or other reliable assurance that confidential treatment shall be accorded to the disclosing party's Confidential Information.

**Section 7.4** Injunctive Relief. Each party agrees that remedies at law are inadequate to protect against its breach or threatened breach of this Article VII. Accordingly, each party agrees that the other party may obtain injunctive relief against it in the event of any such breach or threat thereof, in addition to any other legal or equitable remedies that may be available.

## **ARTICLE VIII. GENERAL PROVISIONS**

**Section 8.1** Notice. Any notices to be given hereunder may be effected either by personal delivery in writing, by mail or by electronic mail (reader receipt requested). Mailed notices shall be addressed to the parties at the addresses appearing in the introductory paragraph of this Agreement, or at the following email addresses (Consultant: [dlopez@coopstrategies.com](mailto:dlopez@coopstrategies.com); Client: \_\_\_\_\_), but each party may change the address by written notice in accordance with this Section 8.1. Notices delivered personally or by electronic mail (reader receipt requested) will be deemed communicated as of actual receipt. Mailed notices will be deemed communicated as of two (2) days after mailing.

**Section 8.2** Assignment. Neither party may assign this Agreement, in whole or in part without the express written consent of the other party, with the exception of an assignment carried out as part of a merger, restructuring or reorganization, or as a sale or transfer of all or substantially all of a party's equity or assets. Any such attempted assignment or delegation shall be void. This Agreement shall inure to the benefit of and shall be binding upon the Parties' successors and permitted assigns.

**Section 8.3** Not Public Official. Neither this Agreement, nor any duties or obligations under this Agreement, nor the intentions or expectations of Client will cause Consultant to be a "public official" as that term, or a similar term, is used under applicable law. The Parties agree that Consultant is not a "public official" or "participating in governmental decision" as those terms, or similar terms, are used under applicable law, and that no actions and opinions necessary for the performance under this Agreement will cause Consultant to be a "public official" or "participating in a governmental decision" as those terms, or similar terms, are used under applicable law.

**Section 8.4** Entire Agreement. This Agreement and Exhibits A and B supersede any and all agreements, either oral or written, between the Parties with respect to Services. Any reference to any statute herein shall be construed as including all statutory provisions consolidating, amending, or replacing such statute.

**Section 8.5** Amendment. This Agreement and any exhibit hereto may not be modified except as expressly provided herein or in writing by the parties and signed by authorized representatives of both Parties.

**Section 8.6** Severability. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

**Section 8.7** Dispute Resolution.

(a) Except as set forth in Section 7.4, the Parties agree to first try in good faith to settle any dispute hereunder by mediation pursuant to the Mediation Rules of the American Arbitration Association (AAA). If the dispute is not settled by mediation, the dispute may be resolved by final and binding arbitration under subsection (b).

(b) Except as set forth in Section 7.4, upon written, served request, the dispute shall be submitted to binding arbitration in accordance with the commercial rules and regulations of the AAA and the provisions of applicable law. The arbitration shall take place in a location mutually agreed to by the parties. Consultant shall select the arbitrator. If Consultant and Client do not agree on such arbitrator, however, Client shall select a second arbitrator. The first and second arbitrator shall then select a third arbitrator who shall conduct the arbitration. The parties may select arbitrators from JAMS, ADR, ARC or any independent arbitrator/neutral for dispute resolution. No arbitration shall include by way of consolidation or joinder any parties or entities not a Party to this Agreement without the express written consent of Parties and any party or entity sought to be joined with an express reference to this provision. Any party or entity joined in the arbitration, after mutual consent, shall be bound by this provision. The decree or judgment of an award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. The prevailing party shall be entitled, in addition to any other rights and remedies, to reimbursement for its expenses, including court costs and reasonable attorneys' fees. The non-prevailing party shall be liable, to the extent allowable under law, for all arbitrator fees and expenses and all arbitration costs.

**Section 8.8** Governing Law. This Agreement will be governed by and construed in accordance with the laws of the State of California, excluding choice of law rules.

**Section 8.9** Third Parties. Nothing contained in this Agreement shall create a contractual relationship with cause of action in favor of a third party against either Party.

**Section 8.10** DISCLAIMER OF CONSEQUENTIAL DAMAGES. EXCEPT FOR DAMAGES ARISING FROM BREACH OF SECTION 2.2 or ARTICLE VII, NEITHER PARTY, NOR THEIR RESPECTIVE OFFICERS, DIRECTORS, PARTNERS, EMPLOYEES, CONTRACTORS OR SUBCONTRACTORS, WILL BE LIABLE FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, TREBLE, PUNITIVE OR SPECIAL DAMAGES (INCLUDING DAMAGES FOR LOST PROFITS, LOST BUSINESS OPPORTUNITY, LOSS OF USE, LOSS OF INCOME, LOSS OF REPUTATION, PERSONAL INJURY OR THE LIKE) RESULTING FROM OR RELATING TO THIS AGREEMENT, INCLUDING WITHOUT LIMITATION, LIABILITY ARISING OUT OF CONTRACT, TORT, NEGLIGENCE, AND STRICT LIABILITY, EVEN IF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

**Section 8.11** Force Majeure. Neither party will be liable for failure to perform (except for payments owing) due to circumstances or causes beyond its reasonable control, including, but not limited to, acts of God, war, acts of terrorism, embargoes, acts of civil or military authorities, fire, flood, accident, strikes, inability to secure transportation, facilities, fuel, energy, labor, or materials. In the event of force majeure, time for delivery or other performance will be extended for a period equal to the duration of the delay.

**Section 8.12** Limitation of Liability. The parties intend that the Services shall not subject Consultant Indemnified Parties to personal legal exposure. Therefore, notwithstanding anything to the contrary, Client agrees that Client's sole and exclusive remedy, and any claim, demand or suit shall be directed and/or asserted only against Consultant and not against Consultant Indemnified Parties. Consultant's total liability for any cause of action, including contract, tort and otherwise, shall not exceed the sum paid to Consultant under this Agreement. The limitations of liability and exclusion of certain damages shall apply regardless of the effectiveness of any of the remedies provided for under this Agreement. Any action against Consultant must be brought within twelve (12) months after the cause of action arises.

**Section 8.13** DISCLAIMER. EXCEPT AS MAY BE SPECIFIED IN THIS AGREEMENT, CONSULTANT EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS AND IMPLIED, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, NON- INFRINGEMENT AND WARRANTIES ARISING UNDER COURSE OF DEALING OR TRADE USAGE. CONSULTANT CANNOT GUARANTEE RESULTS AND CLIENT UNDERSTANDS AND ACKNOWLEDGES THAT USE OF CONSULTANT MATERIALS AND IMPLEMENTATION THEREOF WITHIN CLIENT'S ORGANIZATION IS AT CLIENT'S OWN DISCRETION AND RISK.

IN WITNESS WHEREOF, this Agreement has been executed on the Effective Date.  
CONSULTANT: CLIENT:

**Cooperative Strategies, LLC**

**San Simeon Community Services District**

By:   
David Lopez  
Executive Director

By: \_\_\_\_\_

Date: October 22, 2021

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

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**EXHIBIT A**

**STATEMENT OF WORK  
SAN SIMEON COMMUNITY SERVICES DISTRICT  
VOTING AREA CREATION SERVICES**

Cooperative Strategies, LLC shall provide consulting services to San Simeon Community Services District ("District" or "Client") to assist in the transition from at-large voting to by-area voting with the creation of voting areas in compliance with applicable law. The specific tasks include, but are not limited to, the following:

<b>ACTIVITY &amp; TIMING</b>	<b>TASKS</b>
<b>1. Goals, Priorities and Data Analysis</b>	<b>1.A. Identify Goals and Priorities</b>  This task involves determining the goals the District has for the redistricting process. This determination will be based on Elections Code, including the California Voting Rights Act and Federal Voting Rights Act. Goals and priorities may or may not take into account: <ul style="list-style-type: none"><li>• Balanced Population (One Person, One Vote)</li><li>• Civic Boundaries</li><li>• Community Identity</li></ul>
	<b>1.B. Identify Key Issues and Considerations</b>  This task involves identifying the key issues and considerations involved in creating Voting Areas. These may include legal issues, compliance with federal and State regulations, constituent/community concerns, as well as others.
	<b>1.C. Discuss Requirements with Legal Counsel</b>  This task involves discussing the list of items identified in Tasks 1.A. and 1.B. with staff of the District and the Client to ensure compliance with all applicable legal, statutory, and organizational requirements.

ACTIVITY & TIMING	TASKS
	<p><b>1.D. Prepare Census Data Analysis for Voting Areas</b> This task involves analyzing 2020 Census data to obtain information on population within the District as well as to use in creating conceptual Voting Areas.</p> <hr/> <p><b>1.E. Evaluate Population of Community</b> This task involves evaluating the demographics of the District based on data from the United States Census.</p> <hr/> <p><b>1.F. Attend and Present at Public Hearings</b> This task involves Cooperative Strategies attending and presenting at the two (2) pre-map public hearings at meetings of the Board of Directors to gather input from the community and Board.</p>
<p><b>2. Prepare and Present Scenarios</b></p>	<p><b>2.A. Create Conceptual Voting Areas</b> This task involves using Census data and GIS data gathered in Task 1.D. and input received in Task 1.F. to prepare three (3) conceptual Voting Area scenarios. This task will involve preparing alternative Voting Area boundary proposals for consideration, including maps and demographic data for comparative purposes.</p> <hr/> <p><b>2.B. Present Recommendations to Staff</b> This task involves presenting conceptual Voting Areas to District staff for their review and consideration. Cooperative Strategies will prepare deliverables and a presentation with the goal of refining the recommendations that will be delivered to the Board.</p> <hr/> <p><b>2.C. Present to Board of Directors</b> This task involves three (3) meetings to present the scenarios from Task 2.B. to the Board for comment and review. These meetings include the public hearings required prior to approval by the Board of Directors.</p>



ACTIVITY & TIMING	TASKS
	<p><b>2.D. Assist in Public Outreach</b></p> <p>This task involves assisting in a public outreach effort to present conceptual scenarios to the public and solicit feedback from constituents on the scenarios.</p>
	<p><b>2.E. Revise Scenarios</b></p> <p>This task involves revising the conceptual scenarios based on feedback from the public and the Board.</p>
	<p><b>2.F. Present Revised Scenarios to Board of Directors</b></p> <p>This task involves presenting the revised scenarios to the Board for consideration and approval of new Voting Areas.</p>
	<p><b>2.G. Assist in Implementation Process</b></p> <p>This task involves assisting in ensuring documentation is provided to the County offices to implement the change in Voting Areas.</p>

**EXHIBIT B**

**FEE SCHEDULE  
SAN SIMEON COMMUNITY SERVICES DISTRICT  
VOTING AREA CREATION SERVICES**

The proposed fee for Cooperative Strategies to perform the services as described in Section I of this Proposal is outlined below. This fee includes attendance at up to five (5) meetings at the District (public hearings, community input meetings, and Board meetings), as well as scenario creation and mapping services.

<b>SERVICE DESCRIPTION</b>	<b>PROPOSED FEE</b>
Voting Area Creation	\$20,500 (Plus Expenses)

Should the District wish to utilize a web-based tool for members of the community to provide scenarios or revise map options, there shall be an additional fee of \$5,000 for such service.

Should the District request attendance at additional meetings beyond those identified in Exhibit A, attendance is not guaranteed and will be subject to limited availability. If available, attendance may be virtual and the fee shall be \$850 per additional meeting.

In the event the District's regularly scheduled meetings do not align with Cooperative Strategies ability to be in attendance, the District agrees to collaborate with Cooperative Strategies to develop a schedule to accomplish the work by identifying dates and times that are mutually agreeable. This may require scheduling special board meetings on non-typical dates and times.

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November 1, 2021

Cortney Murguia  
San Simeon Community Service District  
111 Pico Avenue  
San Simeon, CA 93452

Sent electronically to: [admin@sansimeoncsd.org](mailto:admin@sansimeoncsd.org)

Dear Ms. Murguia,

The following is a proposed cost and structure for the San Simeon Community Service District for conducting a review of the demographics of the district as you determine potential need to convert to a by-area election system in order to comply with the California Voting Rights Act (CVRA).

Redistricting Partners has worked with dozens of local government agencies, law firms and nonprofit clients on racially polarized voting analysis for the purposes of identifying CVRA vulnerability and assisting with decisions on possible conversion to by-district election systems.

Our experience includes work for cities, school boards, community colleges, water and healthcare districts. We most recently conducted the public conversion process to create to CVRA compliant election districts in the Cities of Napa, Davis and Santa Ana in response to CVRA claims.

If contracted, Redistricting Partners can produce a racially polarized voting analysis that identifies voting patterns comparing outcomes of candidates and issues in recent elections and identification of potential communities of interest that may require protection or representation. This voting analysis is often the first thing courts look to in determining whether at-large elections undermining the voting power of minority voters under the CVRA.

After this analysis and recommendations has been delivered, we can present them either in a public meeting or through attorneys.

In conducting a full racially polarized voting analysis we will utilize four main datasets:

- 1) 2020 Census Redistricting Data [P.L. 94-171] Summary Files. These are files released by the state reflective of the total population within the boundaries of the city utilizing the census geographies. This must be the basis for determining the “equal population” of districts if they were to be created.
- 2) Most recent American Community Survey (ACS) dataset, including estimated total population and Citizen Voting Age Population (CVAP). This dataset is based on the longform of the US Census and statistical estimates which can be useful in both understanding how different communities might be growing, and the ethnic populations for the purposes of voting rights claims. This data is updated annually and based on five-year averages.
- 3) California Voter File as maintained by Political Data Inc. This file allows us to understand the voter makeup of the registered voter population, including the age, ethnicity, partisanship, and other factors which help provide understanding of the populations that vote in elections, and providing a part of the basis for identifying candidate preferences of geographic and ethnic subgroups. Note: the voter file cannot be used to determine the “equal districts” but it can be utilized to inform decisions about communities of interests and the impacts politically of a change in election method.
- 4) Election results datasets. The analysis would compare ethnic composition of the population with election results. If necessary we will often rebuild base files of official election results for candidates and measures that are endogenous (contests for the agency itself, or agency ballot measures and bonds) and exogenous (statewide campaigns, countywide races, ballot measures or other elections that are not local municipal contest, but can be evaluated within the boundaries)

The analysis will utilize these datasets to create the following deliverables and a set of recommendations.

- Overview of the existing boundaries, ethnic populations that could be considered “protected classes” for the purposes of voting rights.
- Overview of past elections and a selection of candidate races or ballot measure contests that have the greatest potential to show racially polarized voting.
- Statistical analysis of past elections utilizing at least two different methodologies to create mathematical proof for or against racially polarized voting claims.
- Recommendation, based on the above analysis, for next steps.

The cost for this research, report, and a call to go over the findings would be \$8,500.

If there is a decision to convert to districts, we are also available to conduct this work and information on this process can be found here:

<http://redistrictingpartners.com/services/>

Please contact us if you have any questions regarding the process I can be reached at (916) 612-8686 or you can email me at [paul@redistrictingpartners.com](mailto:paul@redistrictingpartners.com). For questions regarding contracting or other administrative queries, please contact Kimi Shigetani at [kimi@redistrictingpartners.com](mailto:kimi@redistrictingpartners.com).

References are also available upon request

Sincerely,



Paul Mitchell  
Owner, Redistricting Partners

## **6. E. Business Items**



## BUSINESS ACTION ITEM STAFF REPORT

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### ITEM 6.E. CONSIDERATION OF APPROVAL OF THE DRAFT POLICY ON CREDITS TO CUSTOMERS UTILITY BILLS.

#### Summary:

This matter has been discussed at both the September and October Board meetings. The Board directed GES staff to prepare a draft policy regarding credits to customers utility bills.

