TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN MSL
GENERAL MANAGER

DATE: FEBRUARY 7, 2013

AGENDA ITEM
E-5
FEBRUARY 13, 2013

APPROVE UPDATES AND CHANGES TO PERSONNEL POLICIES AND PROCEDURES TO ESTABLISH A NEW ORGANIZATIONAL STRUCTURE AND REVISED JOB DESCRIPTIONS AND SALARY RANGES TO SUPPORT STRUCTURAL CHANGES

ITEM

Consider proposed organizational changes precipitated by pending retirement of senior management staff. Consider job description and salary range changes to three existing positions to facilitate changes in organizational structure. [RECOMMEND CONSIDER RECOMMENDATION OF PERSONNEL COMMITTEE APPROVE CHANGES, AUTHORIZE RECRUITMENT].

BACKGROUND

The District's Utilities Superintendent has provided written notification to the General Manager announcing her retirement from the District effective June 3, 2013.

The District's Utilities Field Supervisor position has been vacant since retirement of the previous Supervisor became final in early 2012.

The District is currently constructing the Phase I Facility Improvements at the Southland Wastewater Treatment and Reclamation Facility. The project is scheduled to be complete in May 2014. Upon completion of the improvements, the facility will be reclassified as a *Level III* facility (current pond system is classified *Level I*), meaning the District's lead wastewater plant operator (a.k.a. Chief Plant Operator) will be required to possess a *Grade III* Wastewater Treatment Plant Operator Certificate as issued by the State of CA. This is one grade *higher* certificate than is currently required to be held by the Superintendent and Field Supervisor.

In order to effectively address the pending reduction in staffing resources, existing vacancy, and increased level of certification required by the new plant, staff is proposing changes to the organizational structure and revision to three existing job descriptions and salary ranges to support the structure change.

The District's current organizational chart and current job descriptions for the Engineer, Superintendent and field Supervisors are attached, along with the proposed organizational chart and proposed job descriptions. The following changes are being proposed:

- Eliminate the Utilities Superintendent position distributing the duties of the position between the newly created Director of Engineering and Operations and two field supervisor positions.
- Meld the Operations Superintendent position and District Engineer position into a new Director of Engineering and Operations position. Promote District Engineer to fill the newly created position.

- Reassign the position authority of the Superintendent position to a newly added wastewater Operator position.
- Revise the job descriptions to address new level of certification and to more efficiently supervise operations staff along functional lines while maintaining cross functional capabilities.

Eliminating the top management level Superintendent position in exchange for a wastewater Operator position nets a significant salary savings to the District (outlined below). The change also requires the distribution of significant administrative duties to the newly created Director of Engineering and Operations position, and to a lesser degree, the operations supervisor positions. Accordingly, salary adjustments are proposed for all affected positions as further detailed below.

FISCAL IMPACT

The anticipated annual salary savings based on the proposed reorganization is approximately $27,000 as summarized in the table below:

	NCSD STEP RANGE	MONTHLY SALARY RANGE	STEP 5 ANNUAL SALARY		STEP 5 NET (%) CHANGE IN SALARY	STEP 5 NET ($) CHANGE IN SALARY
Utility Superintendent	53	6,464 to 7,857	(94,284)	→	(100%)	(94,284)
District Engineer	68	9,323 to 11,332	(135,984)	→	10%	14,124
Director of Engineering and Operations	72	10,291 to 12,509	150,108			
Utility Field Supervisor	42	4,944 to 6,010	(72,120)	→	10%	7,392
Wastewater Supervisor	46	5,451 to 6,626	79,512			
Preventive Maintenance Supervisor	42	4,944 to 6,010	(72,120)	→	5%	3,600
Water Supervisor	44	5,191 to 6,310	75,720			
Utility Operator	28	3,514 to 4,271	42,168	→	100%	42,168
				Annual Salary Savings		(27,000)

District Engineer to Director of Engineering and Operations;
Currently the District Engineer is responsible for the development and implementation of the District's Capital Improvement Program, among various other duties. The budgeted capital projects expenditure for the current fiscal year is over $9M. An additional $14M in capital expenditure is being designed and planned (phased supplemental water). The Engineer reached the top of his salary range in September 2010. The Engineer supervises no staff.

With the proposed change, the Director of Engineering will assume all current Engineer responsibilities and the overarching responsibility of the Operations department, including direct or indirect supervision of twelve staff persons and responsibility for an additional $2M in annual operations expenditure.

It is proposed to increase the salary range of the new Director position over the current Engineer's salary range (see above table), with a 5% adjustment effective upon adoption of the changed job description and another 5% available after twelve months of above satisfactory job performance. Further, it is proposed the Utilities Superintendent's vehicle allowance (District vehicle provided to take home in support of '24/7/365' responsibility for operations), be transferred to the Director of Operations and Engineering upon retirement of the Superintendent.

Wastewater Supervisor

In addition to current Supervisor duties, this Supervisor will be required to possess a *Grade III Wastewater Treatment* certificate. This is one level higher that currently required. The District twice recruited unsuccessfully to fill the current position. Staff conducted informal web based research for local agency comparable salaries for this position – summarized below. Should the proposed reorganization be approved, recruitment for this position will be the highest staffing priority for the District. Startup of the new wastewater plant at Southland is schedule for late summer 2013. Retiring Utilities Superintendent Grietens is the only person on staff who currently possesses the certificates required to operate the new plant. A competitive salary range and benefit package is critical to successful recruitment.

Salary Comparison - Wastewater Supervisor

Agency	Position	Certification Requirement	Salary
City of Morro Bay	Wastewater Treatment Plant Supervisor	Grade 3	$5,047
City of Pismo Beach	Wastewater Systems Supervisor	Grade 3	$5,381
City of San Luis Obispo	Water Reclamation Facility Chief Operator	Grade 3	$5,401
South San Luis Obispo County Sanitation District	Wastewater Treatment Superintendent/Chief Plant Operator	Grade 3	$5,855
California Men's Colony	Water and Sewage Plant Supervisor	????	$5,415
Montecito Sanitary District	Wastewater Treatment Plant Operator III	Grade 3	$5,716
City of Santa Maria	Water Resources Supervisor	Grade 3	$5,978
Average			**$5,542**
Proposed Nipomo CSD	**Wastewater Supervisor**	**Grade 3**	**$5,451**

Water Supervisor

In addition to current duties, this Supervisor will be required to assume additional administrative duties including the preparation of all regulatory reporting required for the water system. With the approval of an intertie pipeline with the City of Santa Maria, this Supervisor will be responsible for managing a significantly more complex water supply system than the current system. Current Supervisor Scott German is expected to lateral to the new position, once approved. Mr. German is currently at the third of five intermediate salary ranges. His next available annual merit salary increase is in January 2014. The recommended change in salary range for this position would result in an additional merit increase of 5% being available to Mr. German in January 2016.

STRATEGIC PLAN

Strategic Plan Goal 1.3 - Upgrade and Maintain Water Storage and Distribution Works
Strategic Plan Goal 2.1 - Efficiently operate collection, treatment and disposal works
Strategic Plan Goal 2.2 - Upgrade and maintain collection and treatment works
Strategic Plan Goal 2.5 - Comply with State and Federal regulations and mandates
Strategic Plan Goal 4.1 – Retain and attract new employees

RECOMMENDATION

Staff recommends your Board, by motion and roll call vote, approve organizational change, approve salary range change, adopt resolution approving changes to job descriptions, authorize staff to recruit a Wastewater Supervisor.

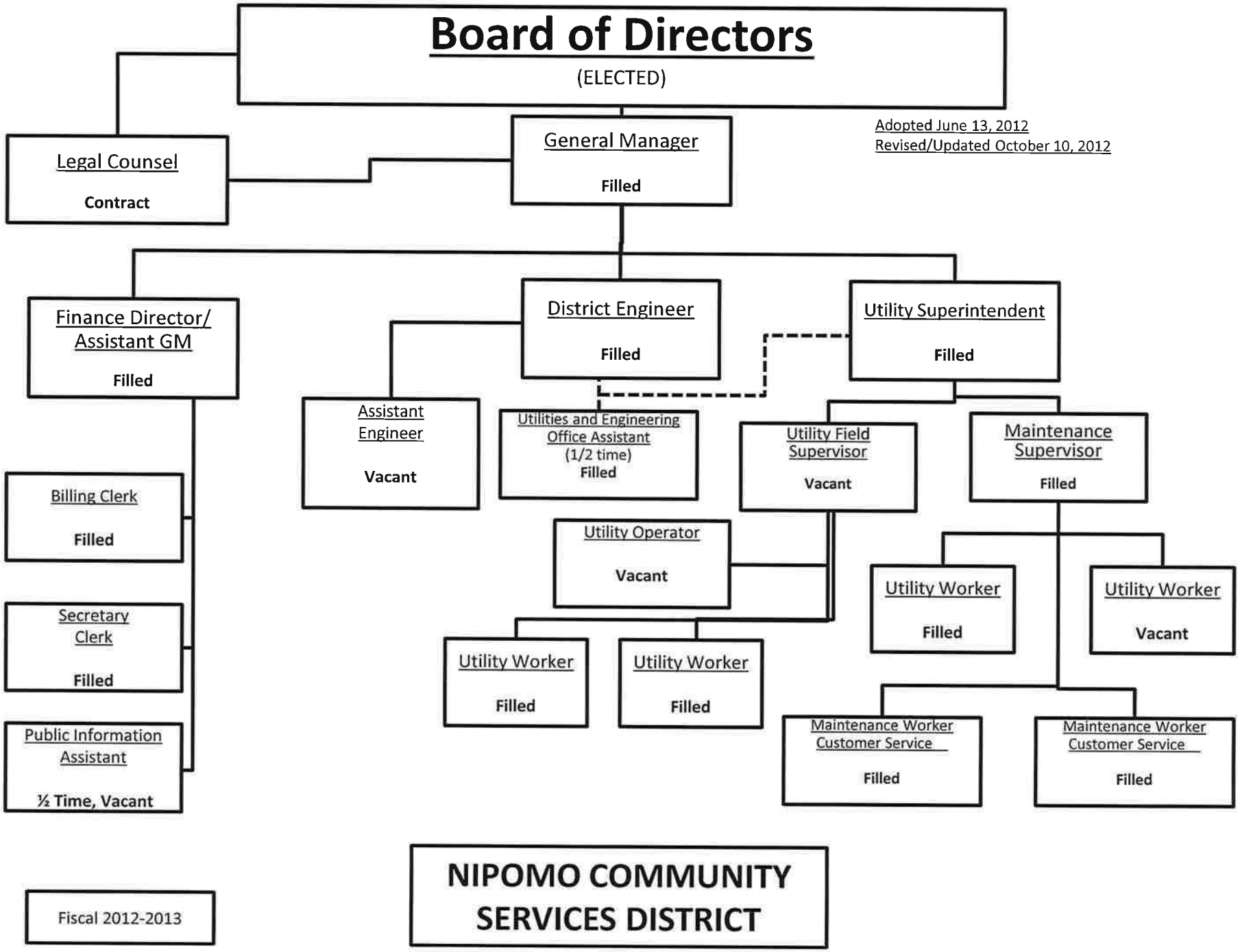
ATTACHMENTS

A. 2012-2013 District Organizational Chart
B. District Engineer Job Description
C. Utilities Superintendent Job Description
D. Utilities Field Supervisor Job Description
E. Maintenance Supervisor Job Description
F. Proposed District Organizational Chart
G. Resolution 2013-Director of Engineering and Operations
H. Resolution 2013-Wastewater Supervisor
I. Resolution 203-Water Supervisor

FEBRUARY 13, 2013

ITEM E-5

ATTACHMENT A


Board of Directors
(ELECTED)
Adopted June 13, 2012
Revised/Updated October 10, 2012
Legal Counsel
Contract
General Manager
Filled
Finance Director/ Assistant GM
Filled
District Engineer
Filled
Utility Superintendent
Filled
Assistant Engineer
Vacant
Utilities and Engineering Office Assistant (1/2 time)
Filled
Utility Field Supervisor
Vacant
Maintenance Supervisor
Filled
Billing Clerk
Filled
Utility Operator
Vacant
Utility Worker
Filled
Utility Worker
Vacant
Secretary Clerk
Filled
Utility Worker
Filled
Utility Worker
Filled
Public Information Assistant
½ Time, Vacant
Maintenance Worker Customer Service
Filled
Maintenance Worker Customer Service
Filled
Fiscal 2012-2013
NIPOMO COMMUNITY SERVICES DISTRICT

FEBRUARY 13, 2013

ITEM E-5

ATTACHMENT B

7015 – DISTRICT ENGINEER

1. DEFINITION

Under direction of the General Manager and in his/her absence the Assistant Administrator, the District Engineer, as a salaried FLSA exempt position, manages budgeted District projects; recommends new District projects; administrates developer Will Serve Applications; coordinates annexation applications; tracks Water Allocation program; maintains District SCADA system, GIS system, Utility Master Plans, and hydraulic models; processes Assessment District formation and reporting; prepares regulatory and operational reports; presents information to the District Board and Committees; interacts with utility staff, applicants, consultants, community members, and regulatory staffers; and performs related work as assigned.

2. CLASS CHARACTERISTICS

The employee in this class performs a variety of activities in technical support areas. Responsibilities include dealing with and providing staff support to the Board of Directors, under the Direction of the General Manager, and working with customers and a variety of agencies and consultants. Work assignments may be diverse, depending on the current needs of the District; however, the employee normally follows defined policies and procedures, has some responsibility for procedural changes and/or technical program oversight.

3. EXAMPLES OF DUTIES (Illustrative Only)

A. Manages the implementation of District projects including all tasks necessary to plan, design, comply with CEQA, secure permits, secure land, award bids, manage construction, accept completion, arrange for operation, and submit periodic reports on projects status in conjunction with authorized consultants, contractors, property owners, and agency personnel.
B. Tracks the implementation of utility master plans; recommends development of master plan updates as appropriate including the addition of new projects and changes to previously approved projects; and submits periodic reports on Master Plan implementation.
C. Administrates developer sponsored will serve applications including all tasks necessary to receive applications, determine the completeness of applications; process the intent to serve letter approval or denial; secure Plan Check and Inspection Agreement execution; assign an appropriate plan check consultant; monitor the plan check and inspection process; assist in select inspections; approve final plans; issue the Notice to Proceed; secure required easements; coordinate project construction inspection; coordinate with the county and other utilities; secure applicant submittals; secure applicant fee payments; issue a final will serve letter; present a Resolution of Acceptance to the Board; and finalize the warranties.
D. Coordinates developer sponsored annexation application including all tasks necessary to receive applications, determine the completeness of applications;

process Board review of the annexation application; develop the draft annexation agreement; present the annexation agreement to the Board; implement the conditions of the annexation agreement; and coordinate with LAFCO.

E. Oversees District Water Allocation Program including all tasks necessary to maintain current allocation balances by category for approved projects; advise the Board on the commitment represented by projects; track the dedication of approved projects; submit periodic reports; and maintain waiting lists as required.
F. Maintains and updates District Standard Specifications.
G. Maintains District SCADA system, GIS system, Utility Master Plans, and hydraulic models including all tasks necessary to update each respective system and to recommend upgrades.
H. Prepares and certifies Annual Assessment District Reports and Assessment Roles, presents reports and roles to Board, and assists as directed in the development of additional assessment districts.
I. Prepares a variety of periodic and special reports for submission to District management and regulatory agencies; represents the District in contacts with other agencies, public and private groups and customers.
J. Develops and monitors implementation of Capital Improvement Budgets; tracks project fiscal activity; and submits reports on Capital Improvement Project performance and cost.
K. Develops and recommends changes to equipment, policies and procedures to maintain compliance with laws and regulations and effective system performance.
L. Assists in the development of a preventative maintenance programs and updates the District's preventative maintenance program for newly completed projects and/or facilities developed by the District or developers.
M. Assists in the development of rate studies.
N. Assists the General Manager with major projects including the Waterline Intertie Project.
O. Presents information to the District Board, District Committees, Agency Boards and Committees and citizen groups.
P. Interacts with District Staff and Legal Counsel to respond to requests for engineering support under the supervision of the General Manager.
Q. Represents the District in a professional manner.

4. EMPLOYMENT STANDARDS

KNOWLEDGE OF:

A. Principles and practices of civil engineering and surveying, including utility work planning, direction, review, inspection, and evaluation;
B. The operation and maintenance of potable water production, treatment and distribution facilities and equipment;
C. The operation and maintenance of wastewater collection and treatment facilities;
D. The operation and maintenance of underground piping systems, including pipes, valves and related appurtenances;

E. The use of SCADA systems, Geographic Information Systems, and Auto-Cad Systems;
F. Safety equipment and practices related to the work, including the handling and storage of hazardous chemicals (Cal OSHA);
G. Applicable laws, codes and regulations including CEQA and the Subdivision Map Act;
H. Standard laboratory tests related to the treatment of water;
I. Mechanical, electrical, electronic and hydraulic principles;
J. Computer applications related to the work.

SKILL IN:

A. Reading, drafting and interpreting engineering projects, plans, specifications, blueprints, charts, maps, bid documents, and construction contracts;
B. Planning, drafting, reviewing and evaluating project and development plans and specifications;
C. Complying with CEQA;
D. Securing Permits for development of works;
E. Inspecting works under construction;
F. Coordinating the use of consultants and contractors;
G. Developing and implementing work procedures to meet laws and regulations;
H. Maintaining accurate records and preparing accurate reports and clear and concise correspondence;
I. Working independently within established procedural guidelines;
J. Making oral presentation to groups;
K. Identifying customer problems and resolving them in an effective and congenial manner;
L. Establishing and maintaining effective and professional working relationships with those contacted in the course of the work;
M. Maintaining and using SCADA systems, GIS systems, and Auto-Cad;
N. Typing reports and memorandum using word-processing programs.

PHYSICAL CHARACTERISTICS:

A. Vision to read gauges, meters, computer screens, and instruction manuals and to operate a motor vehicle;
B. Hearing to interact in person, on the telephone and over a radio;
C. Strength to lift and move equipment and tools weighing up to 80 pounds with proper equipment;
D. Stamina to do moderate physical work;
E. Mobility to inspect various work sites, work in confined spaces and climb ladders;
F. Ability to wear self-contained breathing equipment.

WORKING CONDITIONS:

A. The normal working day starts at 8:00 am and ends at 4:30pm;
B. Employee must be able to work out of doors in all weather conditions;
C. Employee must be available for attendance at evening and weekend meetings;

D. The District Engineer is a designated position in terms of NCSD's Conflict of Interest Code and must comply with all FPPC reporting and conflict codes.

LICENSE

Must possess and maintain a valid California Class C driver's license and have a satisfactory driving record (Class B would be a bonus);
Must posses and maintain a valid California Professional Engineer License;
Must be bondable by District's fidelity bond insurer.