#### Discussion:

San Simeon CSD Current Policy (2000 series) is as follows:

**Disputed Bills:** Whenever the correctness of any bill for water service is questioned, the District will cause an investigation to be made, including, if requested, a meter test in accordance with this ordinance.

Bills reflecting clerical or meter errors shall be adjusted, taking into consideration the volume of business, season demand, any other factors that may assist in determining an equitable charge.

At the request of the SSCSD Board, GES staff prepared a draft application and submitted this document to the policy and procedures ad-hoc committee for their review.

#### Recommendations:

Provide direction to GES staff and Legal Counsel on the draft update to the 2000 series disputed bill policy. The updated policy includes an application for a water leak billing adjustment. If approved, this document will be incorporated into the Policy and Procedures manual.

It is also suggested that the Board may wish to form a Utility Billing Adjustment Ad-hoc Committee. This committee could work with a GES staff person(s) to review any applications for adjustment that are received in the District office.

Enc: Request from - 9148 Balboa Avenue = \$3250.09 and 9229 Balboa Avenue = \$ 856.80  
San Simeon CSD – Draft Version Application for Billing Adjustment



RE: Proposed Waiver of Charges, Account #194

Jerry M - RPM <[REDACTED]>

Mon 6/28/2021 3:27 PM

To: San Simeon CSD <admin@sansimeoncsd.org>

San Simeon Community Services District

111 Pico Avenue

San Simeon CA 93452

RE: Proposed Waiver of Charges, Account [REDACTED]

We are requesting a waiver of charges regarding the water bill for the Casa Del Playa Homeowners Association, 9229 Balboa Ave, San Simeon, CA 93452.

We have documented evidence there have been no leaks at the above-stated address and we are requesting a waiver of charges and credit of good faith monies sent heretofore.

We first noticed an increase in our water bill and contacted you immediately, at which time you sent someone to our property to check for leaks and none were found. In a previous similar situation with SSCSD, we were notified by you when our water bill increased and worked with you to mitigate the situation in a timely manner. It appears this time we were not notified from you, we notified you first. We are asking for some form of credit towards this bill

Sincerely,

Casa Del Playa Homeowners Association

C/O Jerry McLaughlin

Real Property Management Central Coast  
[REDACTED]

[REDACTED]  
[REDACTED] - Web site  
[REDACTED]  
[REDACTED]

This e-mail is proprietary and intended solely for the use to whom they are addressed.

July 9, 2021

San Simeon Community Services District  
111 Pico Avenue  
San Simeon, CA 93452

To: Cortney Murguia, SSCSD Board, Billing Department

Regarding: 9148 Balboa Avenue, San Simeon, CA/Account [REDACTED] Joyce & Tony Orefice

This letter is in regard to the above address & the Billing Statements received 5/26/2021 & 6/26/2021. Both these statements are not correct.

This property has been vacant & not occupied during the above billing statements. Water & sewer bills from the start of the Vacant Property were \$38.03, in 2020, with the continued monthly charge of 38.03 starting Jan. 2021. My husband & I have been to the property multiple times per months while vacant to check on the property, and never did we find any toilets, faucets, or running water issues. Upon receiving the May statement, I contacted & spoke with Courtney Murguia and contacted our property manager Stephanie Rowles to please address & resolve the May statement from the SSCSD because it was incorrect. Stephanie had a plumber to the property to check for water leaks & he did not find leaks, and Stephanie spoke with Cortney Murguia, regarding the May 26, 2021 statement.

Enclosed please find a check in the amount of \$38.03 for the billing statement service dated 4/27/2021 through 5/26/2021. This is the amount we have been paying since the service was put into our name. I am requesting that this error please be corrected by crediting the amount of \$856.80, closing our account #465, as the property has now been rented. These billing statements have been a very stressful experience for my husband and I for the last several months. The property has been vacant during the billing periods as stated above. I believe there has been some kind of an error, possibly due to the water meter, water meter reading device, a mixed calculation with account numbers versus meter numbers that has caused this incorrect high billing amount.

With this letter is a copy of the SSCSD letter dated Jan. 6, 2021. Upon receiving this letter, at the Balboa property, not our home address, I called Courtney Murguia on Jan. 14, 2021 to give her our correct home address in [REDACTED] for billing. The \$50 deposit amount was waived by Courtney. Also enclosed are copies of Billing Statements we have been paying & a copy of the new tenants, [REDACTED], Billing Statement they received for services from 5/26/2021 - 6/24/2021, Acct. [REDACTED]. Please review their statement.

Thank You for your assistance on the above matter & I look forward to a quick conclusion. My contact number is [REDACTED] E-mail address [REDACTED]

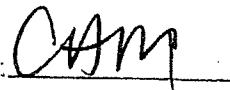
Sincerely,



Joyce Orefice

RECEIVED

JUL 12 2021

BY: 

CC: Stephanie Rowles



Provide evidence of repair/s made: *(invoices or receipts associated with the repairs made)*

\_\_\_\_\_  
Signature of Customer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approval Signature

\_\_\_\_\_  
Date

DRAFT

## Utility Billing Adjustment Policy and Procedures

### I. DEFINITIONS:

As used in this policy, the following terms shall have the meanings specified below:

- a. "Customer" means the person or entity under whose name and utility account is created and/or who is ultimately responsible for payment of all charges incurred on the account.
- b. "Water service line leak" means water loss from the water line, the existence of which is known or unknown to the property owner or tenant (customer), beginning at the meter coupling on the customer's downstream side of the meter to the customer's home, business or within.
- c. "Non-water service line leak" means all water loss, other than from a water line leak, due to deterioration of pipes, fittings, or equipment, the existence of which is known or unknown to the property owner or tenant (customer), and said loss emanates from the coupling / pipe fitting / appurtenance (example: toilet, irrigation valve) / junction on the customer's side of the water meter serving the customer's property.
- d. "District" means San Simeon Community Services District (SSCSD).

### II. PURPOSE

The purpose of this document is to establish a written policy for extending billing adjustments to water customers in the San Simeon Services District's water service area. The policy includes the requirements to request an adjustment and billing adjustment that will be granted if all the requirements are met.

### III. POLICY

#### A. Water and Non-Water Service Line Leaks

Customers are responsible for the service line and (fittings) attached to the Water Utility system beginning at the meter coupling on the customer's downstream side of the meter. Any leaks in the water line and/or fittings, which are the responsibility of the customer, must be maintained and repaired by the customer solely and at their expense.

The customer's water line, including the fittings on the customer's side of the meter, are to be maintained in a state of repair sufficient to allow the removal and replacement of the meter for maintenance. No adjustment or credits will be given for leaks which develop because of changing or maintaining the water meter, unless it can be shown that the Utility was negligent in performing the meter change or maintenance.

The customer is responsible for monitoring higher than expected usage as reflected on the customer's bill.

#### *1. Customer Adjustment Request Requirements for Water Service Line Leaks:*

The General Manager, is delegated the responsibility for adjusting water billings and may adjust the water billing (excluding service charges) on a customer's bill for a water line leak when all the following requirements are met:

- a. **WITHIN 60 DAYS OF BILL ISSUANCE:** Customer shall notify District, in writing, of water loss and repair of a water line leak within 60 days from the bill issuance date for the period in which the loss occurred.
- b. **ONE ADJUSTMENT EVERY 24 MONTHS :** The customer has not received a water service line leak billing adjustment in the past 24 month. The 24-month period begins with the previous billing period immediately prior to the billing for which a leak billing adjustment is requested.
- c. **PAYMENT OF BILL:** The District shall not extend the due date of a water bill because of the customer submitting a request for an adjustment of a bill for a water service line leak. Customer shall pay at least the uncontested portion of the bill to prevent discontinuation of service as determined by the General Manager or their designee.
- d. **NO NEGLIGENT ACTS:** There must be evidence that excessive use of water was not due to the customer, their agents, or tenants' willful or neglectful acts.
- e. **LEAK MUST BE REPAIRED OR RESOLVED:** If the excess usage is due to a water line leak, the District must be satisfied that the problem that resulted in a request for a billing adjustment has been properly repaired or resolved.
- f. **EVIDENCE OF REPAIR OR RESOLUTION:** The District shall require repair bills or other appropriate documentation substantiating the repair of the water line leak prior to approving a claim for adjustment. The written request shall be accompanied by either a plumber or landscaper's invoice including a description of the repair work performed or a letter or email from the customer certifying:
  - a. The name, address, and telephone number of the person discovering the leak; the date the leak was discovered; the nature and location of the leak; the date the leak was repaired;
- g. The name, address, and telephone number of the person repairing the leak. **2. Water Service Line Leaks Billing Adjustments 50% HIGHER THAN NORMAL:** Customers water, because of a line leak, must be at least 50% higher than the average water use as determined by the General Manager or designee to qualify for a billing adjustment.
- h. 50% higher than normal will be based on the 24-month period that begins with the previous billing period immediately prior to the billing for which a leak billing adjustment is requested.

## **6. F. Business Items**



## **BUSINESS ACTION ITEM STAFF REPORT**

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**ITEM 6.F AUTHORIZE THE CHAIRPERSON TO: (1) EXECUTE THE MEMORANDUM OF AGREEMENT (“MOA”) BY AND BETWEEN THE MEMBER JURISDICTIONS OF THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY (“IWMA”); (2) EXECUTE AMENDMENT ONE TO THE MOA; AND (3) EXECUTE A LETTER OF DESIGNATION WITH THE IWMA REGARDING SENATE BILL 1383 COMPLIANCE.**

### Discussion:

On May 10, 1994, an agreement was executed by and between the Cities and the County forming a Joint Powers Authority (JPA) for the purposes of facilitating the development of waste diversion programs and providing economies of scale on a regional basis. In 2001, a Memorandum of Agreement (MOA, and First Amendment to the JPA) was executed by and between the Cities, the County, and Special Districts with solid waste powers within the County, amending the JPA agreement to include the Authorized Districts for representation on the IWMA Board. San Simeon Community Services District did not and has not executed the MOA, however, Section 2.A. of the MOA provides that membership “shall be available to any Independent Special District within the San Luis Obispo County which currently provides solid waste collection and disposal services and executed this MOA”. The District has recently activated its solid waste powers and is in the process of implementing said authority for the benefit of the community. Membership in the IWMA is central to this end.

On September 14, 2021, the County Board of Supervisors voted to withdraw from the IWMA with an effective date of November 15, 2021. In order to facilitate the continued operation of the IWMA Board of Directors without the County as a member jurisdiction, a Second Amendment to the JPA is necessary to: (1) revise the representative members of the IWMA Board of Directors to eliminate the participation of the County Board of Supervisors; and (2) eliminate the requirement that a County representative is required to establish a quorum of the IWMA Board. It is anticipated that the JPA agreement will be amended, however, the Special Districts need to execute the attached first amendment to the MOA to acknowledge and accept the terms of the amended JPA Agreement.



In Item 5.A of this agenda, your board introduced an ordinance for waste diversion to meet the requirements of SB 1383. The attached letter of designation provides for the IWMA to act as the District's agent for the education, monitoring, and reporting requirements of SB 1383.

Recommendation:

It is recommended that your Board: 1) execute the Memorandum of Agreement ("MOA") by and between the member jurisdictions of the San Luis Obispo County Integrated Waste Management Authority ("IWMA"); (2) execute Amendment One to the MOA; and (3) execute a letter of designation with the IWMA regarding senate bill 1383 compliance.

Enc: Draft - Letter of designation  
Original Memorandum of Agreement – to be executed  
Second Amendment to the Joint Powers Agreement - to be executed

## San Simeon Community Services District



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

Letter of Designation – Senate Bill 1383 Compliance

November 9, 2021

On (insert date), the City Council / Board of Supervisors adopted **(Title of City/District's SB 1383 Ordinance)**, which implements the relevant provisions of Senate Bill 1383 (Public Resources Code section 42652-42654) and the corresponding regulations in Title 14 of the California Code of Regulations, Division 7, Chapter 12, and enables the City/District to delegate authority for the implementation of Senate Bill 1383 and **(Title of City/District's SB 1383 Ordinance)** requirements to the extent allowed by law.

I am the designated Signature Authority for **(Name of City/District)**. Accordingly, I hereby authorize the San Luis Obispo County Integrated Waste Management Authority (IWMA) to act as a delegate on behalf of the **City/District** for the responsibilities of compliance with Senate Bill 1383 and the corresponding regulations in Title 14 of the California Code of Regulations, Division 7, Chapter 12 to the extent allowed by law. These delegated responsibilities, include, but are not limited to:

- (1) Establishing, administering, implementing, educating, and/or operating all state mandated Senate Bill 1383 programs. Such programs include, but are not limited to organic waste management, education and outreach, monitoring, inspection, and record keeping programs.
- (2) Establishing, administering, and implementing the edible food recovery requirements of Senate Bill 1383 regulations. Such duties shall include but are not limited to: assessment of existing capacity for edible food recovery, establishing a food recovery program, inspection of commercial generators for compliance, and education and outreach to all businesses, residents, commercial edible food generators, and any other entities or parties required by law.
- (3) Coordinating with CalRecycle and any other state or federal entities in assessing and ensuring compliance with the CalRecycle procurement and pollution reduction targets for each party.

- (4) Monitoring and education related to **(Title of City/District's SB 1383 Ordinance)** including but not limited to monitoring compliance through route reviews and evaluations, determining the applicability of waivers, and issuing educational notices where necessary and/or appropriate.
- (5) Reporting to CalRecycle on behalf of the **City/District** related to its compliance with SB 1383, consistent with the requirements prescribed by CalRecycle.

This designation will remain effective until rescinded by my authority, or my successor's authority.

Sincerely,  
**(Name of Signature Authority)**  
City/District Manager

DRAFT

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MEMORANDUM OF AGREEMENT BETWEEN THE MEMBER JURISDICTIONS OF THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY (COUNTY OF SAN LUIS OBISPO AND THE CITIES OF ARROYO GRANDE, ATASCADERO, GROVER BEACH, MORRO BAY, PISMO BEACH, AND SAN LUIS OBISPO) AND THE HERITAGE RANCH COMMUNITY SERVICES DISTRICT, SAN MIGUEL COMMUNITY SERVICES DISTRICT, NIPOMO COMMUNITY SERVICES DISTRICT, SAN MIGUEL SANITARY DISTRICT, CALIFORNIA VALLEY COMMUNITY SERVICES DISTRICT, CAMBRIA COMMUNITY SERVICES DISTRICT, CAYUCOS SANITARY DISTRICT, OCEANO COMMUNITY SERVICES DISTRICT, LOS OSOS COMMUNITY SERVICES DISTRICT, AND TEMPLETON COMMUNITY SERVICES DISTRICT REGARDING MEMBERSHIP ON THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY

THIS MEMORANDUM OF AGREEMENT (hereinafter referred to as the "MOA") is executed on the date below stated by and between the member jurisdictions of the San Luis Obispo County Integrated Waste Management Authority (hereinafter referred to as the "IWMA") and the Heritage Ranch Community Services District, San Miguel Community Services District, Nipomo Community Services District, San Miguel Sanitary District, California Valley Community Services District, Cambria Community Services District, Cayucos Sanitary District, Oceano Community Services District, Los Osos Community Services District, and Templeton Community Services District (hereinafter referred to as the "Districts").