EDUCATION AND EXPERIENCE:

Equivalent to graduation from an accredited four year college or university with a degree in civil engineering and at least four years of work experience as an engineer with utility application.

FEBRUARY 13, 2013

ITEM E-5

ATTACHMENT C

7100 - UTILITY SUPERINTENDENT

FLSA: EXEMPT

DEFINITION

Under general direction, plans, organizes, oversees, coordinates, and reviews the work of staff performing difficult and complex operations and maintenance functions and activities related to all programs and activities of the Utility Department; administers current and long-range planning activities; plans, manages, and coordinates the installation, operations, maintenance, and repair of water and wastewater facilities including treatment plants and underground collection and distribution lines; ensures the reliable operation of all equipment, whether stationary or mobile; ensures that District operations functions meet all applicable laws, regulations, and District policies; provides expert professional assistance to District management staff in areas of expertise; fosters cooperative working relationships with intergovernmental and regulatory agencies and various public and private groups; prepares numerous written reports; and performs related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the General Manager. Exercises direct and general supervision over operations and maintenance staff through subordinate levels of supervision.

CLASS CHARACTERISTICS

This is a single-position mid-management classification that manages, oversees, and directs all activities of the Utility Department, including day-to-day operations, maintenance, and repair, short and long-range capital improvement planning and budgeting. Responsibilities include coordinating the activities of the department with those of other departments and appointed officials and managing and accomplishing the complex and varied functions of the department. The incumbent is accountable for accomplishing departmental planning and operational goals and objectives and for furthering District goals and objectives within general policy guidelines. This class is distinguished from the General Manager in that the latter has overall responsibility for the management of all District functions and activities, and for developing, implementing, and interpreting public policy.

EXAMPLES OF ESSENTIAL JOB FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

A. Develops and directs the implementation of goals, objectives, policies, procedures, and work standards for the Utility Department, including current and long-range planning.
B. Prepares and administers the department's budgets, including materials and supplies, contract services, specified capital improvement projects, and vehicle and equipment expenses.

C. Plans, organizes, administers, reviews, and evaluates the work of operations, technical, maintenance, and contract staff directly and through subordinate levels of supervision.
D. Provides for the selection, training, professional development, and work evaluation of department staff; authorizes discipline as required; and provides policy guidance and interpretation to staff.
E. Contributes to the overall quality of the department's service by developing, reviewing, and implementing operational plans, policies, and procedures to meet legal requirements and District needs.
F. Coordinates activities of staff and the department with those of other District departments and outside agencies.
G. Participates in and provides input for the District's capital improvement program, including assisting in determining facility construction and upgrade needs, rewriting the District's standard specifications for construction and development, redesigning facilities for better efficiency and effectiveness, and providing project oversight and inspection as required.
H. Confers with and represents the department and the District in meetings with members of the Board of Directors, various governmental agencies, developers, contractors, business and industrial groups. and the public.
I. Oversees the development or update of the District's wastewater and water plans and programs and other plans related to District infrastructure.
J. Creates preventive maintenance programs and procedures for the District's water and wastewater systems and facilities, such as a flushing program for the District's water and wastewater pipelines.
K. Prioritizes and allocates available resources; and reviews and evaluates program and service delivery, makes recommendations for improvement and ensures maximum effective service provision.
L. Ensures compliance with all District operational and maintenance safety policies and procedures; provides for staff training in safety and compliance.
M. Prepares and directs the preparation of a variety of written correspondence, reports, procedures, and other written materials.
N. Maintains and directs the maintenance of working and official departmental files.
O. Monitors changes in laws, regulations, and technology that may affect departmental operations; and implements policy and procedural changes as required.
P. Provides technical advice to the District's management and the Board of Directors in District operations and maintenance matters.
Q. Receives, investigates, and responds to problems and complaints in a professional manner; identifies and reports findings and takes necessary corrective action.
R. Responds to emergency situations as necessary.
S. May perform utility maintenance and operations duties and provide technical assistance to crews in the field, on an as-needed basis.
T. Performs other duties as assigned.

QUALIFICATIONS

Knowledge of:

A. Administrative principles and practices, including goal setting, program development, implementation, and evaluation, and project management.
B. Principles and practices of budget administration.
C. Principles and practices of employee supervision, including work planning, assignment, review and evaluation, and the training of staff in work procedures.
D. Principles and practices of the development, operations, maintenance, and management of water and wastewater facilities, including treatment plants and underground collection and distribution lines and related systems and facilities.
E. Principles and techniques of capital improvement design, construction, inspection, funding, and long-term maintenance.
F. Applicable Federal, State, and local laws, codes, and regulations concerning the operation of the Utility Department.
G. Principles and practices of contract administration and evaluation.
H. Organization and management practices as applied to the development, analysis, and evaluation of programs, policies, and operational needs of the assigned department.
I. General principles of risk management related to the functions of the assigned area.
J. Recent and on-going developments, current literature, and sources of information related to the operations of the department.
K. Safety principles and practices.
L. Record keeping principles and procedures.
M. Modern office practices, methods and computer equipment.
N. Computer applications related to the work.
O. English usage, grammar, spelling, vocabulary, and punctuation.
P. Techniques for dealing effectively with the public, vendors, contractors, and District staff, in person and over the telephone.
Q. Techniques for effectively representing the District in contacts with governmental agencies, community groups and various business, professional, educational, regulatory and legislative organizations.
R. Techniques for providing a high level of customer service to public and District staff, in person and over the telephone.

ABILITY TO:

A. Plan, organize, administer, coordinate, review, and evaluate a comprehensive water and wastewater systems and facilities construction, operations, and maintenance program.
B. Read and interpret plans, specifications, and diagrams used in the design and construction of water distribution and wastewater collection systems and treatment facilities.
C. Recommend and implement goals, objectives, and practices for providing effective and efficient services.
D. Manage and monitor complex projects, on-time and within budget.
E. Plan, organize, schedule, assign, review, and evaluate the work of staff.
F. Train staff in work procedures.

G. Evaluate and develop improvements in operations, procedures, policies, and methods.
H. Research, analyze, and evaluate new service delivery methods, procedures, and techniques.
I. Prepare clear and concise reports, correspondence, policies, procedures and other written materials.
J. Analyze, interpret, summarize, and present administrative and technical information and data in an effective manner.
K. Interpret, explain, and ensure compliance with District policies and procedures, complex laws, codes, regulations, and ordinances.
L. Conduct complex research projects, evaluate alternatives, make sound recommendations, and prepare effective technical staff reports.
M. Effectively represent the department and the District in meetings with governmental agencies, community groups, and various businesses, professional, and regulatory organizations and in meetings with individuals.
N. Establish and maintain a variety of filing, record-keeping, and tracking systems.
O. Organize and prioritize a variety of projects and multiple tasks in an effective and timely manner; organize own work, set priorities, and meet critical time deadlines.
P. Operate modern office equipment, including computer equipment and specialized software applications programs.
Q. Use English effectively to communicate in person, over the telephone and in writing.
R. Writes clear and well organized reports and correspondence. Use tact, initiative, prudence and independent judgment within general policy, procedural and legal guidelines.
S. Establish and maintain effective working relationships with those contacted in the course of the work.

EDUCATION AND EXPERIENCE:

Any combination of training and experience that would provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to an Associate's degree in water and/or wastewater sciences, pre-engineering, business or public administration, supervision or management, or a related field, and five (5) years of experience in utility operations, including two (2) years of supervisory experience.

License:

A. Valid California Class C driver's license with satisfactory driving record; specified assignments and/or equipment may require possession of a class B driver's license.
B. Grade III Water Distribution Operator Certification from the State of California.
C. Grade II Water Treatment Plant Operator Certificate as issued by the State of California.
D. Grade II Wastewater Treatment Plant Operator Certificate as issued by the California State Department of Health Services and/or the California State Water Resources Control Board.
E. Grade II Wastewater Collection System Maintenance Certification from the California Water Environment Association.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer, as well as to work in the field, and to inspect various operations sites, including traversing slippery surfaces, climbing ladders, stairs, and other access points; to operate a motor vehicle and to visit various District and meeting sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups, and over the telephone. This is partially a sedentary office, partially a field classification, and standing in and walking between work areas is required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard, typewriter keyboard or calculator and to operate standard office equipment. Positions in this classification frequently bend, stoop, kneel, reach, push and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects necessary to perform job functions.

ENVIRONMENTAL ELEMENTS

Employees partially work in an office environment with moderate noise levels, controlled temperature conditions and no direct exposure to potentially hazardous physical substances. Employees also work in utilities and may be exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, confining workspace, chemicals, mechanical and/or electrical hazards, and hazardous physical substances and fumes. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

WORKING CONDITIONS

May be required to work on evenings, weekends and holidays. Must be able to arrive at District facilities within thirty (30) minutes from the time an initial call-back notification.

FEBRUARY 13, 2013

ITEM E-5

ATTACHMENT D

7110 - UTILITY FIELD SUPERVISOR FLSA: NON-EXEMPT

DEFINITION

Under general direction, plans, schedules, assigns, and reviews the work of operations staff within the Utility Department; coordinates, monitors, and provides technical input for assigned utility maintenance, construction, and repair projects, and other special programs; performs a variety of technical tasks relative to the maintenance and repair of District water and wastewater treatment facilities and water distribution and wastewater collection systems; works cooperatively with the Maintenance Supervisor on staff scheduling and on special projects; provides technical assistance to the Utility Superintendent and acts for the Utility Superintendent in their absence; and performs related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Utility Superintendent. Exercises direct and general supervision over lower-level staff. Coordinates and monitors the work of outside contractors, vendors, and consultants.