RECITALS

WHEREAS, the member jurisdictions of the IWMA entered into a joint powers agreement on May 10, 1994, to achieve the mandates of the California Integrated Waste Management Act of 1989, to plan for, suggest, and implement solutions to common solid waste problems, to assist with programs by utilizing the professional talents of the various governmental entities in the County and of experts in various other fields and to coordinate their efforts; and

WHEREAS, the IWMA member jurisdictions established a regional agency in accordance with Public Resources Code section 40973; and

WHEREAS, pursuant to the Joint Powers Agreement referenced above and Public Resources Code section 40973, the IWMA member jurisdictions have agreed that said regional agency, and not the individual IWMA member jurisdictions, shall be responsible for compliance with the waste diversion requirements set forth in Public Resources Code section 41780, et seq.; and

WHEREAS, Public Resources Code section 40977 authorizes a regional agency to allow one district to be included as a member of the regional agency; and

WHEREAS, the IWMA member jurisdictions are desirous of including a special district representative on the IWMA Board of Directors pursuant to Public Resources Code section 40999 to represent the interests of all special districts within San Luis Obispo County who provide their residents with the collection and disposal of solid waste under State law; and

WHEREAS, the special districts possessing responsibility for solid waste management are obligated by law to comply with the source reduction and recycling element and household hazardous waste element adopted by the County of San Luis Obispo; and

WHEREAS, the special districts within San Luis Obispo County are desirous of joining the IWMA and selecting from among themselves a representative member to sit on the IWMA Board of Directors.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Purpose. This MOA is entered into for the purpose of providing representation on the IWMA Board of Directors for districts within San Luis Obispo County who possess the authority to manage solid waste within their jurisdictions. It is the intent of the parties that the

representative sitting on the IWMA Board on behalf of the various districts shall have all of the rights and powers granted to an IWMA member under the JPA.

2. Membership. Membership of a special district on the IWMA Board of Directors shall be provided for as follows:

- A. Membership on the IWMA Board of Directors shall be available to any Independent Special District within the San Luis Obispo County which currently provides solid waste collection and disposal services and has executed this MOA (hereinafter referred to as "Authorized Districts").
- B. Authorized Districts in accordance with procedures to be established by said Districts shall appoint one regular member and one alternate member to represent Authorized Districts on the IWMA Board of Directors. Said selected representatives shall represent the collective interests of all Authorized Districts on the IWMA Board of Directors. The selected representatives shall serve subject to such terms and conditions as may be established at the sole discretion of the Authorized Districts.
- C. The representative so appointed shall be an elected Authorized District officer residing within the County but shall not be a member of a legislative body of a city or county. The appointed representatives shall attend the meetings of IWMA Board of Directors. The representative and alternate shall serve so long as they hold an elected office with their member agency, or until they resign or are removed by a majority vote of the Authorized Districts. Vacancies shall be filled in the same manner as the initial appointments.
- D. The alternate shall be entitled to vote on IWMA matters only in the absence of the representative.
- E. Designation of the representative and the alternate serving on behalf of Authorized Districts, as well as changes thereto, shall be transmitted in writing to the manager of the Authority. In addition, to any district presently a party to this MOA, any other district that provides solid waste collection or disposal services which may desire to participate in the activities of the Authority may do so by executing this MOA and, thereafter, shall be governed by all the terms and provisions of this MOA as of the date of execution.

3. Existing Joint Powers Agreement. By executing this MOA, the undersigned districts each agree to be bound by the terms and conditions of the Joint Powers Agreement dated May 10, 1994, a copy of which is attached hereto and incorporated by reference as Exhibit A.

4. Withdrawal and Dissolution. Any district which is a party to this MOA may withdraw from the MOA, with thirty (30) days written notice, and may terminate its participation in this MOA by resolution of its governing board. The withdrawal of the member shall have no effect on the continuance of this MOA by and between the remaining members, and the MOA shall remain in full force and effect with respect to the remaining members. No withdrawal shall become effective until thirty (30) days after receipt of written notice by the Authority. The MOA may be terminated by a joint agreement executed by the IWMA member jurisdictions and the districts which are a party hereto.

5. Notices. All notices which any IWMA member, district or the authority may wish to give in connection with this MOA shall be in writing and shall be served by personal delivery during usual business hours at the principal office of the IWMA member, district or authority, to an officer or person apparently in charge of that office, or by depositing the same in the United States mail, postage prepaid, and addressed to the IWMA member, district, or authority at its principal office, or to such other address as the IWMA member, district or authority may designate from time to time by written notice given in the manner specified in this section. Service of notice pursuant to this section shall be deemed complete on the date of service by personal delivery, or two days thereafter by mailing if deposited in the United States mail.

6. Severability. Should any part, term or provision of this MOA be decided by a final judgment of a court of competent jurisdiction to be illegal or in conflict with any law of the State



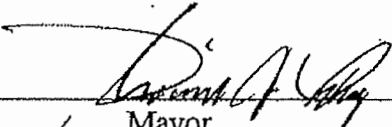
of California, or otherwise be unenforceable or ineffectual, the validity of its remaining parts, terms and provisions shall not be affected.

7. Effective Date. This MOA shall take effect upon its execution by the Chair or Mayor and Clerks of the governing bodies of all current IWMA members and at least three community service districts or sanitation districts that provide solid waste handling services or implement source reduction and recycling programs, pursuant to resolutions of such governing bodies authorizing such execution and shall remain in full force and effect until dissolved pursuant to the provisions herein. This MOA may be executed in counterparts which together shall constitute a single agreement.

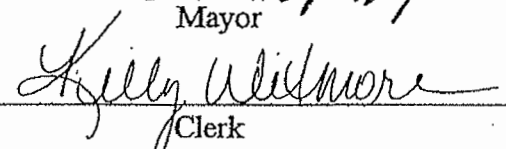
8. Amendment of JPA. Execution of this MOA by all of the member jurisdictions of the JPA shall constitute an amendment of the JPA with regard to inclusion of special districts for representation on the IWMA. All other terms and conditions of the JPA shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this MOA as of the date and year hereinabove written.

CITY OF ARROYO GRANDE

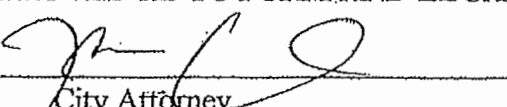
By:   
Mayor

Date: 4/30/01

  
Clerk

Resolution No. NA

APPROVED AS TO FORM AND LEGAL EFFECT:

By:   
City Attorney

Dated: 4/24/01

CITY OF ATASCADERO

By: [Signature] Date: 4/17/01  
Mayor

[Signature] Resolution No. N/A  
Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

By: [Signature]  
City Attorney

Dated: 04-11-01

CITY OF GROVER BEACH

By: \_\_\_\_\_  
Mayor

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

\_\_\_\_\_  
Clerk

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
City Attorney

Dated: \_\_\_\_\_

CITY OF ATASCADERO

By: \_\_\_\_\_  
Mayor

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

\_\_\_\_\_  
Clerk

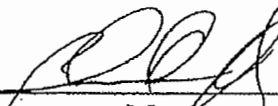
Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
City Attorney

Dated: \_\_\_\_\_

CITY OF GROVER BEACH

By:  \_\_\_\_\_  
Mayor Richard W. Neufeld

Date: April 16, 2001  
\_\_\_\_\_

 \_\_\_\_\_  
Clerk Michelle A. Greene

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
City Attorney

Dated: \_\_\_\_\_

CITY OF MORRO BAY

By: [Signature]  
Vice-Mayor

Date: May 14, 2001

[Signature]  
Clerk

Resolution No. 24-01

APPROVED AS TO FORM AND LEGAL EFFECT:

By: [Signature]  
City Attorney

Dated: 5/20/01

CITY OF PISMO BEACH

By: \_\_\_\_\_  
Mayor

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

\_\_\_\_\_  
Clerk

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: [Signature]  
City Attorney

Dated: 5/21/01

CITY OF MORRO BAY

By: \_\_\_\_\_  
Mayor

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

\_\_\_\_\_  
Clerk

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
City Attorney

Dated: \_\_\_\_\_

CITY OF PISMO BEACH

By: Rudy Natoli  
Mayor

Date: 4-3-01

Tharon Jones  
Clerk

Approved by motion on April 3, 2001,  
on motion of Councilmember Reiss,  
seconded by Councilmember Henlin,  
passed 5-0.

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
City Attorney

Dated: 4/10/01

CITY OF SAN LUIS OBISPO

By: [Signature]  
Mayor  
[Signature]  
Clerk

Date: 6/7/01

Resolution No. Minute Action 6/6/01

APPROVED AS TO FORM AND LEGAL EFFECT:

By: [Signature]  
City Attorney

Dated: 6-7-01

COUNTY OF SAN LUIS OBISPO

By: \_\_\_\_\_  
Chairperson  
\_\_\_\_\_  
Clerk

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

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: [Signature]  
Deputy County Counsel

Dated: 5-09-01

CITY OF SAN LUIS OBISPO

By: \_\_\_\_\_  
Mayor  
\_\_\_\_\_  
Clerk

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

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
City Attorney

Dated: \_\_\_\_\_

COUNTY OF SAN LUIS OBISPO

By: Heidi A. Chad  
Chairperson

Date: 7-10-01

**JULIE L. RODEWALD**

Resolution No. \_\_\_\_\_

Clerk  
By: Cheri Caspini  
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

By: [Signature]  
Deputy County Counsel

Dated: 5-09-01

ATTACHMENT #1

HERITAGE RANCH COMMUNITY SERVICES DISTRICT

By: *Don Clark*  
Chair  
*H. Carl*  
Clerk

Date: 3-16-01

Resolution No. 01-1

APPROVED AS TO FORM AND LEGAL EFFECT:

By: *Ph.D. Shanahan*  
Attorney

Dated: 4/9/01

SAN MIGUEL COMMUNITY SERVICES DISTRICT

By: \_\_\_\_\_  
Chair  
\_\_\_\_\_  
Clerk

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

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
Attorney

Dated: \_\_\_\_\_



HERITAGE RANCH COMMUNITY SERVICES DISTRICT

By: \_\_\_\_\_  
Chair

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

\_\_\_\_\_  
Clerk

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
Attorney

Dated: \_\_\_\_\_

SAN MIGUEL COMMUNITY SERVICES DISTRICT

By: *Paul Hairer*  
Chair

Date: *May 14, 2001*

*J. M. Ellman*  
Clerk

Resolution No. *2001-11*

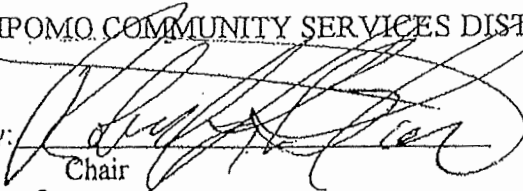
APPROVED AS TO FORM AND LEGAL EFFECT:

By: *[Signature]*  
Attorney

Dated: *5/17/01*

NIPOMO COMMUNITY SERVICES DISTRICT

By: \_\_\_\_\_



Chair

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

7-12-01

Donna K. Johnson  
Clerk

Resolution No. \_\_\_\_\_

2001-759

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_

Attorney

Dated: \_\_\_\_\_

SAN MIGUEL SANITARY DISTRICT

By: \_\_\_\_\_

Chair

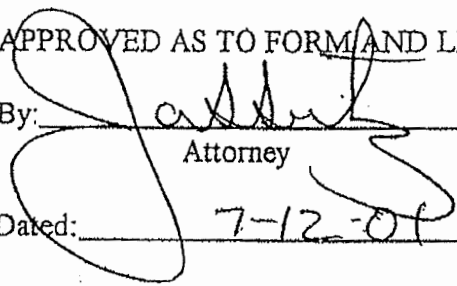
Date: \_\_\_\_\_

\_\_\_\_\_  
Clerk

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_



Attorney

Dated: \_\_\_\_\_

7-12-01

CALIFORNIA VALLEY COMMUNITY SERVICES DISTRICT

By: \_\_\_\_\_  
Chair

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

\_\_\_\_\_  
Clerk


Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

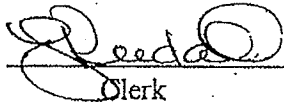
By: \_\_\_\_\_  
Attorney

Dated: \_\_\_\_\_

CAMBRIA COMMUNITY SERVICES DISTRICT

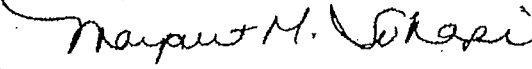
By:  \_\_\_\_\_  
Vice Chair

Date: 5-23-01

 \_\_\_\_\_  
Clerk

Resolution No. NA

APPROVED AS TO FORM AND LEGAL EFFECT:


By:  \_\_\_\_\_  
Attorney

Dated: 5-15-01

OCEANO COMMUNITY SERVICES DISTRICT

By:   
Chair

Date: September 12, 2001

  
Clerk

Resolution No. 2001-21

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
Attorney

Dated: \_\_\_\_\_

TEMPLETON COMMUNITY SERVICES DISTRICT

By: \_\_\_\_\_  
Chair

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

\_\_\_\_\_  
Clerk

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
Attorney

Dated: \_\_\_\_\_

CAYUCOS SANITARY DISTRICT

By: [Signature]  
Chair

Date: 3/20/01

[Signature]  
Clerk

Resolution No. By minute action 3/19/01

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
Attorney

Dated: \_\_\_\_\_

~~OCEANO COMMUNITY SERVICES DISTRICT~~

~~By: \_\_\_\_\_  
Chair~~

~~Date: \_\_\_\_\_~~

~~\_\_\_\_\_~~  
~~Clerk~~

~~Resolution No. \_\_\_\_\_~~

APPROVED AS TO FORM AND LEGAL EFFECT:

Lyon + Carmel  
By: [Signature]  
Attorney

Dated: 4/9/01

TEMPLETON COMMUNITY SERVICES DISTRICT

By: [Signature]  
Chair

Date: 7-20-01

[Signature]  
Clerk

Resolution No. 7-2001

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
Attorney

Dated: \_\_\_\_\_

LOS OSOS COMMUNITY SERVICES DISTRICT

By: \_\_\_\_\_  
Chair

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

\_\_\_\_\_  
Clerk

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
Attorney

Dated: \_\_\_\_\_

7423 ktagr.wpd FIWMA

TEMPLETON COMMUNITY SERVICES DISTRICT

By: \_\_\_\_\_  
Chair

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

\_\_\_\_\_  
Clerk

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
Attorney

Dated: \_\_\_\_\_

LOS OSOS COMMUNITY SERVICES DISTRICT

By: Rosemary Butler  
Chair

Date: April 5, 2001

[Signature]  
Clerk

Resolution No. 2001-10

APPROVED AS TO FORM AND LEGAL EFFECT:

By: [Signature]  
Attorney

Dated: \_\_\_\_\_

MEMORANDUM OF AGREEMENT BETWEEN THE MEMBER JURISDICTIONS OF THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY (COUNTY OF SAN LUIS OBISPO AND THE CITIES OF ARROYO GRANDE, ATASCADERO, GROVER BEACH, MORRO BAY, PISMO BEACH, AND SAN LUIS OBISPO) AND THE HERITAGE RANCH COMMUNITY SERVICES DISTRICT, SAN MIGUEL COMMUNITY SERVICES DISTRICT, NIPOMO COMMUNITY SERVICES DISTRICT, SAN MIGUEL SANITARY DISTRICT, CALIFORNIA VALLEY COMMUNITY SERVICES DISTRICT, CAMBRIA COMMUNITY SERVICES DISTRICT, CAYUCOS SANITARY DISTRICT, OCEANO COMMUNITY SERVICES DISTRICT, LOS OSOS COMMUNITY SERVICES DISTRICT, AND TEMPLETON COMMUNITY SERVICES DISTRICT REGARDING MEMBERSHIP ON THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY

THIS MEMORANDUM OF AGREEMENT (hereinafter referred to as the "MOA") is executed on the date below stated by and between the member jurisdictions of the San Luis Obispo County Integrated Waste Management Authority (hereinafter referred to as the "IWMA") and the Heritage Ranch Community Services District, San Miguel Community Services District, Nipomo Community Services District, San Miguel Sanitary District, California Valley Community Services District, Cambria Community Services District, Cayucos Sanitary District, Oceano Community Services District, Los Osos Community Services District, and Templeton Community Services District (hereinafter referred to as the "Districts").