CLASS CHARACTERISTICS

This is the working supervisory-level class in the utility series. Responsibilities include planning, organizing, supervising, reviewing, and evaluating the work of utility operations. Incumbents are expected to independently perform the full range of utility maintenance and operations duties. Performance of the work requires the use of considerable independence, initiative, and discretion within established guidelines. This class is distinguished from the Utility Superintendent in that the latter has management responsibility for all utility maintenance and operations functions and activities of the District.

EXAMPLES OF ESSENTIAL FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

A. Plans, organizes, assigns, supervises, and reviews the work of assigned staff in the Utility Department.
B. Trains staff in work and safety procedures and in the operation and use of equipment and supplies; implements procedures and standards.
C. Evaluates employee performance, counsels employees, and effectively recommends initial disciplinary action; assists in selection and promotion.
D. Monitors operations and activities of the utility operations work unit; recommends improvements and modifications and prepares various reports on operations and activities.

E. Determines and recommends equipment, materials, and staffing needs for assigned maintenance projects; participates in the annual budget preparation; prepares detailed cost estimates with appropriate justifications, as required; maintains a variety of records and prepares routine reports of work performance.
F. Monitors and controls supplies and equipment; orders supplies and tools as necessary; prepares documents for equipment procurement; participates in informal bid processes for repair and construction projects as necessary.
G. Performs the most complex utility and operations duties, and provides technical assistance to crews.
H. Answers questions and provides information to the public; investigates complaints; recommends corrective actions to resolve issues.
I. Maintains logs and records of work performed; prepares periodic reports.
J. Conducts traffic control when working in high traffic areas of the District; oversees installation of street barricades and cones prior to the performance of maintenance or repair activities; directs and controls traffic around work sites.
K. Performs and supervises confined space entry.
L. Responds to emergency situations as necessary.
M. Supports the Maintenance Supervisor on certain projects, as assigned.
N. Acts for the Utility Superintendent in their absence.
O. Performs other duties as assigned.

QUALIFICATIONS

Knowledge of:

A. Principles and practices of employee supervision, including work planning, assignment, review and evaluation, discipline, and the training of staff in work procedures.
B. Principles and practices of utility maintenance and operations program development and administration.
C. Principles, practices, equipment, tools and materials of utility construction, maintenance, and repair.
D. Basic principles of contract administration for utility maintenance and repair projects.
E. Basic principles and practices of budget and capital improvement program development, administration, and accountability.
F. Safety principles, practices, and procedures of water and wastewater facilities and systems, including equipment and hazardous materials.
G. The operation and maintenance of a variety of hand and power tools, vehicles, and power equipment.
H. Applicable Federal, State, and local laws, codes, regulations and departmental policies, including National Pollution Discharge Elimination System (NPDES).
I. Modern office practices, methods and computer equipment.
J. Computer applications related to the work.
K. English usage, grammar, spelling, vocabulary, and punctuation.
L. Techniques for effectively representing the District in contacts with governmental agencies, community groups, and various professional, educational, regulatory, and legislative organizations.

M. Techniques for providing a high level of customer service to the public and District staff, in person and over the telephone.

ABILITY TO:

A. Assist in developing and implementing goals, objectives, practices, policies, procedures, and work standards.
B. Supervise, train, plan, organize, schedule, assign, review, and evaluate the work of staff.
C. Organize, implement, and direct utility maintenance and operations activities.
D. Analyze, interpret, apply, and enforce Federal, State and local policies, procedures, laws and regulations.
E. Understand, interpret, and successfully communicate both orally and in writing, pertinent department policies and procedures.
F. Identify problems, research and analyze relevant information, develop and present recommendations and justification for solution.
G. Perform the most complex maintenance duties and operate related equipment safely and effectively.
H. Develop contract specifications for utility maintenance contracts; administer such contracts.
I. Develop cost estimates for supplies and equipment.
J. Research, analyze, and evaluate new service delivery methods, procedures and techniques.
K. Maintain accurate records and files of work performed.
L. Make sound, independent decisions within established policy and procedural guidelines.
M. Organize own work, set priorities and meet critical time deadlines.
N. Operate modern office equipment including computer equipment and software programs.
O. Use English effectively to communicate in person, over the telephone and in writing.
P. Use tact, initiative, prudence and independent judgment within general policy and legal guidelines in politically sensitive situations.
Q. Establish and maintain effective working relationships with those contacted in the course of work.

EDUCATION AND EXPERIENCE:

Any combination of training and experience which would provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to the completion of the twelfth (12th) grade and four (4) years of progressive field experience in the operation and maintenance of water production, treatment, and distribution facilities and equipment, and wastewater collection and treatment facilities. Supplemental college coursework in potable or wastewater sciences or related field is desirable.

LICENSE:

A. Valid California Class C driver's license with satisfactory driving record; specified assignments and/or equipment may require possession of a class B driver's license.

B. Grade III Water Distribution Operator Certification from the State of California.
C. Grade II Wastewater Treatment Plant Operator Certificate as issued by the California State Department of Health Services and/or the California State Water Resources Control Board.
D. Grade II Water Treatment Plant Operator Certificate as issued by the State of California highly desirable.
E. Grade II Wastewater Collection System Maintenance Certification from the California Water Environment Association highly desirable.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer, and to work in the field around water and wastewater facilities and systems; strength, stamina and mobility to perform medium to heavy physical work, to work in confined spaces, around machines and to climb and descend ladders, and operate varied hand and power tools and construction equipment; to attend meetings and to operate a motor vehicle; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone or radio. The job involves fieldwork requiring frequent walking in operational areas to identify problems or hazards. Finger dexterity is needed to access, enter and retrieve data using a computer keyboard or calculator and to operate above-mentioned tools and equipment. Positions in this classification bend, stoop, kneel, reach and climb to perform work and inspect work sites. Employees must possess the ability to lift, carry, push, and pull materials and objects necessary to perform job functions.

ENVIRONMENTAL ELEMENTS

Employees work primarily in the field and are exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, confining workspace, chemicals, mechanical and/or electrical hazards, and hazardous physical substances and fumes. Employees interact with upset public and private representatives, and contractors in interpreting and enforcing departmental policies and procedures.

OTHER REQUIREMENTS:

Regular on-call duty for response to off-hours emergency situations is required. Must be able to arrive at District facilities within thirty (30) minutes from the time of an initial call-back. Work hours are subject to 24-hour emergency callbacks and standby and requires working varying hours, overtime, weekends and holidays.

FEBRUARY 13, 2013

ITEM E-5

ATTACHMENT E

7120 – MAINTENANCE SUPERVISOR FSLA: NON-EXEMPT

DEFINITION

Under general supervision, plans, organizes, implements, and oversees the District's preventive maintenance program and activities; and performs related work as required. Plans, schedules, assigns, and reviews the work of maintenance and customer service staff within the Utility Department. Performs the full range of utility maintenance and operations duties, and provides technical input for assigned utility maintenance, and repair projects. Performs a variety of technical tasks relative to the preventive maintenance of the District water and wastewater treatment, distribution, and collection systems. Works cooperatively with Utility Field Supervisor on staff scheduling and on special projects, and supervises operations staff in the absence of Utility Field Supervisor. Acts for the Utility Superintendent in the event that both Utility Field Supervisor and Utility Superintendent are absent, and performs related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Utility Superintendent. Exercises technical and functional supervision over maintenance and customer service staff.

CLASS CHARACTERISTICS

This is a working supervisory-level class. Responsibilities include planning, organizing, supervising, reviewing, and evaluating the work of the utility maintenance and customer service staff. Incumbents are expected to independently perform the full range of utility maintenance and operations duties. Performance of the work requires the use of considerable independence, initiative, and discretion within established guidelines. This class is distinguished from the Utility Superintendent in that the latter has management responsibility for entire Utility Department.

EXAMPLES OF ESSENTIAL FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

A. Plans, organizes, implements, and oversees the District's preventive maintenance program and activities.
B. Plans, organizes, assigns, supervises, and reviews the work of assigned maintenance and customer service staff in the Utility Department.

C. Evaluates employee performance, counsels employees, and effectively recommends initial disciplinary action; assists in selection and promotion.
D. Supervises operations staff in the absence of Utility Field Supervisor.
E. Develop weekly work schedules and priorities for assigned personnel and work projects and special projects to be completed; determine needed parts and supplies, prepare purchase orders.
F. Conducts traffic control when working in high traffic areas of the District; oversees installation of street barricades and cones prior to the performance of maintenance or repair activities; directs and controls traffic around work sites.
G. Performs and supervises confined space entry.
H. Oversee installation/conversion of residential water meters and installation of commercial meters.
I. Supervise and perform water distribution preventive maintenance activities, including valve exercising/testing, hydrant flushing, respond to and direct emergency repairs as appropriate.
J. Supervise and perform collection system flushing with sewer vacuum truck/hydrocleaner, cleaning of manholes, sewer lift stations and TV inspection of sewer lines, respond to and direct emergency repairs as appropriate.
K. Trains staff in work and safety procedures and in the operation and use of equipment and supplies.
L. Performs line locating, inspect sewer laterals and water service lines for new construction as necessary.
M. Perform a variety of skilled mechanical installation, maintenance and repair of pump and lift stations, maintain and repair pneumatic, hydraulic and electronic control systems, including computer-controlled telemetry systems at District facilities.
N. Assist Utility Field Supervisor with special projects involving coordination of crews
O. Maintain and update all maintenance records and prepare weekly and monthly reports to the Utility Superintendent.
P. Track performance goals of Preventive Maintenance Program.
Q. Performs other duties as assigned.

QUALIFICATIONS

KNOWLEDGE OF:

A. Materials, methods, equipment, tools, practices and procedures used in maintenance and repair of water and wastewater distribution and collection system infrastructure and facilities.
B. Occupational hazards and standard safety practices, and appropriate precautions applicable to work assignments, including those associated with working with high pressure equipment, and working in vaults and confined spaces.
C. Basic principles and procedures of record keeping.
D. Operation, materials, and methods of wastewater collection, treatment, water treatment and distribution and construction.
E. Tools, equipment, and procedures used in the overhaul, repair, and adjustment of wastewater, lift stations, collection systems, potable water distribution system equipment.
F. Principles and practices of employee supervision, including work planning, assignment, review and evaluation, discipline, and the training of staff in work procedures.

G. Procedures, principles, practices, techniques, and methods of preventative maintenance programs and related activities.
H. Modern office practices, methods and computer equipment.
I. Computer applications related to the work, including computer tracking programs for facility maintenance activities. Microsoft Word, Excel, and Outlook highly desirable.
J. English usage, grammar, spelling, vocabulary, and punctuation.
K. Techniques for effectively dealing with engineers, developers, contractors, District staff, and representatives of other agencies.
L. Techniques for providing a high level of customer service to the public and District staff, in person and over the telephone.

ABILITY TO:

A. Perform routine installation, repair and maintenance activities of wastewater collection system and water distribution system.
B. Lead in diagnosis, disassembly and repair of routine wastewater, lift station, water pump station system equipment.
C. Perform preventive maintenance on utility equipment per preventive maintenance schedule.
D. Train employees to read and understand various manuals, blueprints, and schematics.
E. Train employees to use and operate hand tools, power tools, and equipment in a safe and efficient manner.
F. Oversee and maintain a variety of maintenance and repair records.
G. Work independently and exercise higher level of responsibility in the absence of the Superintendent.
H. Accurately determine mechanical repair needs.
I. Perform a variety of tasks for extended periods of time and in unfavorable weather conditions.
J. Apply good judgment and practical knowledge to resolve unusual or irregular problems in the area of work assigned.
K. Supervise, train, plan, organize, schedule, assign, review, and evaluate the work of staff.
L. Plan, coordinate, oversee, and track facility maintenance and repair activities.
M. Maintain accurate records and files of work performed.
N. Make sound, independent decisions within established policy and procedural guidelines.
O. Organize own work, set priorities and meet critical time deadlines.
P. Operate modern office equipment including computer equipment and software programs.
Q. Use English effectively to communicate in person, over the telephone and in writing.
R. Use tact, initiative, prudence and independent judgment within general policy and legal guidelines in politically sensitive situations.
S. Establish and maintain effective working relationships with those contacted in the course of work.

EDUCATION AND EXPERIENCE:

Any combination of training and experience which would provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to the completion of the twelfth (12th) grade and two (2) years of increasingly responsible supervisory experience. Supplemental college coursework in potable or wastewater sciences is desirable. Maintenance experience is desirable.

LICENSES:

A. Valid California Class C driver's license with satisfactory driving record.
B. Must have Grade III Water Distribution Operator Certificate from the State of California Department of Health Services, and Grade I Wastewater Treatment Operator Certificate issued by the California State Water Resources Control Board, or hold one of the two certifications, and

   Must be able to complete certification requirement (Water Distribution III and Wastewater Treatment Grade I) within 18 months of hire. Failure to obtain certification within the 18 months will be grounds for termination.
C. Grade II Wastewater Collections System Maintenance Certificate issued by California Water Environment Federation must be obtained within 18 months of hire.

PHYSICAL DEMANDS

This is a working supervisorial position. The job involves fieldwork requiring frequent walking in operational areas to identify problems or hazards; working and/or walking for long periods of time, on various types of surfaces including slippery or uneven surfaces and rough terrain. Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; traversing uneven terrain, climbing ladders, stairs, and other temporary or construction access points; to attend meetings and to operate a motor vehicle; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone or radio. Finger dexterity is needed to access, enter and retrieve data using a computer keyboard or calculator and to use, repair and operate above-mentioned tools and equipment. Positions in this classification bend, stoop, kneel, reach and climb for extended periods of time in performance of their duties. Employees must possess the ability to lift, carry, push, and pull materials and objects necessary to perform job functions.

ENVIRONMENTAL ELEMENTS

Employees work primarily in the field and are exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, confining workspace, chemicals, mechanical and/or electrical hazards, and hazardous physical substances and fumes. Employees interact with upset public and private representatives and contractors in interpreting and enforcing departmental policies and procedures.

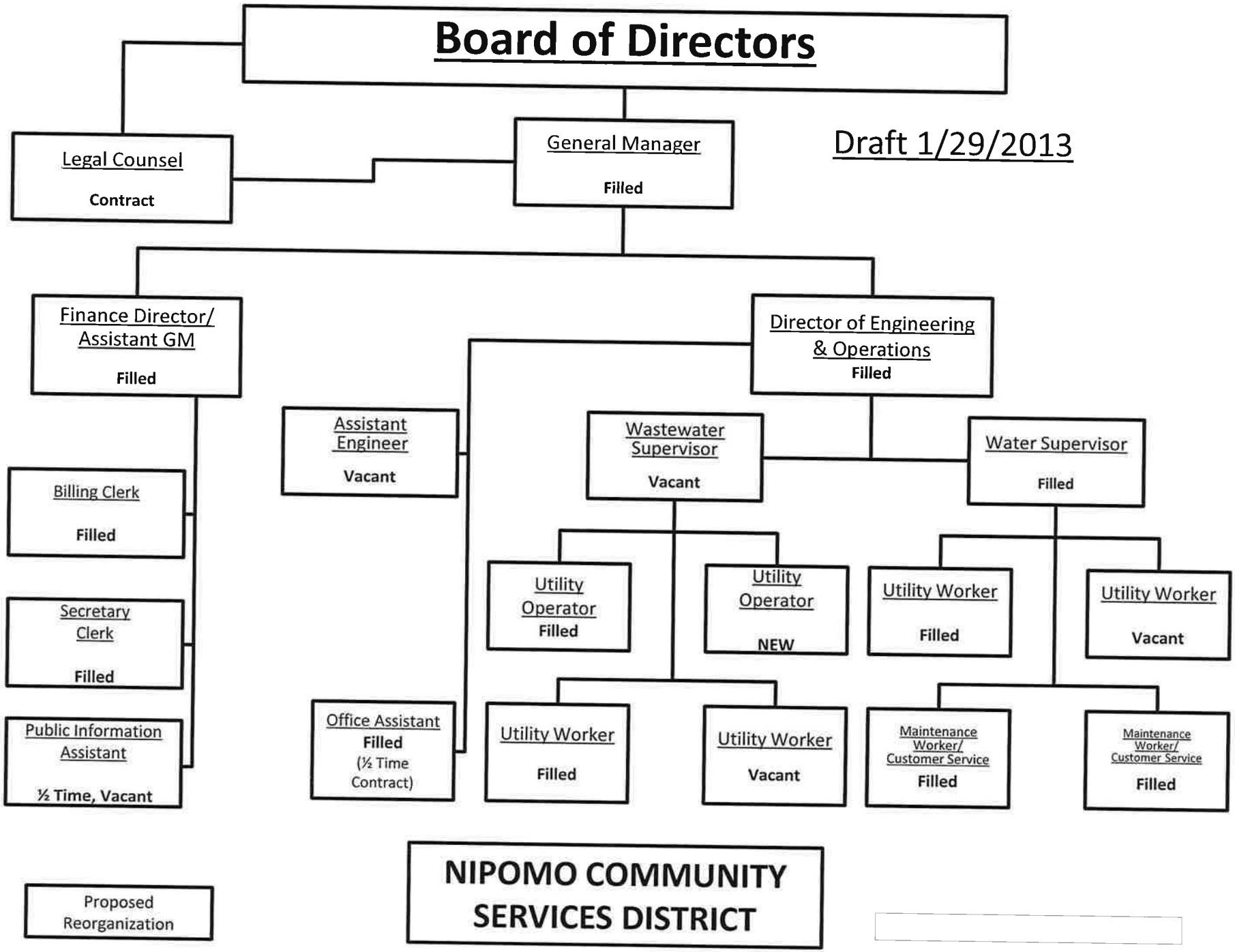
OTHER REQUIREMENTS

Regular on-call duty for response to off-hours emergency situations is required. Must be able to arrive at District facilities within thirty (30) minutes from the time of an initial call-back notification. Work hours are subject to 24-hour emergency callbacks and standby and requires working varying hours, overtime, weekends and holidays.

FEBRUARY 13, 2013

ITEM E-5

ATTACHMENT F


Board of Directors
Draft 1/29/2013
Legal Counsel
Contract
General Manager
Filled
Finance Director/ Assistant GM
Filled
Director of Engineering & Operations
Filled
Assistant Engineer
Vacant
Wastewater Supervisor
Vacant
Water Supervisor
Filled
Billing Clerk
Filled
Secretary Clerk
Filled
Public Information Assistant
½ Time, Vacant
Office Assistant
Filled
(½ Time Contract)
Utility Operator
Filled
Utility Operator
NEW
Utility Worker
Filled
Utility Worker
Vacant
Utility Worker
Filled
Utility Worker
Vacant
Maintenance Worker/ Customer Service
Filled
Maintenance Worker/ Customer Service
Filled
Proposed Reorganization
NIPOMO COMMUNITY SERVICES DISTRICT

FEBRUARY 13, 2013

ITEM E-5

ATTACHMENT G

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2013-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING THE DISTRICT PERSONNEL POLICY TO INCORPORATE A DIRECTOR OF ENGINEERING AND OPERATIONS JOB DESCRIPTION

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

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

WHEREAS, the District Board of Directors desires to adopt a Director of Engineering and Operations job description to better reflect and serve the District's needs.