RECITALS

WHEREAS, the member jurisdictions of the IWMA entered into a joint powers agreement on May 10, 1994, to achieve the mandates of the California Integrated Waste Management Act of 1989, to plan for, suggest, and implement solutions to common solid waste problems, to assist with programs by utilizing the professional talents of the various governmental entities in the County and of experts in various other fields and to coordinate their efforts; and



representative sitting on the IWMA Board on behalf of the various districts shall have all of the rights and powers granted to an IWMA member under the JPA.

2. Membership. Membership of a special district on the IWMA Board of Directors shall be provided for as follows:

- A. Membership on the IWMA Board of Directors shall be available to any Independent Special District within the San Luis Obispo County which currently provides solid waste collection and disposal services and has executed this MOA (hereinafter referred to as "Authorized Districts").
- B. Authorized Districts in accordance with procedures to be established by said Districts shall appoint one regular member and one alternate member to represent Authorized Districts on the IWMA Board of Directors. Said selected representatives shall represent the collective interests of all Authorized Districts on the IWMA Board of Directors. The selected representatives shall serve subject to such terms and conditions as may be established at the sole discretion of the Authorized Districts.
- C. The representative so appointed shall be an elected Authorized District officer residing within the County but shall not be a member of a legislative body of a city or county. The appointed representatives shall attend the meetings of IWMA Board of Directors. The representative and alternate shall serve so long as they hold an elected office with their member agency, or until they resign or are removed by a majority vote of the Authorized Districts. Vacancies shall be filled in the same manner as the initial appointments.
- D. The alternate shall be entitled to vote on IWMA matters only in the absence of the representative.
- E. Designation of the representative and the alternate serving on behalf of Authorized Districts, as well as changes thereto, shall be transmitted in writing to the manager of the Authority. In addition, to any district presently a party to this MOA, any other district that provides solid waste collection or disposal services which may desire to participate in the activities of the Authority may do so by executing this MOA and, thereafter, shall be governed by all the terms and provisions of this MOA as of the date of execution.

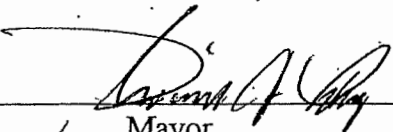
of California, or otherwise be unenforceable or ineffectual, the validity of its remaining parts, terms and provisions shall not be affected.

7. Effective Date. This MOA shall take effect upon its execution by the Chair or Mayor and Clerks of the governing bodies of all current IWMA members and at least three community service districts or sanitation districts that provide solid waste handling services or implement source reduction and recycling programs, pursuant to resolutions of such governing bodies authorizing such execution and shall remain in full force and effect until dissolved pursuant to the provisions herein. This MOA may be executed in counterparts which together shall constitute a single agreement.

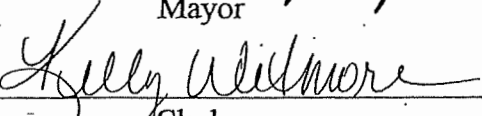
8. Amendment of JPA. Execution of this MOA by all of the member jurisdictions of the JPA shall constitute an amendment of the JPA with regard to inclusion of special districts for representation on the IWMA. All other terms and conditions of the JPA shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this MOA as of the date and year hereinabove written.

CITY OF ARROYO GRANDE

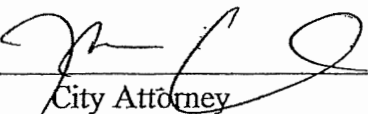
By:   
Mayor

Date: 4/30/01

  
Clerk

Resolution No. NA

APPROVED AS TO FORM AND LEGAL EFFECT:

By:   
City Attorney

Dated: 4/24/01

CITY OF ATASCADERO

By: \_\_\_\_\_  
Mayor

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

\_\_\_\_\_  
Clerk

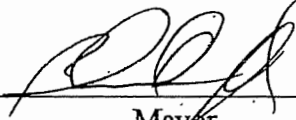
Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

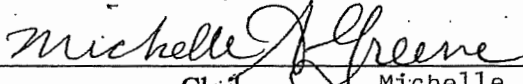
By: \_\_\_\_\_  
City Attorney

Dated: \_\_\_\_\_

CITY OF GROVER BEACH

By:  \_\_\_\_\_  
Mayor Richard W. Neufeld

Date: April 16, 2001

 \_\_\_\_\_  
Clerk Michelle A. Greene

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
City Attorney

Dated: \_\_\_\_\_

CITY OF MORRO BAY

By: \_\_\_\_\_  
Mayor

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

\_\_\_\_\_  
Clerk

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
City Attorney

Dated: \_\_\_\_\_

CITY OF PISMO BEACH

By: Rudy Natoli  
Mayor

Date: 4-3-01

Sharon Jones  
Clerk

Approved by motion on April 3, 2001,  
on motion of Councilmember Reiss,  
seconded by Councilmember Henlin,  
passed 5-0.

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
City Attorney

Dated: 4/10/01

CITY OF SAN LUIS OBISPO

By: \_\_\_\_\_  
Mayor

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

\_\_\_\_\_  
Clerk

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
City Attorney

Dated: \_\_\_\_\_

COUNTY OF SAN LUIS OBISPO

By: *Julie L. Rodewald*  
Chairperson

Date: 7-10-01

**JULIE L. RODEWALD**  
Clerk

Resolution No. \_\_\_\_\_

By: *Cheri Aquino*  
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

By: *[Signature]*  
Deputy County Counsel

Dated: 5-09-01

HERITAGE RANCH COMMUNITY SERVICES DISTRICT

By: \_\_\_\_\_

Chair

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

\_\_\_\_\_  
Clerk

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_

Attorney

Dated: \_\_\_\_\_

SAN MIGUEL COMMUNITY SERVICES DISTRICT

By: *Patty Harris*

Chair

Date: *May 14, 2001*

*J. H. Ellman*  
Clerk

Resolution No. *2001-11*

APPROVED AS TO FORM AND LEGAL EFFECT:

By: *[Signature]*  
Attorney

Dated: *5/17/01*

CALIFORNIA VALLEY COMMUNITY SERVICES DISTRICT

By: \_\_\_\_\_  
Chair

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

\_\_\_\_\_  
Clerk


Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
Attorney

Dated: \_\_\_\_\_

CAMBRIA COMMUNITY SERVICES DISTRICT

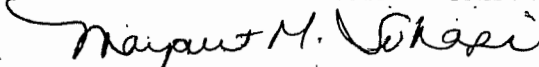
By:  \_\_\_\_\_  
Vice Chair

Date: 5-23-01

 \_\_\_\_\_  
Clerk

Resolution No. NA

APPROVED AS TO FORM AND LEGAL EFFECT:

By:  \_\_\_\_\_  
Attorney

Dated: 5-15-01

TEMPLETON COMMUNITY SERVICES DISTRICT

By: John L. [Signature]  
Chair

Date: 7-20-01

[Signature]  
Clerk

Resolution No. 7-2001

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
Attorney

Dated: \_\_\_\_\_

LOS OSOS COMMUNITY SERVICES DISTRICT

By: \_\_\_\_\_  
Chair

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

\_\_\_\_\_  
Clerk

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
Attorney

Dated: \_\_\_\_\_



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**SAN LUIS OBISPO COUNTY**  
**INTEGRATED WASTE MANAGEMENT AUTHORITY**  
*Connecting the Community to Waste Solutions*

**IWMA Board of Director's**

Charles Bourbeau - President,  
 City of Atascadero

Via Electronic and U.S. Mail

Jan Marx - Vice President,  
 City of San Luis Obispo

October 20, 2021

Robert Enns - Past President,  
 Special Districts

San Simeon CSD  
 Attn: Charles Grace and Legal Counsel  
 111 Pico Avenue  
 San Simeon, CA. 93452

Debbie Arnold - Supervisor,  
 San Luis Obispo County Dist. 5

Karen Bright,  
 City of Grover Beach

**Re: Agency Adoption of Amendment to the IWMA Memorandum of Agreement ("MOA")**

Lynn Compton - Supervisor,  
 San Luis Obispo County Dist. 4

Dear Mr. Grace and Legal Counsel:

Bruce Gibson - Supervisor,  
 San Luis Obispo County Dist. 2

On October 13, 2021, the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority ("IWMA") approved "as to form" the enclosed amendment to the Memorandum of Agreement ("MOA Amendment"). The MOA was originally executed by and between the Cities, the County, and Special Districts with solid waste powers to amend the IWMA Joint Powers Agreement ("JPA") to include those Special Districts for representation on the IWMA Board. This MOA Amendment formalizes the Special Districts' acceptance of an amendment to the JPA, also approved on October 13<sup>th</sup> ("JPA Amendment"), which is described more fully below.

John Hamon,  
 City of Paso Robles

Jeff Heller,  
 City of Morro Bay

Scott Newton,  
 City of Pismo Beach

The revisions encompassed in the JPA Amendment are limited to those specific to board composition, quorum requirements, and the required Government Code designated agency, following the County's formal withdrawal on November 15, 2021. The "supermajority" provision in Section 8.5 is also deleted. Without this deletion, a unanimous vote could be required on any item with the request of one board member. Instead, this revision provides for a simple majority on all matters. The IWMA Executive Committee is considering the formation of an ad hoc committee to assist with further modification of the JPA in the near future. The JPA Amendment reflects a preliminary step.

Dawn Ortiz-Legg - Supervisor,  
 San Luis Obispo County Dist. 3

John Peschong - Supervisor,  
 San Luis Obispo County Dist. 1

Keith Storton,  
 City of Arroyo Grande

For this MOA Amendment to be effective, it will need to be adopted by all member agencies. It is our anticipation that your board of directors will consider this Amendment prior to November 15, 2021.

**IWMA Staff**

Patti Toews,  
 Interim Executive Director

Please contact me if you have any questions.

Kelly York,  
 SB Program Manager

Sincerely,

Barbara Aspernelson,  
 Accountant

Patti Toews, Interim Executive Director  
 Integrated Waste Management Authority

Sasha Del Giorgio,  
 Clerk of the Board

Jeff Minnery  
 Legal Counsel

**Enclosures:**  
 Amendment to IWMA JPA re Quorum\_redline  
 Amendment to IWMA MOA re JPA Amendment

**SECOND AMENDMENT TO THE  
SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY  
("IWMA") JOINT POWERS AGREEMENT**

This Second Amendment to the Joint Powers Agreement ("Second Amendment") dated October 13, 2021, is made by and between the incorporated cities of Arroyo Grande, Atascadero, El Paso de Robles, Grover Beach, Morro Bay, Pismo Beach, and San Luis Obispo, hereinafter called "Cities," and the County of San Luis Obispo, hereinafter called "County."

**RECITALS**

**WHEREAS**, on May 10, 1994, an agreement was executed by and between the Cities and the County forming a joint powers authority pursuant to the provisions of the Joint Exercise of Powers Act (Government Code sections 6500 et seq.), for the purposes of facilitating the development of waste diversion programs and projects and of providing economies of scale on a regional basis (hereinafter referred to as the "JPA Agreement"); and

**WHEREAS**, in or around 2001, a memorandum of agreement ("MOA") was executed by and between the Cities, the County, and certain special districts within the County ("Authorized Districts") (collectively "parties") amending the JPA Agreement to include the Authorized Districts for representation on the IWMA Board ("First Amendment to the JPA Agreement"); and

**WHEREAS**, Section 7.2 (b) of the JPA Agreement provides that "[r]epresentatives to the Authority shall consist of the five members of the Board of Supervisors of the County of San Luis Obispo and of one additional member from the governing body of each incorporated city within the boundaries of the County of San Luis Obispo which is a party to this Agreement . . ."; and

**WHEREAS**, Section 8.5 of the JPA Agreement provides that to establish a quorum of the IWMA Board, there must be present a majority of representatives, "including one COUNTY representative"; and

**WHEREAS**, on September 14, 2021, the County Board of Supervisors voted to withdraw from the IWMA with an effective date of November 15, 2021; and

**WHEREAS**, to facilitate the continued operation of the IWMA Board of Directors without the County as a member jurisdiction, this Second Amendment to the JPA Agreement is necessary to (1) revise the representative members of the IWMA Board of Directors to eliminate the participation of the County Board of Supervisors; and (2) eliminate the requirement that a County representative is required to establish a quorum of the IWMA Board.

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. Section 5.3 of the JPA Agreement is amended and restated as follows:

Such powers shall be exercised subject only to the limitations set forth in this Agreement, applicable law and such restrictions upon the manner of exercising such powers as are imposed by law upon the Members in the exercise of similar powers. In no event shall the Authority be authorized to exercise any power not expressly authorized. The Authority hereby designates the City of San Luis Obispo as the Member required to be designated by Section 6509 of the California Government Code.

2. Section 7.2 (b) of the JPA Agreement is amended and restated as follows:

Representatives of the CITIES shall be appointed to serve on the Board in accordance with procedures established by each of the governing bodies of the member agencies. Representatives to the Authority shall consist of one member from the governing body of each incorporated city, within the boundaries of the County of San Luis Obispo, which is a party to this Agreement, with each incorporated area being limited to one representative. Representatives shall serve so long as they hold office with their member agency or until they shall resign or be removed by a majority vote of their member agency. Vacancies among representatives shall be filled in the same manner as the first appointment.

3. Section 8.5 of the JPA Agreement is amended and restated as follows:

8.5 Quorum and voting. For purposes of conducting business, there shall be present a quorum consisting of a majority of representatives. Each representative shall have one vote. No action shall be effective without the affirmative votes of a majority of those present. The representatives to the Authority shall adopt such procedures as are consistent with this Agreement and necessary to conduct the business of the Authority in an orderly manner.

4. All other terms and conditions of the JPA Agreement will remain in full force and effect.
5. Effective Date. This Second Amendment shall become effective upon the adoption and execution of all member agencies and the formal exit of the County of San Luis Obispo from the IWMA.

**IN WITNESS WHEREOF**, the parties have each caused this Second Amendment to the JPA to be executed by their duly authorized representative effective upon the execution by all member agencies.

**SECOND AMENDMENT TO THE  
SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY  
("IWMA") JOINT POWERS AGREEMENT**

This Second Amendment to the Joint Powers Agreement ("Second Amendment") dated October 13, 2021, is made by and between the incorporated cities of Arroyo Grande, Atascadero, El Paso de Robles, Grover Beach, Morro Bay, Pismo Beach, and San Luis Obispo, hereinafter called "Cities," and the County of San Luis Obispo, hereinafter called "County."

**RECITALS**

**WHEREAS**, on May 10, 1994, an agreement was executed by and between the Cities and the County forming a joint powers authority pursuant to the provisions of the Joint Exercise of Powers Act (Government Code sections 6500 et seq.), for the purposes of facilitating the development of waste diversion programs and projects and of providing economies of scale on a regional basis (hereinafter referred to as the "JPA Agreement"); and

**WHEREAS**, in or around 2001, a memorandum of agreement ("MOA") was executed by and between the Cities, the County, and certain special districts within the County ("Authorized Districts") (collectively "parties") amending the JPA Agreement to include the Authorized Districts for representation on the IWMA Board ("First Amendment to the JPA Agreement"); and

**WHEREAS**, Section 7.2 (b) of the JPA Agreement provides that "[r]epresentatives to the Authority shall consist of the five members of the Board of Supervisors of the County of San Luis Obispo and of one additional member from the governing body of each incorporated city within the boundaries of the County of San Luis Obispo which is a party to this Agreement . . ."; and

**WHEREAS**, Section 8.5 of the JPA Agreement provides that to establish a quorum of the IWMA Board, there must be present a majority of representatives, "including one COUNTY representative"; and

**WHEREAS**, on September 14, 2021, the County Board of Supervisors voted to withdraw from the IWMA with an effective date of November 15, 2021; and

**WHEREAS**, to facilitate the continued operation of the IWMA Board of Directors without the County as a member jurisdiction, this Second Amendment to the JPA Agreement is necessary to (1) revise the representative members of the IWMA Board of Directors to eliminate the participation of the County Board of Supervisors; and (2) eliminate the requirement that a County representative is required to establish a quorum of the IWMA Board.

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. Section 5.3 of the JPA Agreement is amended and restated as follows:

Such powers shall be exercised subject only to the limitations set forth in this Agreement, applicable law and such restrictions upon the manner of exercising such powers as are imposed by law upon the Members in the exercise of similar powers. In no event shall the Authority be authorized to exercise any power not expressly authorized. The Authority hereby designates the City of San Luis Obispo ~~San Luis Obispo County~~ as the Member required to be designated by Section 6509 of the California Government Code.

2. Section 7.2 (b) of the JPA Agreement is amended and restated as follows:

Representatives of the ~~COUNTY and~~ CITIES shall be appointed to serve on the Board in accordance with procedures established by each of the governing bodies of the member agencies. Representatives to the Authority shall consist of ~~the five members of the Board of Supervisors of the County of San Luis Obispo and of one additional~~ member from the governing body of each incorporated city within the boundaries of the County of San Luis Obispo which is a party to this Agreement, with each incorporated area being limited to one representative. Representatives shall serve so long as they hold office with their member agency or until they shall resign or be removed by a majority vote of their member agency. Vacancies among representatives shall be filled in the same manner as the first appointment.

3. Section 8.5 of the JPA Agreement is amended and restated as follows:

8.5 Quorum and voting. For purposes of conducting business, there shall be present a quorum consisting of a majority of representatives, ~~including one COUNTY representative.~~ Each representative shall have one vote. No action shall be effective without the affirmative votes of a majority of those present. ~~However, eight (8) affirmative votes shall be required for taking any action in the event any Member demands such a vote.~~ The representatives to the Authority shall adopt such procedures as are consistent with this Agreement and necessary to conduct the business of the Authority in an orderly manner.

4. All other terms and conditions of the JPA Agreement will remain in full force and effect.
5. Effective Date. This Second Amendment shall become effective upon the adoption and execution of all member agencies and the formal exit of the County of San Luis Obispo from the IWMA.

**IN WITNESS WHEREOF**, the parties have each caused this Second Amendment to the JPA to be executed by their duly authorized representative effective upon the execution by all member agencies.

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**FIRST AMENDMENT TO THE  
MEMORANDUM OF AGREEMENT BETWEEN THE MEMBER JURISDICTIONS OF  
THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT  
AUTHORITY AND THE AUTHORIZED DISTRICTS**

This First Amendment to the Memorandum of Agreement (“First Amendment to the MOA”) is executed on the date below stated, by and between the Member Jurisdictions of the San Luis Obispo County Integrated Waste Management Authority (the County of San Luis Obispo and the incorporated cities of Arroyo Grande, Atascadero, El Paso de Robles, Grover Beach, Morro Bay, Pismo Beach, and San Luis Obispo) and the special district parties to the Memorandum of Agreement (“MOA”) (Avila Beach Community Services District, California Valley Community Services District, Cambria Community Services District, Cayucos Sanitary District, Ground Squirrel Hollow Community Services District, Heritage Ranch Community Services District, Los Osos Community Services District, Nipomo Community Services District, Oceano Community Services District, San Miguel Community Services District, San Simeon Community Services District, and Templeton Community Services District (hereinafter “Authorized Districts”)).

**RECITALS**

**WHEREAS**, on May 10, 1994, an agreement was executed by and between the incorporated cities of San Luis Obispo County and the County of San Luis Obispo forming a joint powers authority pursuant to the provisions of the Joint Exercise of Powers Act (Government Code sections 6500 et seq.), for the purpose of facilitating the development of waste diversion programs and projects that provide economies of scale without interfering with individual agencies’ exercise of power within their own jurisdiction (hereinafter referred to as the “JPA Agreement”); and

**WHEREAS**, pursuant to the JPA Agreement, the power to perform the responsibilities of the joint powers authority was vested in the San Luis Obispo County Integrated Waste Management Authority Board of Directors (“IWMA Board”); and

**WHEREAS**, in or around 2001, an MOA was executed by and between the incorporated cities, the County of San Luis Obispo, and the Authorized Districts amending the JPA Agreement to include the Authorized Districts for representation on the IWMA Board (“First Amendment to the JPA Agreement”); and

**WHEREAS**, in or around October 13, 2021, the JPA Agreement was amended (“Second Amendment to the JPA Agreement”) to reflect the County of San Luis Obispo’s withdrawal from the IWMA (a true and correct copy of the Second Amendment to the JPA Agreement is attached hereto as Exhibit A); and



**WHEREAS**, by this First Amendment to the MOA, the parties hereto desire to acknowledge, accept, and agree to be bound by the terms and conditions of the Second Amendment to the JPA Agreement.

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. The parties hereto desire to acknowledge, accept, and agree to be bound by the terms and conditions of the Second Amendment to the JPA Agreement.
2. All other terms and conditions of the MOA will remain in full force and effect.

This First Amendment to the MOA may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

**IN WITNESS WHEREOF**, the parties have each caused this First Amendment to the MOA to be executed by their duly authorized representative effective upon the execution by all member agencies.

**SAN SIMEON COMMUNITY SERVICES DISTRICT**

By: \_\_\_\_\_  
Chairperson

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

\_\_\_\_\_  
Clerk

Resolution No. \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL EFFECT:

By: \_\_\_\_\_  
Attorney

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

## **6. G. Business Items**



## **BUSINESS ACTION ITEM STAFF REPORT**

---

**ITEM 6.G. DIRECTION TO STAFF TO SEND A LETTER OF INTENT NOTIFYING THE COUNTY OF SAN LUIS OBISPO THAT THE CSD INTENDS TO ASSUME SOLID WASTE AUTHORITY.**

Discussion:

As part of the process to obtaining solid waste authority, the County of San Luis Obispo needs to be notified of the District's intent to assume the functions in having solid waste authority. At the October Board meeting, the Board voted to move forward with this process.

Recommendation:

It is recommended that the Board direct legal counsel to coordinate with GES staff to draft a letter to the County of San Luis Obispo notifying them of the District's intent to assume solid waste authority.

## **6. H. Business Items**



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **ITEM 6.H. APPROVAL OF LIMITED TERM ENCROACHMENT EASEMENT AND AGREEMENT BETWEEN HEARST HOLDINGS, LLC AND THE SAN SIMEON CSD.**

#### Summary:

This matter was discussed at both the April 8, 2021 Regular Board meeting and a subsequent April 22, 2021 Special Board meeting. The direction to legal counsel and Grace Environmental Services was to work with the Hearst Corporation on the agreement and to make a payment of the outstanding amount.

Given the opinion of Counsel relative to rights of way document provided prior to the RO building's construction, the map provided in the Wallace survey depicting the RO building on Old County Road, the lack of a title report and a letter from Ogden & Fricks stating the encroachment allegation is false; during the September 9, 2021 Regular Board meeting, the Board approved MBS Land Surveys to perform a survey of the RO building. The results of this survey were presented to the Board at the October 12, 2021 Regular Board meeting.

#### Recommendation:

Given that the ownership determination has been finalized, and draft legal lot description provided, GES staff recommends approval of the limited term license agreement.

Enc: Limited Term Encroachment Easement and Agreement  
Draft – Exhibit "A" Draft encroachment area legal description  
Opinion of Counsel relative to right of way.  
Wallace Survey – August 18, 2020  
MBS Survey – October 2021

RECORD AT REQUEST OF AND RETURN TO:

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

No Fee Document – Per Govt. Code Sec. 6103 & 27383  
No County Transfer Tax Per R & T Code 11922

APNs: Portions of APNs 013-041-014 &  
013-011-024

Space Above This Line for Recorder’s Use

**GRANT OF LIMITED TERM ENCROACHMENT EASEMENT AND AGREEMENT**

This GRANT OF LIMITED TERM ENCROACHMENT EASEMENT AND AGREEMENT (the “**Agreement**”), dated \_\_\_\_\_ for reference purposes only, is made and entered into by and between **HEARST HOLDINGS, INC.**, a Delaware corporation (“**Hearst**” or “**Grantor**”), and **SAN SIMEON COMMUNITY SERVICES DISTRICT**, a California special district (“**District**” or “**Grantee**”).

**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 (“**Rangeland Trust**”), 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 (the “**Project**”) improvements including a reverse osmosis facility (collectively, the “**Water Treatment Facility**”), and completed construction of the Water Treatment Facility on or about April 2016. Since completion of the Water Treatment Facility, the District has been using the Water Treatment Facility for active water treatment operations and services as part of the Project (the “**Public Utilities Purposes**”).

D. In July 2020, Hearst and the District discovered that a portion of the Water Treatment Facility encroaches (the “**Encroachment**”) on that portion of the Conservation

Property more particularly description in **Exhibit A**, attached hereto and incorporated herein by this reference (the “**Encroachment Area**”).

E. As an interim measure, Hearst and the District entered into that certain Revocable Encroachment License Agreement effective as of October 26, 2020 (the “**License Agreement**”), by which Hearst granted to District a license to temporarily leave the existing Encroachment on the Encroachment Area pending completion and recordation of this Agreement.

F. District desires to obtain from Hearst, and Hearst has agreed to grant to District, an easement to allow the existing Encroachment to remain on the Encroachment Area for so long as the District continues to use the Encroachment for the Public Utilities Purposes, 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 covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Easement Terms.**

(a) **Grant of Easement.** Subject to the terms and conditions of this Agreement, Hearst hereby grants to the District an easement (the “**Easement**”) on, over and across the Encroachment Area for the sole and exclusive purpose of allowing the Encroachment to remain in its current location within the Encroachment Area for so long as the District continues to use the Encroachment for the Public Utilities Purposes in a manner substantially similar to the District’s manner of use thereof as of the date of this Agreement.

(b) **Term.** The term of the Easement and this Agreement (the “**Term**”) shall commence on the date that this Agreement is recorded in the Official Records of San Luis Obispo County, California (the “**Effective Date**”), and continue until the earlier of: (i) written notice by District to Hearst that the District has ceased to use the Easement for the Public Utilities Purposes; (ii) the District ceases to use the Easement for Public Utilities Purposes for a period of twelve (12) consecutive months; or (iii) any termination pursuant to Section 5 below.

(c) **Acknowledgements and Release by District.** In addition to Section 7 below, District acknowledges and agrees that, in consideration of the grant of the Easement 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 that certain survey report dated August 18, 2020, prepared by Wallace Group, a copy of which has previously been provided by Hearst to the District; 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) Encroachment Fee.

(i) As additional consideration for the grant of the Easement by Hearst to District as provided herein, commencing on the Effective Date, District covenants and agrees to pay to Hearst an annual encroachment fee (the “**Encroachment Fee**”) as provided in this Section 1(d). The Encroachment Fee shall be payable in advance on the Effective Date and thereafter on each anniversary of the Effective Date through the Term. The amount of the first Encroachment Fee payment shall be Five Thousand Dollars (\$5,000.00). Commencing on the first anniversary of the Effective Date, the amount of each annual Encroachment Fee shall automatically increase ~~two~~~~three~~ percent (~~32~~%) over the Encroachment Fee for the immediately preceding year. For the avoidance of doubt and as an example of such automatic Encroachment Fee increase during the Term, the annual Encroachment Fee for the first three (3) years of the Term shall be as follows:

<i>Annual Encroachment Fee</i>		
<i>Payment No.</i>	<i>Due Date</i>	<i>Amount</i>
1	Effective Date	\$5,000.00
2	1 <sup>st</sup> Anniversary of Effective Date	\$5,1 <del>500</del> .00
3	2 <sup>nd</sup> Anniversary of Effective Date	\$5, <del>20304</del> .50

(ii) Notwithstanding Section 1(d)(i) above, Hearst and the District acknowledge and agree that a prorated amount of the annual license fee previously paid to Hearst by the District under the License Agreement in the aggregate sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) (the “**Encroachment Fee Credit**”) shall be applied to the first Encroachment Fee payment under this Agreement. District shall have three (3) business days after the Effective Date to pay to Hearst the balance of the first Encroachment Fee payment after crediting thereto the Encroachment Fee Credit.

(e) Reimbursement of Damages Resulting from Encroachment. As a direct result of the Encroachment, Hearst incurred damages as more particularly set forth in the License Agreement. Hearst and District acknowledge and agree that, as of the Effective Date, the payment obligations of District under the License Agreement (including, without limitation, Section 1(e) of the License Agreement) have been satisfied in full. As additional consideration for the grant of the Easement by Hearst to District as provided herein, District shall pay to Hearst all additional damages incurred by Hearst during the 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 Easement and this Agreement.

(f) Termination of License Agreement. Subject to and conditioned upon recordation of this Agreement as provided in Section 1(b) above, Hearst and the District hereby agree that this Agreement shall replace the License Agreement, and the License Agreement shall terminate as of the Effective Date.

2. **Additional Covenants and Acknowledgements by the District.**

(a) Compliance with Conservation Easement. District acknowledges and agrees that: (i) the Encroachment Area is encumbered by the Conservation Easement; (ii) this Agreement, including but not limited to the District's rights pursuant to Section 1 above, is subordinate and subject to the Conservation Easement Agreement; and (iii) in performing its activities and obligations under this Agreement (including, without limitation, removal and reclamation pursuant to Section 6(a) below), District shall comply with all applicable provisions of the Conservation Easement Agreement. The parties acknowledge and agree that the District's acceptance of the grant of the Easement as provided herein does not constitute an assumption of any of the affirmative obligations of Hearst with respect to the Encroachment Area under the Conservation Easement Agreement; provided, however, District shall cooperate with Hearst, at District's sole cost and expense, in connection with Hearst's performance of its affirmative obligations with respect to the Encroachment Area under the Conservation Easement Agreement.

(b) Compliance with Laws. District shall perform its activities and obligations under this Agreement in a good and workmanlike manner, shall keep the Encroachment Area in neat, clean, orderly and safe condition at all times, and shall, at its sole cost and expense, comply with all applicable federal, state or local laws, regulations, decisions or orders of courts, administrative bodies or governmental agencies, ordinances, codes, permits or permit conditions, currently existing and as amended, enacted, issued, adopted or imposed in the future.

(c) Mechanic's Liens. District shall keep the Encroachment Area free and clear of all mechanic's liens or other liens resulting from the District's exercise of its rights pursuant to this Agreement and will promptly pay and discharge any such liens; provided, however, District will have the right to contest the correctness or the validity of any such lien, if immediately on demand of Hearst, District procures and records a lien release bond that meets the requirements of California Civil Code Section 8424 and will provide for the payment of such sum that the claimant may recover on the claim (together with costs of suit, if it recovers in the action).

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 and District's use of the Encroachment Area and the undertaking of the Project. 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 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 Rangeland Trust 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 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. The foregoing insurance requirements do not replace, waive, alter or limit the hold harmless or indemnification provisions of this Agreement. Not less frequently than every five (5) years, Hearst and the District shall cooperate in determining an appropriate increase, to adjust for inflation, in the limit of the insurance coverage maintained by the District under this Agreement. Thereafter, the District shall obtain and maintain in effect such increased coverage until the next such adjustment.

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, or breaches any covenant, condition or term of this Agreement, Hearst shall, in addition to any other remedies available at law or in equity, have the right to immediately terminate the Easement and this Agreement.