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

1. Approve Director of Engineering and Operations job description (Exhibit "A").
2. Repeal District Engineer job description.
3. Repeal Utility Superintendent job description upon retirement of Utility Superintendent effective June 3, 2013.

On the motion of Director _____, seconded by Director _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

The foregoing resolution is hereby passed, approved, and adopted by the Board of Directors of the Nipomo Community Services District this 13th day of February 2013.

_____
JIM HARRISON
President of the Board

ATTEST:

_____
MICHAEL S. LEBRUN
Secretary to the Board

APPROVED AS TO FORM:

_____
MICHAEL W. SEITZ
District Legal Counsel

7015 – DIRECTOR OF ENGINEERING & OPERATIONS FLSA EXEMPT

DEFINITION

Under administrative direction, plans, manages, oversees, reviews and directs the work of staff performing difficult and complex engineering, operations, repair and maintenance functions and activities related to all programs of the Engineering and Operations Department; Responsible for current and long-range planning activities; Oversees project planning, design, construction management, project inspection, contract management, operations, maintenance, and repair of water and wastewater facilities including treatment plants and wastewater collection and water distribution lines; ensures the reliable operation of all equipment, whether stationary or mobile; ensures that District engineering and operations functions meet all applicable laws, regulations, and District policies; prepares regulatory and operational reports; coordinates activities with other Divisions, outside agencies, organizations, applicants and the public; fosters cooperative working relationships with intergovernmental and regulatory agencies and various public and private groups; serves as District Engineer; provides expert professional and complex staff support to the District Board, Committees and District Manager; and performs other related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the General Manager. Exercises direct and general supervision over engineering and operations staff through subordinate levels of supervision.

CLASS CHARACTERISTICS

This is a single position administrative management level class which directs all functions of the Engineering and Operations Department which includes day-to-day operations, maintenance, and repair, as well as, short and long-range capital improvement planning, design, construction and budgeting. Responsibilities include coordinating the activities of the department with those of other departments and managing and accomplishing the complex and varied functions of the department; dealing with and providing staff support to the Board of Directors, under the Direction of the General Manager; and working with customers and a variety of agencies and consultants. The incumbent is accountable for accomplishing departmental planning and operational goals and objectives and for furthering District goals and objectives within general policy guidelines.

EXAMPLES OF DUTIES (Illustrative Only)

A. Develops and directs the implementation of goals, objectives, policies, procedures, and work standards for the Engineering and Operations Department, including current and long-range planning;
B. Prepares and administers the department's budgets, including materials and supplies, contract services, capital improvement projects, and vehicle and equipment expenses;
C. Plans, organizes, administers, reviews, and evaluates the work of operations, technical, maintenance, and contract staff directly and through subordinate levels of supervision;

D. Provides for the selection, training, professional development, and work evaluation of department staff; authorizes discipline as required; and provides policy guidance and interpretation to staff;
E. Develops and recommends changes to equipment, policies and procedures to maintain compliance with laws and regulations and effective system performance;
F. Coordinates activities of staff and the department with those of other District departments and outside agencies;
G. Manages preventive maintenance programs and procedures for the District's water and wastewater systems and facilities; Develops preventive maintenance programs and updates the District's preventive maintenance programs for newly completed projects and/or facilities developed by the District or developers;
H. Prioritizes and allocates available resources; and reviews and evaluates program and service delivery, makes recommendations for improvement and ensures maximum effective service provision;
I. Ensures compliance with all District operational and maintenance safety policies and procedures; provides for staff training in safety and compliance;
J. Manages the implementation of District projects including all tasks necessary to plan, design, comply with CEQA, secure permits, secure land, award bids, manage construction, accept completion, arrange for operation, and submit periodic reports on projects status in conjunction with authorized consultants, contractors, property owners, and agency personnel;
K. Tracks the implementation of utility master plans; recommends development of master plan updates as appropriate including the addition of new projects and changes to previously approved projects; and submits periodic reports on master plan implementation;
L. Administrates processing of developer sponsored applications for District services including all tasks necessary to receive applications, determine the completeness of applications; process the intent-to-serve letter approval or denial; secure Plan Check and Inspection Agreement execution; assign plan check resources; monitor the plan check and inspection process; assist in select inspections; approve final plans; issue the Notice to Proceed; secure required easements; coordinate project construction inspection; coordinate with the county and other utilities; secure applicant submittals; secure applicant fee payments; issue a final will serve letter; present a Resolution of Acceptance to the Board; and finalize the warranties;
M. Coordinates developer sponsored annexation application including all tasks necessary to receive applications, determine the completeness of applications; process Board review of the annexation application; develop the draft annexation agreement; present the annexation agreement to the Board; implement the conditions of the annexation agreement; and coordinate with LAFCO;
N. Oversees District Water Allocation Program including all tasks necessary to maintain current allocation balances by category for approved projects; advises the Board on the commitment represented by projects; tracks the dedication of approved projects; submits periodic reports; and maintains waiting lists as required;
O. Maintains and updates District Standard Specifications;
P. Maintains District SCADA system, GIS system, Utility Master Plans, and hydraulic models including all tasks necessary to update each respective system and to recommend upgrades;
Q. Prepares and certifies Annual Assessment District Reports and Assessment Rolls, presents reports and rolls to Board, and assists as directed in the development of additional assessment districts;

R. Prepares a variety of periodic and special reports for submission to District Board of Directors, management and regulatory agencies; represents the District in contacts with other agencies, public and private groups and customers;
S. Develops and monitors implementation of Capital Improvement Program; tracks project fiscal activity; and submits reports on Capital Improvement Project performance and cost.
T. Assists in the development of rate studies;
U. Presents information to the District Board, District Committees, Agency Boards and Committees and citizen groups;
V. Interacts with District Staff and Legal Counsel to respond to requests for engineering and operations support under the supervision of the General Manager;
W. Represents the District in a professional manner;
X. Maintains and directs the maintenance of working and official departmental files;
Y. Monitors changes in laws, regulations, and technology that may affect departmental operations; and implements policy and procedural changes as required;
Z. Responds to emergency situations as necessary.

EMPLOYMENT STANDARDS

KNOWLEDGE OF:

A. Administrative principles and practices, including goal setting, program development, implementation, and evaluation, and project management;
B. Principles and practices of budget administration;
C. Principles and practices of employee supervision, including work planning, assignment, review and evaluation, and the training of staff in work procedures;
D. Principles and practices of civil engineering and surveying, including public utility work planning, direction, review, inspection, and evaluation;
E. Principles and practices of contract administration and evaluation;
F. Organization and management practices as applied to the development, analysis, and evaluation of programs, policies, and operational needs of the assigned department;
G. General principles of risk management related to the functions of the assigned areas;
H. Safety principles and practices;
I. Record keeping principles and procedures;
J. The design, operation and maintenance of potable water production, treatment and distribution facilities and equipment;
K. The design, operation and maintenance of wastewater collection and treatment facilities;
L. The use of SCADA systems, Geographic Information Systems, and Auto-Cad Systems;
M. Safety equipment and practices related to the work, including the handling and storage of hazardous chemicals (Cal OSHA);
N. Applicable laws, codes and regulations including CEQA and the Subdivision Map Act;
O. Standard laboratory tests related to the treatment of water and wastewater;
P. Mechanical, electrical, electronic and hydraulic principles;
Q. Computer applications related to the work.

ABILITY TO:

A. Plan, develop and administer sound Department goals, objectives, policies and methods for evaluating achievement and performance levels;
B. Properly interpret and make decisions in accordance with laws, regulations and policies;

C. Supervise, train and motivate Department personnel;
D. Facilitate group participation and consensus building;
E. Communicate clearly and concisely, both orally and in writing;
F. Establish and maintain working relationships.
G. Analyze complex planning, engineering and operations issues;
H. Evaluate alternatives and implement sound solutions;
I. Make adjustments to standard operating procedures as necessary to improve organizational effectiveness;

SKILL IN:

A. Reading, drafting and interpreting engineering projects, plans, specifications, blueprints, charts, maps, bid documents, and construction contracts;
B. Planning, drafting, reviewing and evaluating project and development plans and specifications;
C. Complying with CEQA;
D. Securing Permits for development of works;
E. Inspecting works under construction;
F. Coordinating the use of consultants and contractors;
G. Developing and implementing work procedures to meet laws and regulations;
H. Maintaining accurate records and preparing accurate reports and clear and concise correspondence;
I. Working independently within established procedural guidelines;
J. Making oral presentation to groups;
K. Identifying customer problems and resolving them in an effective and congenial manner;
L. Establishing and maintaining effective and professional working relationships with those contacted in the course of the work;
M. Maintaining and using SCADA systems, GIS systems, and Auto-Cad;
N. Typing reports and memorandum using word-processing programs.

PHYSICAL CHARACTERISTICS:

A. Vision to read gauges, meters, computer screens, and instruction manuals and to operate a motor vehicle;
B. Hearing to interact in person, on the telephone and over a radio;
C. Strength to lift and move equipment and tools weighing up to 40 pounds with proper equipment;
D. Stamina to do moderate physical work;
E. Mobility to inspect various work sites, work in confined spaces and climb ladders;
F. Ability to wear self-contained breathing equipment.

WORKING CONDITIONS:

A. The normal working day starts at 8:00 am and ends at 4:30pm;
B. Employee must be able to work out of doors in all weather conditions;
C. Employee must be available for attendance at evening and weekend meetings;
D. The Director of Engineering and Operations is a designated position in terms of NCSD's Conflict of Interest Code and must comply with all FPPC reporting and conflict codes.

LICENSE

Must possess and maintain a valid California Class C driver's license and have a satisfactory driving record;
Must possess and maintain a valid California Professional Engineer License;
Must be bondable by District's fidelity bond insurer.

EDUCATION AND EXPERIENCE:

Equivalent to graduation from an accredited four year college or university with a degree in civil engineering and at least eight (8) years of work experience in water and wastewater utility design, construction, operation and maintenance, including four (4) years of supervisory experience.

FEBRUARY 13, 2013

ITEM E-5

ATTACHMENT H

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2013-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING THE DISTRICT PERSONNEL POLICY TO REPLACE THE UTILITIES FIELD SUPERVISOR JOB DESCRIPTION WITH AN UPDATED WASTEWATER SUPERVISOR JOB DESCRIPTION

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

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

WHEREAS, the District Board of Directors desires to revise the title of Utilities Field Supervisor to Wastewater Supervisor and update the job description to better reflect and serve the District's needs.

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

1. Approve Wastewater Supervisor job description (Exhibit "A").
2. Repeal Utility Field Supervisor job description.

On the motion of Director _____, seconded by Director _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

The foregoing resolution is hereby passed, approved, and adopted by the Board of Directors of the Nipomo Community Services District this 13th day of February 2013.

_____
JIM HARRISON
President of the Board

ATTEST:

_____
MICHAEL S. LEBRUN
Secretary to the Board

APPROVED AS TO FORM:

_____
MICHAEL W. SEITZ
District Legal Counsel

7120 – WASTEWATER SUPERVISOR

FSLA: NON-EXEMPT

DEFINITION

Under general direction, plans, schedules, assigns, and reviews the work of assigned wastewater operations staff within the Engineering and Operations Department; plans, schedules, assigns, coordinates, monitors, and provides technical input for assigned wastewater system maintenance, construction, and repair projects, and other special programs; performs a variety of technical tasks relative to the operation, maintenance and repair of District wastewater treatment facilities and wastewater collection systems; works cooperatively with the Water Supervisor on staff scheduling and on special projects; supervises water operations staff in the absence of the Water Supervisor; provides technical assistance to the Director of Engineering and Operations and may act, if designated, for the Director of Engineering and Operations in their absence; and performs related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Director of Engineering and Operations. Exercises direct and general supervision over lower-level staff. Coordinates and monitors the work of outside contractors, vendors, and consultants.

CLASS CHARACTERISTICS

This is a working supervisory-level class. Responsibilities include planning, organizing, supervising, reviewing, and evaluating the work of the wastewater operations. Incumbents are expected to independently perform the full range of wastewater system maintenance and operations duties. Performance of the work requires the use of considerable independence, initiative, and discretion within established guidelines. This class is distinguished from the Director of Engineering and Operations in that the latter has management responsibility for all utility engineering, operations and maintenance functions and activities of the District.

EXAMPLES OF ESSENTIAL FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

A. Plans, organizes, assigns, supervises, and reviews the work of assigned staff in the Engineering and Operations Department.
B. Trains staff in work and safety procedures and in the operation and use of equipment and supplies; implements procedures and standards.
C. Evaluates employee performance, counsels employees, and effectively recommends initial disciplinary action; assists in selection and promotion.
D. Supervises water operations staff in the absence of Water Supervisor.
E. Monitors operations and activities of the wastewater operations work unit; recommends improvements and modifications and prepares various reports on operations and activities.

F. Develops weekly work schedules and priorities for assigned personnel and work projects and special projects to be completed; determine needed parts and supplies, prepare purchase orders.
G. Determines and recommends equipment, materials, and staffing needs for assigned maintenance projects; participates in the annual budget preparation; prepares detailed cost estimates with appropriate justifications, as required; maintains a variety of records and prepares routine reports of work performance.
H. Monitors and controls supplies and equipment; orders supplies and tools as necessary; prepares documents for equipment procurement; participates in informal bid processes for repair and construction projects as necessary.
I. Performs the most complex wastewater operations duties and provides technical assistance to crews.
J. Answers questions and provides information to the public; investigates complaints; recommends corrective actions to resolve issues.
K. Maintains daily, weekly and monthly logs and records of work performed; prepares periodic reports.
L. Conducts traffic control when working in high traffic areas of the District; oversees installation of street barricades and cones prior to the performance of maintenance or repair activities; directs and controls traffic around work sites.
M. Supervise operation, maintenance and repair of two wastewater treatment and reclamation facilities including but not limited to headworks, aeration, clarification, chemical feed systems, plant process water, electrical system, biosolids processing and disposal, effluent disposal, and SCADA.
N. Supervise and perform collection system flushing with sewer vacuum truck/hydrocleaner, cleaning of manholes, sewer lift stations and TV inspection of sewer lines, respond to and direct emergency repairs as appropriate.
O. Performs line locating, inspect sewer mains and laterals for new construction as necessary.
P. Perform a variety of skilled mechanical installation, maintenance and repair of pumps and chemical feed systems; maintain and repair pneumatic, hydraulic and electronic control systems.
Q. Manage and maintain District SCADA system; establish and maintain set points required for proper operation of District facilities; establish and maintain alarms.
R. Performs and supervises confined space entry.
S. Responds to emergency situations as necessary.
T. Assists Water Supervisor on projects, as assigned, involving coordination of crews.
U. Track performance goals.
V. Prepares regulatory reports.
W. Performs other duties as assigned.

QUALIFICATIONS

KNOWLEDGE OF:

A. Principles and practices of employee supervision, including work planning, assignment, review and evaluation, discipline, and the training of staff in work procedures.
B. Principles and practices of wastewater operations and maintenance program development and administration.

C. Principles, practices, equipment, tools and materials of wastewater system construction, maintenance, and repair.
D. Basic principles of contract administration for wastewater system maintenance and repair projects.
E. Basic principles and practices of budget and capital improvement program development, administration, and accountability.
F. Safety principles, practices, and procedures of wastewater facilities and systems, including equipment and hazardous materials.
G. Occupational hazards and standard safety practices, and appropriate precautions applicable to work assignments, including those associated with working with high pressure equipment, and working in vaults and confined spaces.
H. Materials, methods, equipment, tools, practices and procedures used in maintenance and repair of wastewater system infrastructure and facilities.
I. Operation, materials, and methods of wastewater system construction, collection, and treatment.
J. Basic principles and procedures of record keeping.
K. Operation and maintenance of a variety of hand and power tools, vehicles, and power equipment
L. Applicable Federal, State, and local laws, codes, regulations and departmental policies, including National Pollution Discharge Elimination System (NPDES).
M. Modern office practices, methods and computer equipment.
N. Computer applications related to the work, including Microsoft Word, Excel, and Outlook as well as computer tracking programs for facility maintenance activities
O. English usage, grammar, spelling, vocabulary, and punctuation.
P. Techniques for effectively dealing with engineers, developers, contractors, District staff, and representatives of other agencies.
Q. Techniques for providing a high level of customer service to the public and District staff, in person and over the telephone.

ABILITY TO:

A. Assist in developing and implementing goals, objectives, practices, policies, procedures, and work standards.
B. Supervise, train, plan, organize, schedule, assign, review, and evaluate the work of staff.
C. Organize, implement, and direct wastewater system maintenance and operations activities.
D. Analyze, interpret, apply, and enforce Federal, State and local policies, procedures, laws and regulations.
E. Understand, interpret, and successfully communicate both orally and in writing, pertinent department policies and procedures.
F. Identify problems, research and analyze relevant information, develop and present recommendations and justification for solution.
G. Perform the most complex maintenance duties and operate related equipment safely and effectively.
H. Plan, coordinate, oversee, and track facility maintenance and repair activities.
I. Perform routine installation, repair and maintenance activities of wastewater collection system and water distribution system.
J. Lead in diagnosis, disassembly and repair of routine wastewater lift station equipment.

K. Perform preventive maintenance on wastewater system equipment per preventive maintenance schedule.
L. Oversee and maintain a variety of maintenance and repair records.
M. Work independently and exercise higher level of responsibility in the absence of the Superintendent.
N. Accurately determine mechanical repair needs.
O. Develop contract specifications for wastewater system maintenance contracts; administer such contracts.
P. Develop cost estimates for supplies and equipment.
Q. Research, analyze, and evaluate new service delivery methods, procedures and techniques.
R. Maintain accurate records and files of work performed.
S. Make sound, independent decisions within established policy and procedural guidelines.
T. Organize own work, set priorities and meet critical time deadlines.
U. Operate modern office equipment including computer equipment and software programs.
V. Use English effectively to communicate in person, over the telephone and in writing.
W. Use tact, initiative, prudence and independent judgment within general policy and legal guidelines in politically sensitive situations.
X. Establish and maintain effective working relationships with those contacted in the course of work.

EDUCATION AND EXPERIENCE:

Any combination of training and experience which would provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to the completion of the twelfth (12th) grade and four (4) years of progressive field experience in the operation and maintenance of wastewater collection and treatment facilities. Supplemental college coursework in wastewater sciences or related field is desirable.