(b) If District fails to make any payment to Hearst when due as provided in under this Agreement, 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 18 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. **District Obligations Upon Termination.**

(a) **Removal and Reclamation.**

(i) Within twelve (12) months (the "**Removal Period**") after any termination of the Easement and this Agreement as provided in this Agreement (the "**Termination**"), Grantee shall, at its sole cost and expense, remove all improvements and facilities from the Encroachment Area (the "**Removal**"). The Removal shall include, without limitation, removal of all above-ground structures and the upper portion of foundations, and removal of all below-ground structures to a depth of thirty-six (36) inches below grade or greater if Grantor has a valid reason that would require removal of structures greater than 36 inches; provided that any of the foregoing that contain any materials then known to be harmful to the environment or health shall be completely removed, regardless of the depth. Foundations shall be ground to thirty-six (36) inches below grade, unless Grantor has a valid reason that would require removal greater than 36 inches, and the foundation sites re-graded, as applicable. Cables and conduits more than thirty-six (36) inches below grade may be abandoned in place provided they do not contain any materials then known to be harmful to the environment or health, unless Grantor has a valid reason that would require removal greater than 36 inches. All unsalvageable materials shall be disposed of by Grantee at authorized sites in accordance with all applicable present or future federal, state or local laws, statutes, codes, ordinances, rules regulations, decrees, orders and other such requirements. Site reclamation shall be based on site-specific requirements and techniques commonly employed at the time the area shall be reclaimed, including grading and removal of gravel. The failure of Grantee to remove, raze or demolish any improvement within the Removal Period as provided herein shall be deemed an abandonment of the improvements to Grantor, and Grantor shall have the right to keep such improvements and to charge Grantee, and Grantee agrees to reimburse Grantor, for all costs and expenses incurred by Grantor to remove, raze or demolish the improvements or any part thereof to the standard set forth above. In such event, Grantor shall be entitled to the entire salvage value of the improvements, without accounting to Grantee for such value. All Removal and reclamation shall be conducted and completed in compliance with all applicable present or future federal, state or local laws, statutes, codes, ordinances, rules regulations, decrees, orders and other such requirements and all applicable provisions of agreements of record as of the Effective Date, including, without limitation, the Conservation Easement.

(ii) In the event of the Termination as provided above, then notwithstanding any other term or provision of this Agreement, and notwithstanding such

termination of this Agreement, until Grantee's completion of the Removal as provided in the preceding subsection 6(a)(i) then: (A) Grantee shall remain bound by and obligated under the terms, covenants and provisions of this Agreement, and (B) Grantee's rights under this Agreement shall extinguish, except that Grantee shall have the continued license and right to access the Encroachment Area solely for the purpose of completing the Removal.

(b) Recordation of Quitclaim. Upon the Termination as provided above, Grantee shall execute, acknowledge and deliver to Grantor, within ten (10) business days after written demand from Grantor to Grantee, any quitclaim deed, termination agreement, cancellation and surrender agreement, affidavit, petition, or other document required by any reputable title company selected by Grantor, licensed to operate in the California, to remove any cloud or encumbrance on the Conservation Property created by this Agreement. Grantee irrevocably appoints Grantor as attorney-in-fact of Grantee, with full powers, at Grantee's cost and expense, to perform the obligations of Grantee under this paragraph upon the expiration of the ten (10) business day period described in this paragraph. Grantee's obligations under this paragraph shall survive the Termination.

7. District's Use and Liability; Release of Hearst. District hereby releases Hearst from any liability arising from the District exercising its rights under this Agreement and the District's undertaking of the Project. Furthermore, District agrees to assume responsibility for any damages to the Encroachment Area caused by reason of the District's use of the Easement and Encroachment Area under this Agreement. With respect to the release provided in this Section by the District, the District acknowledges that it has been advised by legal counsel and that the District waives the provisions of California Civil Code Section 1542, which provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

District, on behalf of itself and for its successors and permitted assigns, expressly, knowingly, and voluntarily waives and relinquishes all rights and benefits afforded by California Civil Code Section 1542 and any analogous state or federal law or regulation, and in so doing, understands and acknowledges the significance and consequence of such specific waiver.

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: Controller  
Email: \_\_\_\_\_@hearst.com

To District:

San Simeon Community Services District  
111 Pico Avenue  
San Simeon, CA 93452  
Attn: Chairperson  
Email: admin@sansimeoncsd.org

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. **Further Assurances.** Each of the parties agrees to perform any and all further acts and to execute and deliver any documents that may reasonably be necessary to carry out the provisions of this Agreement.

11. **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.

12. **Entire Agreement; Modification; Waiver.** This Agreement constitutes the entire agreement between Hearst and the District pertaining to the subject matter contained in it and, subject to Section 1(f) above, supersedes all prior and contemporaneous agreements, representations, and understandings. This Agreement may be amended, modified or supplemented only by written agreement of Hearst and the District and prior written consent of Rangeland Trust. 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.

13. **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.

14. **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.

15. **Binding on Successors.** This Agreement shall be binding upon the parties, permitted assigns and other successors in interest.

16. **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.

17. **Governing Law; Jurisdiction and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any legal suit, action, or proceeding arising out of this Agreement shall be instituted in Superior Court in San Luis Obispo County, California, and each party irrevocably submits to the exclusive jurisdiction of such court in any such suit, action, or proceeding. Each party irrevocably and unconditionally waives any objection to the laying of venue of any suit, action, or proceeding in such court and irrevocably waive and agree not to plead or claim in any such court that any such suit, action, or proceeding brought in any such court has been brought in an inconvenient forum.

18. **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.

19. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The parties authorize each other to detach and combine, or cause to be detached and combined, original signature pages and consolidate them into a single identical original for recordation of this Agreement in the Official Records of San Luis Obispo County, California.

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

**HEARST:**

HEARST HOLDINGS, INC., a Delaware corporation

**DISTRICT:**

SAN SIMEON COMMUNITY SERVICES DISTRICT, a California special district

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title:



**CONSENT OF CONSERVATION EASEMENT HOLDER**

Rangeland Trust, as holder of the Conservation Easement under the Conservation Easement Agreement, hereby consents to and approves of the grant of the Easement as set forth in the foregoing Agreement, in accordance with the Conservation Easement Agreement. Capitalized terms used in this Consent shall have the meanings ascribed to them in the foregoing Agreement.

**RANGELAND TRUST:**

CALIFORNIA RANGELAND TRUST, a  
California nonprofit public benefit  
corporation

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Name:  
Title:

\*\*\*\*\*

**CERTIFICATE OF ACCEPTANCE**

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

Certificate of Acceptance

This is to certify that the SAN SIMEON COMMUNITY SERVICES DISTRICT, a California special district, hereby accepts the interest in real property conveyed by the foregoing Grant of Limited Term Encroachment Easement and Agreement and consents to the recordation thereof.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Name:  
Title:

\*\*\*\*\*

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 )  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

)

County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

)

County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

**DESCRIPTION OF ENCROACHMENT AREA**

The real property referred to in this Agreement as the “Encroachment Area,” is located in San Luis Obispo County, California, and more particularly described as follows:

(See attached)

*[Review Note: Legal description and plat map to be prepared and included as Exhibit A.]*

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**EXHIBIT A**  
**Legal Description**

A portion of Lot "A" of the Subdivisions of the Rancho San Simeon, as surveyed by V.H. Woods and delineated on the "Plat Showing Partition of that part of San Simeon Ro. owned by Ira Van Gorden Sr." filed in the office of the Recorder of San Luis Obispo County, California, on July 17<sup>th</sup>, 1899 in Book B at page 108 of Maps, also being portions of land owned by Hearst Holdings, Inc. as described in Certificates of Compliance recorded as Document Numbers 2002-028663 and Document No. 2002-055088 in the office of the County Recorder of San Luis Obispo County, California described as follows;

Beginning at the most northerly corner of the Arbuckle Tract as shown on filed May 22, 1952 in Book 6 of Records of Surveys at page 49 in said County Recorder's office, said point also being a 1" iron pipe with tag "RCE 6923" as shown on said map; thence

- 1) South 37° 46' 11" West along the northwest line of said Arbuckle Tract a distance of 26.82 feet to a 5/8" rebar with aluminum cap "LS5702" as shown on map filed in Book 117 of Records of Survey at Page 17; thence
- 2) North 31° 00' 43" West along the northeast line of Pico Ave. as shown on said Arbuckle Tract a distance of 32.25 feet to the east corner of property (Parcel 1) granted to Rancho San Simeon Acres Service Corporation recorded on March 4, 1958 in Book 930 of Official Records at page 32 as witnessed by a 1" iron pipe with cap "LS 5702" as shown on map filed in Book 125 of Records of Surveys at page 62-63; thence continuing
- 3) North 31° 00' 43" West along the northeast line of Pico Ave. as shown on said Arbuckle Tract a distance of 32.13 feet to the most northerly corner of Pico Avenue as shown on said Arbuckle Tract and the most southerly corner of Hearst Holdings Inc. property described in Certificate of Compliance recorded as Document Number No. 2002-055088; thence
- 4) North 38° 17' 12" West along southwest line of said Hearst Holdings property a distance of 39.30 feet (said point lies North 38° 17' 12" West 1.00 feet from a 1" iron pipe with cap "LS 5702" per 125 RS 62-63); thence leaving said southwest line of Hearst Holdings Inc. property
- 5) North 47° 42' 01" East along an existing fence line a distance of 31.45 feet, thence
- 6) South 30° 30' 54" East along an existing fence line a distance of 99.82 feet to the Point of Beginning.

*DRAFT*  
*10-26-2021*

The above-described parcel contains 2693 square feet and is graphically shown on Exhibit B attached hereto and made a part hereof.

\* \* \*

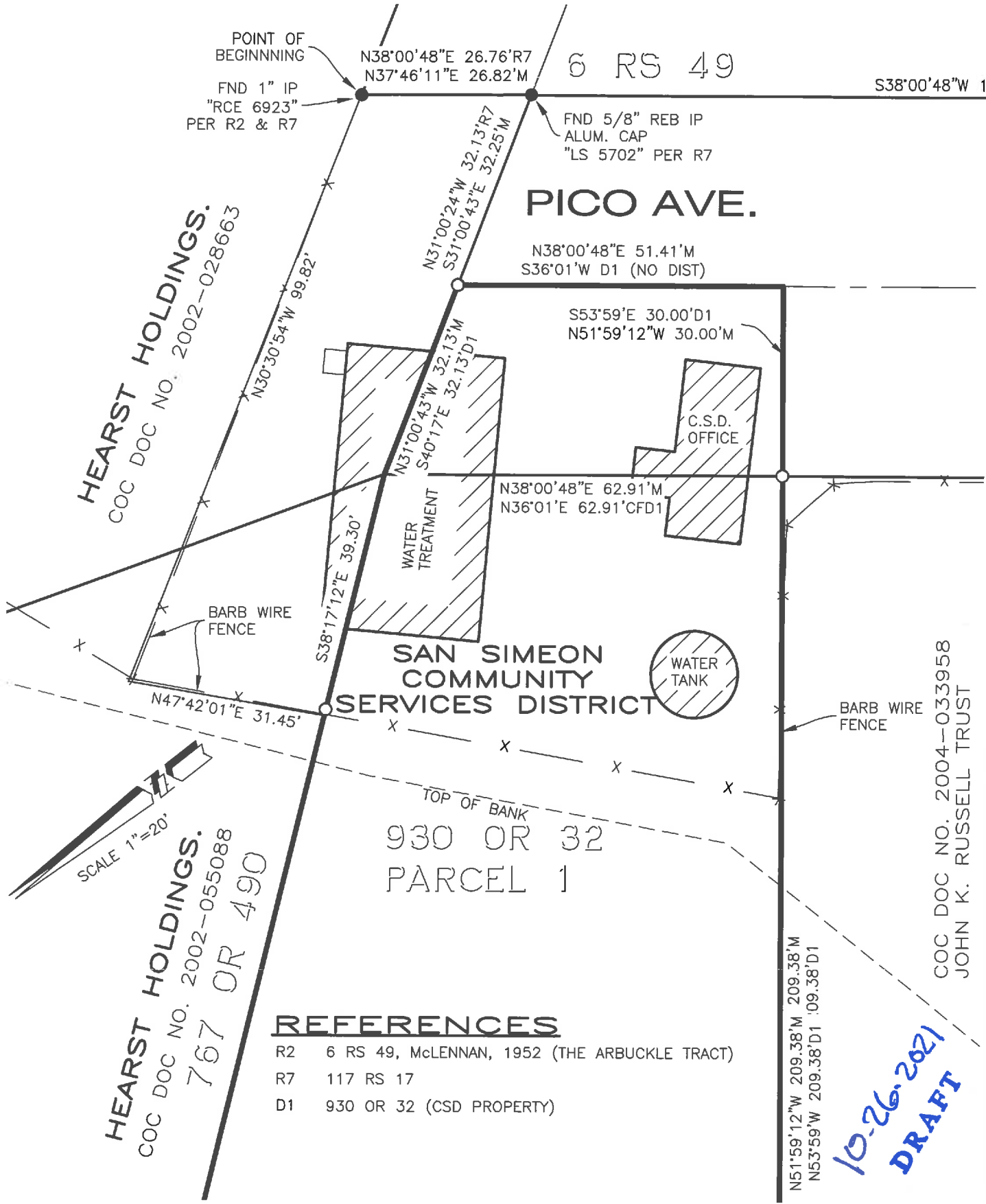


N:\2021\21-321 111 Pico Ave - San Simeon CSD\Legal Descriptions\Legal Description - Hearst Encroachment Map.doc  
10/26/2021 10:51 AM



N:\2021\21-321 111 Pico Ave - San Simeon CSD\3D 2019\21-321 Pico Ave San Simeon CSD Hearst Easement Area.DWG, 8.5 x 11 Easement Map, Oct 26, 2021 10:52am, MStanton

# EXHIBIT "B"



HEARST HOLDINGS.  
COC DOC NO. 2002-028663

HEARST HOLDINGS.  
COC DOC NO. 2002-055088  
767 OR 490

## REFERENCES

- R2 6 RS 49, McLENNAN, 1952 (THE ARBUCKLE TRACT)
- R7 117 RS 17
- D1 930 OR 32 (CSD PROPERTY)

10-26-2021  
DRAFT



MICHAEL B. STANTON, PLS 5702  
3559 SOUTH HIGUERA ST.  
SAN LUIS OBISPO, CA 93401  
805-594-1960

HEARST EASEMENT AREA  
IN FAVOR OF SAN SIMEON C.S.D.  
October 26, 2021 JOB #21-321

COC DOC NO. 2004-033958  
JOHN K. RUSSELL TRUST

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**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

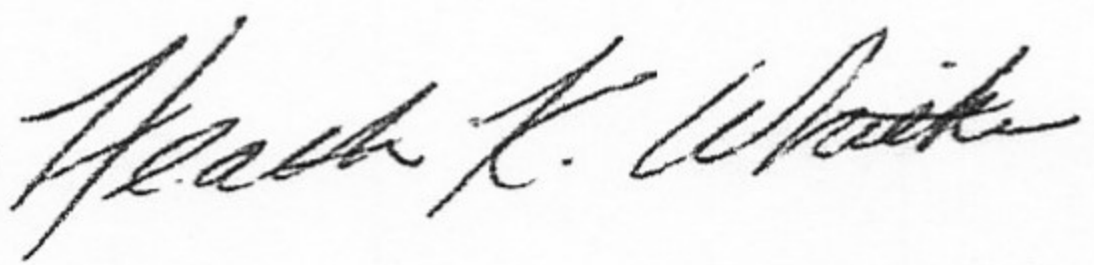
Certificate." executed by the Corporation on August 19, 20 15. I also have examined the "Right-of-way Map" to determine whether continuous and adequate land and rights-of-way are owned or have been acquired by the instruments covered in the "Right-of-way Certificate".

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

*Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to U.S. Department of Agriculture, Clearance Officer STOP 7602, 1400 Independence Avenue, S. W., Washington, D. C. 20250-7602. Please DO NOT RETURN this form to this address. Forward to the local USDA office only. You are not required to respond to this collection of information unless it displays a currently valid OMB control number.*

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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

CIVIL AND TRANSPORTATION ENGINEERING

CONSTRUCTION MANAGEMENT

LANDSCAPE ARCHITECTURE

MECHANICAL ENGINEERING

PLANNING

PUBLIC WORKS ADMINISTRATION

SURVEYING / GIS SOLUTIONS

WATER RESOURCES

WALLACE GROUP  
A California Corporation

612 CLARION CT  
SAN LUIS OBISPO  
CALIFORNIA 93401

T 805 544-4011  
F 805 544-4294

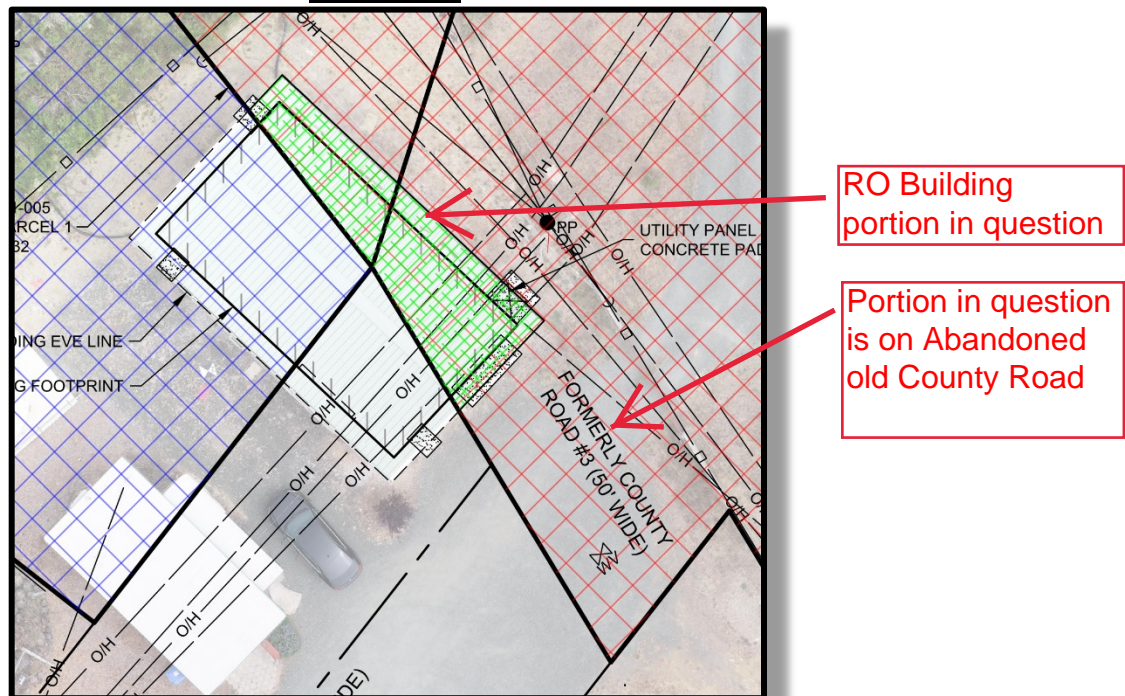
www.wallacegroup.us

of Official Records and the document recorded in Book 767, at page 490 of Official Records. Our research also consistently indicates that the portion of former County Road No. 3 that is adjacent to and northeasterly of the Pico Avenue right of way, 60 feet wide, is part of and together with the vesting title of Hearst APN 013-011-024 property.

Based on our field measurements of local record monuments, we were able to re-establish the location of the boundary line common to Hearst APN 013-041-014 and CSD APN 013-041-005 properties and that portion of Hearst APN 013-011-024 property that was formerly County Road No. 3. Our field measurements also included the location of various improvements in the area of these property boundary lines.

Figure #1 below and Exhibit #1 show the relationship of these property boundary lines and the visible and above grade improvements near them. Based on our research and field measurements, a portion of the CSD infrastructure, including the PW Project building (that portion of the building encroaching on Hearst property has been hatched in a **GREEN PATTERN**), has been constructed beyond the CSD property (hatched in a **BLUE PATTERN**) and on Hearst APN 013-041-014 and Hearst APN 013-011-024 properties (hatched in a **RED PATTERN**). Approximately 560 square feet of the PW Project building is constructed on Hearst property, 215 square feet on Hearst APN 013-041-014 and 345 square feet on Hearst APN 013-011-024.

**FIGURE #1**

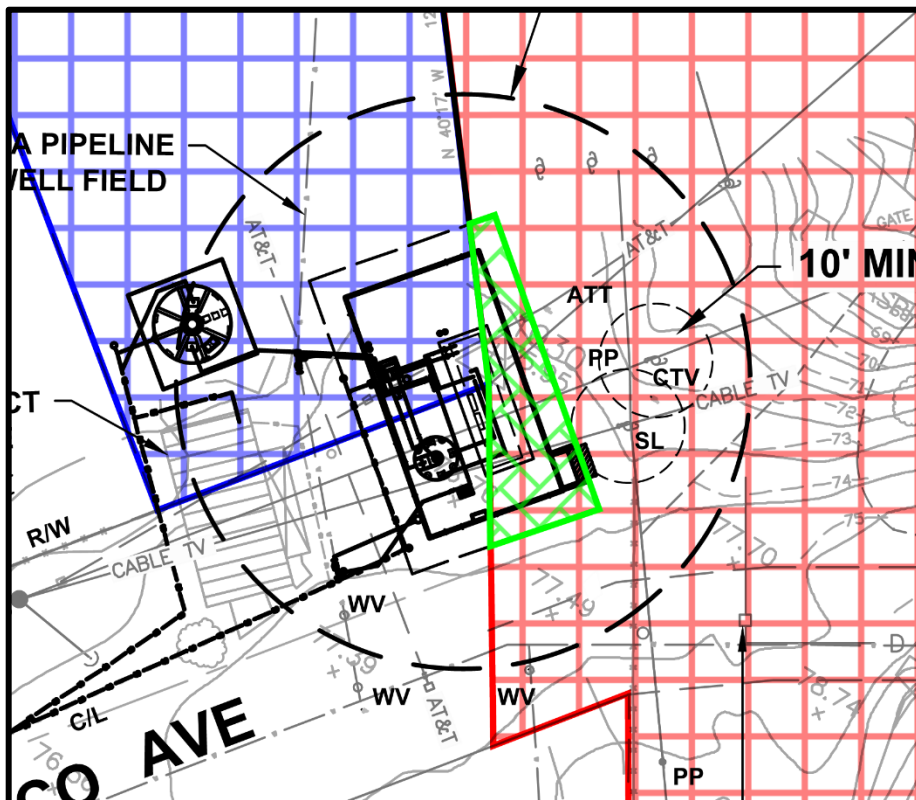


Our findings are consistent and corroborated by the CSD's PW Project record drawings. Sheet C-1 shows the CSD PW Project building to be constructed encroaching on Hearst's property. Figure #2 shows a markup of PW Project record drawing, highlighting the proposed building and its relationship to the property lines in



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

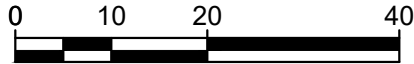
A handwritten signature in blue ink, appearing to read "CAB", written over the printed name.

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

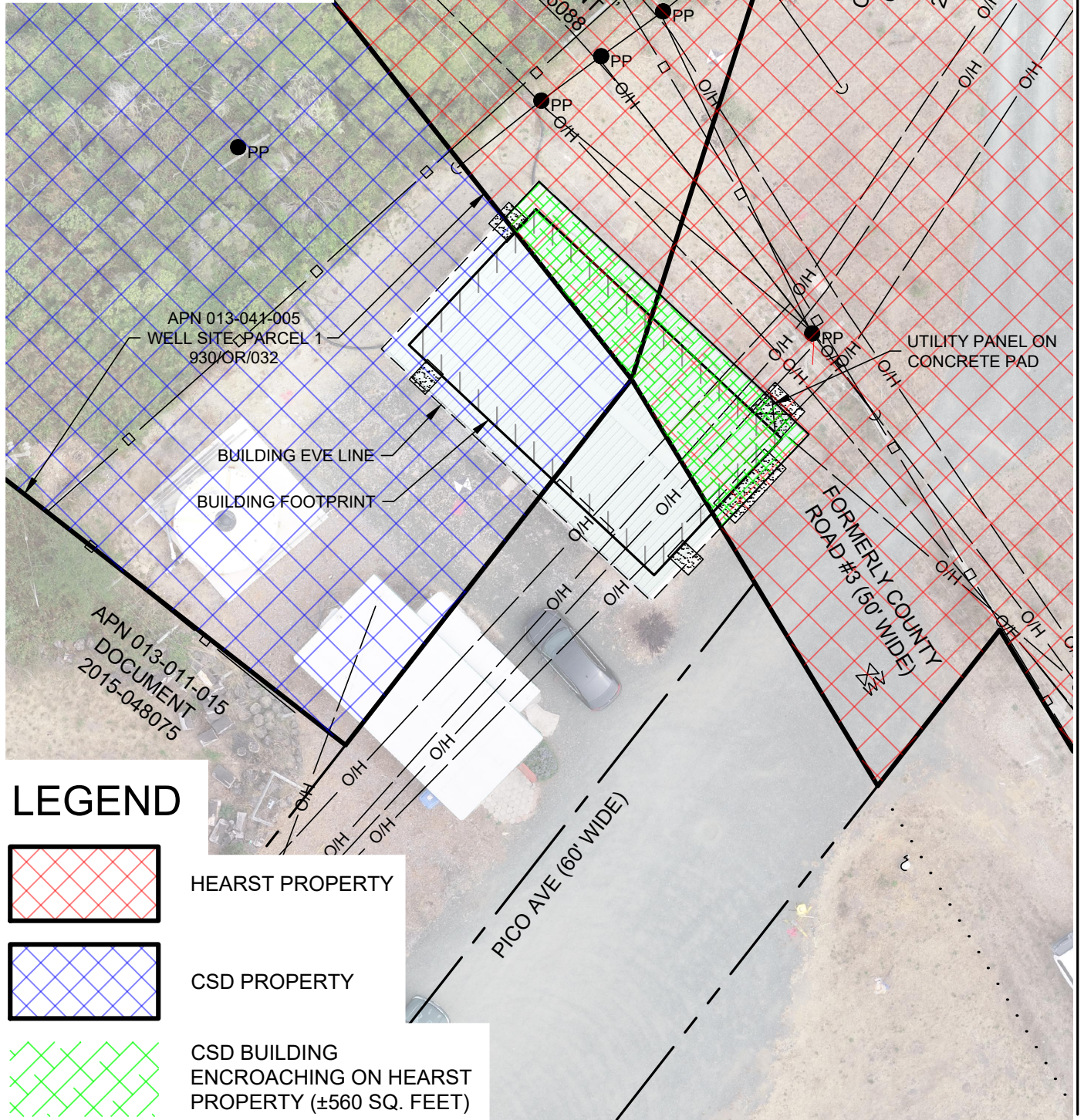


Attachment: Exhibit #1

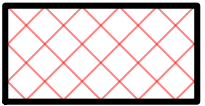
**GRAPHIC SCALE**



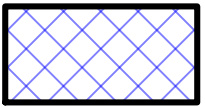
(IN FEET)  
1 IN = 20 FT



**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

**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'



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Michael B Stanton, PLS 5702  
3559 S. Higuera Street  
San Luis Obispo, Ca 93401

Ofc: 805.594.1960  
Cell: 805.440.4215  
Fax: 805.594.1966

September 22, 2021

Charlie Grace  
**San Simeon Community Services District**  
111 Pico Ave  
San Simeon, CA 93452

**RE: Boundary Survey for 111 Pico Ave., San Simeon**  
MBS No. 21-321

Dear Charlie:

I've completed the retracement survey for the San Simeon CSD's property at 111 Pico Ave in San Simeon. Unfortunately for the District, I concur with Clayton Bradshaw's conclusion that the RO water treatment building was partially constructed on land owned by Hearst Holdings, Inc. I have prepared a draft Record of Survey map that will be submitted and reviewed by the County Surveyor. We normally receive the County's comments and review within a few weeks of submittal. Once we receive comments back, we can schedule a time to set the monuments.

The deed that originally created this parcel was recorded in 1958 in Book 930 of Official Records at Page 32. At that time, the grantee was known as Rancho San Simeon Acres Service Corporation. This deed begins at the intersection of the northeasterly right-of-way line of the state highway and the northwest line of Pico Avenue as it existed in 1958. This was back when the state highway was only 80 feet wide and before the highway was widened to its current configuration. The original monument at the point of beginning was destroyed and currently lies within the travel lanes of the highway.

To re-establish the CSD property, I was able to establish the easterly corner from measurements that were made by Skip Touchon, LS in 2006, prior to construction of the RO water treatment building. Based on his measurements to other property monuments in the area, I was able to re-establish the easterly corner in its original position, which lands inside the current RO water treatment building. Sheet 1 of the Record of Survey shows the ties to his monuments found in 2006. Once this critical point was re-established, I was then able to run the deed courses backwards to establish the other corners of the property. The two back corners fall below the toe of bluff, in the flood plain. In 1954, a survey was performed along the toe of the bluff with 2"x2" wood stakes set, but none of these could be found due to thick vegetation in wet soil and possible prior flooding in that area.

The east corner of the main treatment building was found to be 12.81 feet onto Hearst Holding's property. There is an electrical panel on the east corner of the building which would protrude onto the Hearst property another 4 or 5 feet. Additionally, both the treatment building and the district office were built partially within area reserved for the Pico Avenue (County) right-of-way.

The design site plan by Phoenix Engineering clearly shows the building to be constructed over the property line by over 12 feet. I have included a sketch showing pink lines for the property lines superimposed over the original site plan. It appears that the building was moved about three feet

southeasterly from the position shown on the design plan, however this adjustment did not change the degree of encroachment. In the field, I can understand how the placement of the property lines could be deceiving, since the assumption would be that the fence is the property line; however, the property jogs about 25 feet southwesterly at the southeasterly right-of-way line of Pico Avenue. This jog in the property line is not fenced, and is not visibly apparent in the field. Phoenix engineering should have had their surveyor perform a boundary survey at the same time the topographic survey was performed (prior to design) to ensure that the building was placed correctly and that it met county setback requirements.

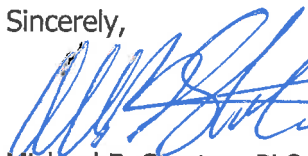
With regard to County Road No. 3, Roy Ogden of Ogden & Fricks, in his letter dated February 25, 2021, stated that abandonment of the road would allow the adjacent owner to claim half of the road. He referenced a case - *Safwenberg v. Marquez (1975) 50 CA 3d 301*. That case involved two lots within a subdivision (the Town of Carpinteria) filed in Book 2 of Maps at Page 7 of Santa Barbara County records, where the lots were straddling a public road that was ultimately abandoned by the City. In this case, the fee title to both of the lots straddling the road would extend up to the centerline of the street. When the agency abandons the easement, each adjacent owner can claim fee title up to the centerline. Civil Code Sections 831 and 1112 are generally applicable to situations where roads are abandoned within subdivisions.

That case (*Safwenberg v. Marquez*) is not relevant to County Road No. 3 in San Simeon. County Road No. 3 was granted from Lora Van Gorden to the County of San Luis Obispo in 1914 and at that time, Lora Van Gorden owned all of the underlying fee title to what was known as Lot A of the Partition of that Part of the San Simeon Rancho (Book B of Maps at page 108). So, when the road was abandoned in 1933, the underlying fee owner at the time (Piedmont Land & Cattle) claimed all of the underlying fee title.

I was able to find an original bearing tree called for in the original deed for the road (Book 101 deeds, page 45). The description calls for a 21" Blue Gum (a.k.a. Eucalyptus) in 1914, and today, it is now 72" in diameter. Based on the call from the bearing tree, and the bearings shown on the Porter Survey from 1949 (5 RS 21), I was able to determine the alignment of the original County Road No. 3. This alignment matched almost perfectly with the top and toe of slopes that are currently existing for the old road alignment. The original top and toe of slopes are shown with dashed lines on the Record of Survey. Since the closest portion of the road is over 60 feet from the closest corner of the CSD property, abandonment of this road does not affect the CSD property.

Feel free to call me if you would like to discuss this further.

Sincerely,



Michael B. Stanton, PLS



Enclosures:

Draft Record of Survey, sheets, 1 and 2  
Deed to District 930 OR 32 (1958)  
Site Plan for RO building from Phoenix Engineering with property lines in pink  
*Safwenberg v. Marquez (1975) 50 CA 3d 301* and Town of Carpinteria map  
Book B, Page 108 Van Gorden Tract showing county road No. 3

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS SURVEY WAS TAKEN FROM THE CENTERLINE OF AVONNE AVE BETWEEN FOUND MONUMENTS AS SHOWN, BEARING N 42° 18' 50" W PER R7.

DISTANCES ARE ON GRID. TO OBTAIN GROUND DISTANCES, MULTIPLY DISTANCES SHOWN BY A COMBINED SCALE FACTOR OF 1.00003312

ALL MEASURED BEARINGS SHOWN ON ON GRID TO OBTAIN GEODETIC BEARINGS, ROTATE BEARINGS SHOWN BY -1°47'12".

SEE 117 RS 17 FOR TIES TO INITIAL CAL TRANS CONTROL POINTS.

**LEGEND**

- SET 1" IRON PIPE WITH PLASTIC CAP "L.S. 5702"
- SET NAIL & TAG "L.S. 5702"
- FOUND MONUMENT AS NOTED
- M MEASURED
- R RECORD
- FND. FOUND
- S.P. SINGLE PROPORTION
- S.N.F. SEARCHED NOT FOUND
- INTX. BEARING BEARING INTERSECTION

**REFERENCES**

- R1 5 RS 21, PORTER 1949
- R2 6 RS 49, McLENNAN, 1952 (THE ARBUCKLE TRACT)
- R3 7 RS 34, McLENNAN, 1954
- R4 7 RS 35, McLENNAN, 1954
- R5 7 RS 58, McLENNAN, 1954
- R6 TOPOGRAPHIC MAP BY S. TOUCHON 2006 (JOB NO. 06148)
- R7 117 RS 17
- D1 930 OR 32 (CSD PROPERTY)
- D2 101 DEEDS 45 (CO ROAD NO. 3)
- D3 767 OR 490

N:\2021\21-321 Pico Ave - San Simeon CSD\CSD\21-321 Pico Ave San Simeon CSD 18x26 SHEET 1, Sep 20, 2021 3:25pm, MStanton

COC DOC. No. 2002-028663  
HEARST HOLDINGS, INC.

101 DEEDS 375

2318 OR 916

13 MB 93

6 RS 49

PICO AVE

18 RS 90

STATE HIGHWAY 1  
STATE OF CALIFORNIA  
RIGHT OF WAY

FND (EUCALYPTUS)  
72" BLUE GUM 21"  
PER D1

S76°E 51.2'R1  
S73°58'50"E 51.20'M

FND 1 IP OPEN  
PER R4&R6  
SS No 2

S9°34'41"E 61.32'M TIE LINE ONLY  
S60°00'E 174.50'R1  
S57°56'44"E 214.19'M

S.N.F.

FND 1 1/4" IP  
S No. 6  
PER R3&R4

ORIGINAL CONCRETE  
BRIDGE  
CIRCA 1916

COUNTY ROAD #3  
CENTERLINE ROTATED  
2°01'10" CLOCKWISE  
FROM R1 BEARINGS

CURRENT EVIDENCE OF  
COUNTY ROAD #3  
(TOP AND TOE OF SLOPES)

COC DOC. No. 2002-055188  
HEARST HOLDINGS, INC.

COC DOC. No. 2002-055087  
HEARST HOLDINGS, INC.

RE-ESTABLISHED  
POSITION OF 1"IP  
FROM 2006  
S. TOUCHON SURVEY  
2006 (UNRECORDED)

WELL SITE BOUNDARY  
NOT ESTABLISHED  
ON THIS SURVEY

COC DOC. No. 2004-033958  
JOHN K RUSSELL TR.

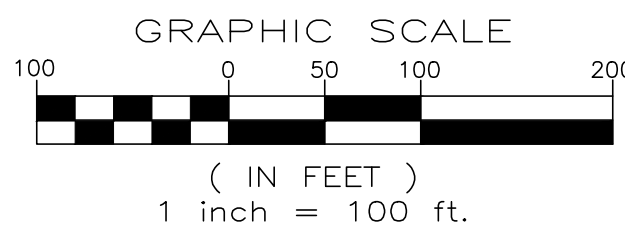
COC DOC. No. 2004-033959  
JOHN K RUSSELL TR.

COC DOC. No. 2004-033957  
JOHN K RUSSELL TR.

COC DOC. No. 2002-055089  
HEARST HOLDINGS, INC.

P.O.B.  
INTERSECTION OF NE'ly LINE OF STATE  
HIGHWAY WITH THE NW'ly LINE OF  
PICO AVE FORMERLY A 1 1/4" IP PER R5  
(1955) IS DESTROYED AND  
FALLS WITHIN STATE HIGHWAY.

NOTE:  
2"x2" STAKES SET BY McLENNAN IN 1954 PER  
7 RS 35 FALL WITHIN THE PICO CREEK FLOOD  
PLANE, AND NO TRACE OF THOSE STAKES  
COULD BE FOUND.



**SURVEYOR'S STATEMENT**

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF SAN SIMEON COMMUNITY SERVICES DISTRICT IN SEPTEMBER OF 2021.



MICHAEL B. STANTON, L.S. 5702

**COUNTY SURVEYOR'S STATEMENT**

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYOR'S ACT THIS

\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

EDWARD M. READING, L.S. 8081  
COUNTY SURVEYOR



**RECORDER'S STATEMENT**

FILED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,  
AT \_\_\_\_ M. IN BOOK \_\_\_\_ OF RECORDS OF SURVEYS AT PAGE \_\_\_\_  
AT THE REQUEST OF MICHAEL B. STANTON.

DOCUMENT NUMBER: \_\_\_\_\_

FEE: \_\_\_\_\_

COUNTY RECORDER \_\_\_\_\_ BY: \_\_\_\_\_ DEPUTY

**RECORD OF SURVEY**

A PORTION OF THE RANCHO SAN SIMEON AS SHOWN ON THE MAP OF THE PARTITION OF THE IRA VAN GORDEN TRACT FILED IN BOOK B OF MAPS AT PAGE 108 IN THE COMMUNITY OF SAN SIMEON COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.



MICHAEL B. STANTON, PLS 5702  
3559 SOUTH HIGUERA ST.  
SAN LUIS OBISPO, CA 93401  
805-594-1960

**LEGEND**

- SET 1" IRON PIPE PLASTIC CAP "L.S. 5702"
- SET NAIL & TAG "L.S. 5702"
- FOUND MONUMENT AS NOTED
- ▲ FOUND WELL MONUMENT AS NOTED
- M MEASURED
- R\_ RECORD
- FND. FOUND
- S.P. SINGLE PROPORTION
- S.N.F. SEARCHED NOT FOUND
- INTX. BEARING BEARING INTERSECTION

**REFERENCES**

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- R4 7 RS 35, McLENNAN, 1954
- R5 7 RS 58, McLENNAN, 1954
- R6 TOPOGRAPHIC MAP BY S. TOUCHON 2006 (JOB NO. 06148)
- R7 117 RS 17
- D1 930 OR 32 (CSD PROPERTY)
- D2 101 DEEDS 45 (CO ROAD NO. 3)
- D3 767 OR 490

**METHODS AND REASONING:**

THE POINT OF BEGINNING FOR 930 OR 32 BEGINS AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF THE STATE HIGHWAY WITH THE NORTHWESTERLY LINE OF PICO AVENUE AS IT EXISTED IN 1958. THIS MONUMENT HAS BEEN DESTROYED WITH THE WIDENING OF STATE HIGHWAY 1 AND CURRENTLY FALLS WITHIN THE TRAVEL LANES OF THE HIGHWAY.

I THEREFORE RE-ESTABLISHED THE MOST NORTHERLY CORNER OF PICO AVENUE AS SHOWN ON 6 RS 49 (R2) BY USING MEASURED TIE LINES FROM A UNRECORDED TOPOGRAPHIC MAP DATED 2006 BY SKIP TOUCHON, LS 4845. THE MONUMENT THAT SKIP TOUCHON LOCATED IN 2006 WAS DESTROYED BY CONSTRUCTION OF THE WATER TREATMENT BUILDING AFTER 2015. THIS RE-ESTABLISHED POSITION WAS HELD AS BEST EVIDENCE OF THE ORIGINAL DEED PER D1

THE FIRST CALL OF D1 CALLS FOR 767 OR 490 TO BE SENIOR, HOWEVER, AFTER A DILIGENT SEARCH, NONE OF THE 2"x2" WOOD STAKES SET PER R4 COULD BE FOUND IN THE FLOOD PLAIN, THEREFORE THE NORTHWEST LINE OF PICO AVE WAS HELD FOR THE BASIS OF DEED ANGLE AS BEST EVIDENCE OF THE INTENT OF 930 OR 32.

THE DEED COURSES WERE RUN BACKWARDS TO ESTABLISH COURSES 1, 2, AND 3 BY HOLDING RECORD DEED ANGLES AND RECORD DEED DISTANCES OFF OF THE NORTHWESTERLY LINE OF PICO AVE PER D1.

COURSE NUMBER 4 OF D1 MUST YIELD TO THE SENIOR DEED FROM 1914 PER 101 DEEDS 45. COURSE NUMBER FOUR WAS RUN DIRECTLY TO THE INTERSECTION OF THE CENTERLINE OF PICO AVE. WITH THE NORTHEAST BOUNDARY OF THE ARBUCKLE TRACE PER 6 RS 49.

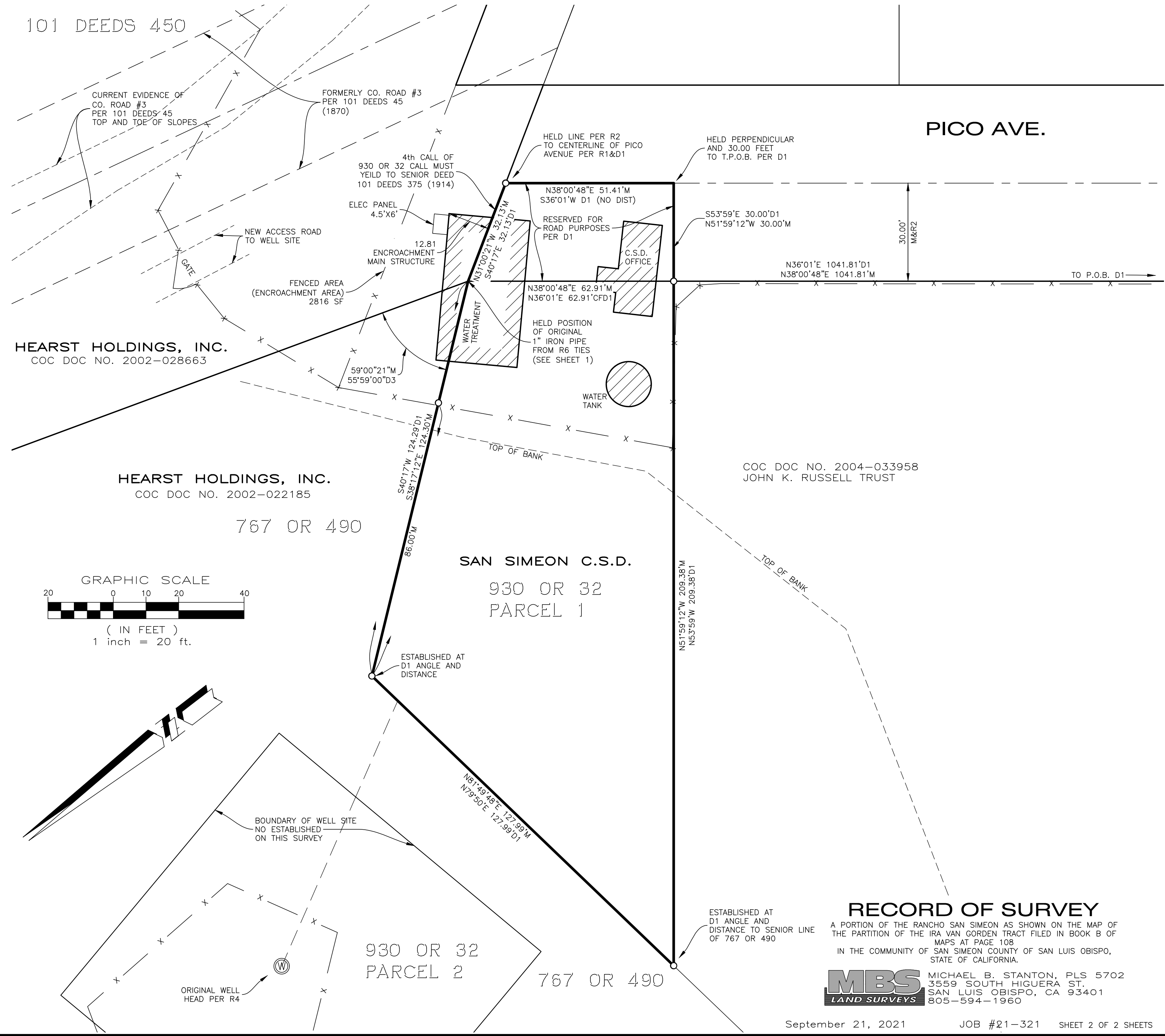
COURSE NUMBER 5 WAS RUN ALONG THE CENTERLINE OF PICO AVENUE TO A POINT WHICH WAS PERPENDICULAR AND 30.00 FEET FROM THE P.O.B. PER D1

THE LAST COURSE WAS RUN DIRECTLY TO THE P.O.B.

**NOTE:**

THE 2"x2" STAKES THAT WERE SET BY McLENNAN IN 1954 PER 7 RS 35 ALONG THE BOUNDARY OF SENIOR DEED 767 OR 490 WERE SET WITHIN THE FLOOD PLANE OF PICO CREEK. A DILIGENT SEARCH WAS MADE FOR THESE MONUMENTS AND NONE WERE FOUND.

101 DEEDS 450



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 A PORTION OF THE RANCHO SAN SIMEON AS SHOWN ON THE MAP OF THE PARTITION OF THE IRA VAN GORDEN TRACT FILED IN BOOK B OF MAPS AT PAGE 108 IN THE COMMUNITY OF SAN SIMEON COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.  
**MBS LAND SURVEYS** MICHAEL B. STANTON, PLS 5702  
 3559 SOUTH HIGUERA ST.  
 SAN LUIS OBISPO, CA 93401  
 805-594-1960

N:\2021\21-321 111 Pico Ave - San Simeon CSD\CSD\21-321 Pico Ave San Simeon CSD RS.dwg, 18X26 SHEET 2, Sep 21, 2021 7:02am, MStanton