LICENSES:

A. Must have a valid California Class C driver's license with satisfactory driving record.
B. Must have Grade III Wastewater Treatment Operator Certificate issued by the California State Water Resources Control Board.
C. Must obtain Grade II Wastewater Collection System Maintenance Certification from the California Water Environment Association with 24 months.
D. Must obtain have Grade II Water Distribution Operator Certification issued by the State of California within 24 months.
E. Grade II Water Treatment Plant Operator Certificate issued by the State of California highly desireable.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer, and to work in the field around water and wastewater facilities and systems; strength, stamina and mobility to perform medium to heavy physical work, to work in

confined spaces, around machines and to climb and descend ladders, and operate varied hand and power tools and construction equipment; to attend meetings and to operate a motor vehicle; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone or radio. The job involves fieldwork requiring frequent walking in operational areas to identify problems or hazards. Finger dexterity is needed to access, enter and retrieve data using a computer keyboard or calculator and to operate above-mentioned tools and equipment. Positions in this classification bend, stoop, kneel, reach and climb to perform work and inspect work sites. Employees must possess the ability to lift, carry, push, and pull materials and objects necessary to perform job functions.

ENVIRONMENTAL ELEMENTS

Employees work primarily in the field and are exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, confining workspace, chemicals, mechanical and/or electrical hazards, and hazardous physical substances and fumes. Employees interact with upset public and private representatives and contractors in interpreting and enforcing departmental policies and procedures.

OTHER REQUIREMENTS

Regular on-call duty for response to off-hours water and wastewater emergency situations is required. Must be able to arrive at District facilities within thirty (30) minutes from the time of an initial call-back. Work hours are subject to 24-hour emergency callbacks and standby and requires working varying hours, overtime, weekends and holidays.

FEBRUARY 13, 2013

ITEM E-5

ATTACHMENT I

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2013-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING THE DISTRICT PERSONNEL POLICY TO REPLACE THE PREVENTIVE MAINTENANCE SUPERVISOR JOB DESCRIPTION WITH AN UPDATED WATER SUPERVISOR JOB DESCRIPTION

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

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

WHEREAS, the District Board of Directors desires to revise the title of Preventive Maintenance Supervisor to Water Supervisor and update the job description to better reflect and serve the District's needs.

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

1. Approve Water Supervisor job description (Exhibit "A").
2. Repeal Maintenance Supervisor job description.

On the motion of Director _____, seconded by Director _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

The foregoing resolution is hereby passed, approved, and adopted by the Board of Directors of the Nipomo Community Services District this 13th day of February 2013.

_____
JIM HARRISON
President of the Board

ATTEST:

_____
MICHAEL S. LEBRUN
Secretary to the Board

APPROVED AS TO FORM:

_____
MICHAEL W. SEITZ
District Legal Counsel

7110 – WATER SUPERVISOR **FLSA: NON-EXEMPT**

DEFINITION

Under general direction, plans, schedules, assigns, and reviews the work of assigned water operations staff within the Engineering and Operations Department; Plans, schedules, assigns, coordinates, monitors, and provides technical input for assigned water maintenance, construction, and repair projects, and other special programs; performs a variety of technical tasks relative to the operation, maintenance and repair of District water treatment facilities and water distribution systems; works cooperatively with the Wastewater Supervisor on staff scheduling and on special projects; supervises wastewater operations staff in the absence of the Wastewater Supervisor; provides technical assistance to the Director of Engineering and Operations and may act, if designated, for the Director of Engineering and Operations in their absence; and performs related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Director of Engineering and Operations. Exercises direct and general supervision over lower-level staff. Coordinates and monitors the work of outside contractors, vendors, and consultants.

CLASS CHARACTERISTICS

This is a working supervisory-level class. Responsibilities include planning, organizing, supervising, reviewing, and evaluating the work of water operations staff. Incumbents are expected to independently perform the full range of utility maintenance and operations duties. Performance of the work requires the use of considerable independence, initiative, and discretion within established guidelines. This class is distinguished from the Director of Engineering and Operations in that the latter has management responsibility for all utility engineering, operations and maintenance functions and activities of the District.

EXAMPLES OF ESSENTIAL FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

A. Plans, organizes, assigns, supervises, and reviews the work of assigned staff in the Engineering and Operations Department.
B. Trains staff in work and safety procedures and in the operation and use of equipment and supplies; implements procedures and standards.
C. Evaluates employee performance, counsels employees, and effectively recommends initial disciplinary action; assists in selection and promotion.
D. Supervises wastewater operations staff in the absence of Wastewater Supervisor.
E. Monitors operations and activities of the water operations work unit; recommends improvements and modifications and prepares various reports on operations and activities.

F. Develops weekly work schedules and priorities for assigned personnel and work projects and special projects to be completed; determine needed parts and supplies, prepare purchase orders.
G. Determines and recommends equipment, materials, and staffing needs for assigned maintenance projects; participates in the annual budget preparation; prepares detailed cost estimates with appropriate justifications, as required; maintains a variety of records and prepares routine reports of work performance.
H. Monitors and controls supplies and equipment; orders supplies and tools as necessary; prepares documents for equipment procurement; participates in informal bid processes for repair and construction projects as necessary.
I. Performs the most complex water operations duties and provides technical assistance to crews.
J. Answers questions and provides information to the public; investigates complaints; recommends corrective actions to resolve issues.
K. Maintains daily, weekly and monthly logs and records of work performed; prepares periodic reports.
L. Conducts traffic control when working in high traffic areas of the District; oversees installation of street barricades and cones prior to the performance of maintenance or repair activities; directs and controls traffic around work sites.
M. Oversees installation and replacement of residential, commercial and irrigation water meters.
N. Supervise and perform water distribution preventive maintenance activities, including valve exercising/testing, hydrant flushing, respond to and direct emergency repairs as appropriate.
O. Performs line locating, inspect water mains and water service lines for new construction as necessary.
P. Perform a variety of skilled mechanical installation, maintenance and repair of pumps and chemical feed systems; maintain and repair pneumatic, hydraulic and electronic control systems.
Q. Manage and maintain District SCADA system; establish and maintain set points required for proper operation of District facilities; establish and maintain alarms.
R. Performs and supervises confined space entry.
S. Responds to emergency situations as necessary.
T. Assists Wastewater Supervisor on projects, as assigned, involving coordination of crews.
U. Track performance goals.
V. Prepares regulatory reports.
W. Performs other duties as assigned.

QUALIFICATIONS

Knowledge of:

A. Principles and practices of employee supervision, including work planning, assignment, review and evaluation, discipline, and the training of staff in work procedures.
B. Principles and practices of water operations and maintenance program development and administration.
C. Principles, practices, equipment, tools and materials of water utility construction, maintenance, and repair.
D. Basic principles of contract administration for water utility maintenance and repair projects.

E. Basic principles and practices of budget and capital improvement program development, administration, and accountability.
F. Safety principles, practices, and procedures of water facilities and systems, including equipment and hazardous materials.
G. Occupational hazards and standard safety practices, and appropriate precautions applicable to work assignments, including those associated with working with high pressure equipment, and working in vaults and confined spaces.
H. Materials, methods, equipment, tools, practices and procedures used in maintenance and repair of water utility infrastructure and facilities.
I. Operation, materials, and methods of water system construction, treatment and distribution.
J. Basic principles and procedures of record keeping.
K. Operation and maintenance of a variety of hand and power tools, vehicles, and power equipment.
L. Applicable Federal, State, and local laws, codes, regulations and departmental policies, including National Pollution Discharge Elimination System (NPDES).
M. Modern office practices, methods and computer equipment.
N. Computer applications related to the work, including Microsoft Word, Excel, and Outlook as well as computer tracking programs for facility maintenance activities
O. English usage, grammar, spelling, vocabulary, and punctuation.
P. Techniques for effectively dealing with engineers, developers, contractors, District staff, and representatives of other agencies.
Q. Techniques for providing a high level of customer service to the public and District staff, in person and over the telephone.

ABILITY TO:

A. Assist in developing and implementing goals, objectives, practices, policies, procedures, and work standards.
B. Supervise, train, plan, organize, schedule, assign, review, and evaluate the work of staff.
C. Organize, implement, and direct water utility maintenance and operations activities.
D. Analyze, interpret, apply, and enforce Federal, State and local policies, procedures, laws and regulations.
E. Understand, interpret, and successfully communicate both orally and in writing, pertinent department policies and procedures.
F. Identify problems, research and analyze relevant information, develop and present recommendations and justification for solution.
G. Perform the most complex maintenance duties and operate related equipment safely and effectively.
H. Plan, coordinate, oversee, and track facility maintenance and repair activities.
I. Perform routine water system installation, repair and maintenance activities.
J. Lead in diagnosis, disassembly and repair of routine water system equipment.
K. Perform preventive maintenance on water system equipment per preventive maintenance schedule.
L. Oversee and maintain a variety of maintenance and repair records.
M. Work independently and exercise higher level of responsibility in the absence of the Director of Operations and Engineering.
N. Accurately determine mechanical repair needs.
O. Develop contract specifications for water utility maintenance contracts; administer such contracts.

P. Develop cost estimates for supplies and equipment.
Q. Research, analyze, and evaluate new service delivery methods, procedures and techniques.
R. Maintain accurate records and files of work performed.
S. Make sound, independent decisions within established policy and procedural guidelines.
T. Organize own work, set priorities and meet critical time deadlines.
U. Operate modern office equipment including computer equipment and software programs.
V. Use English effectively to communicate in person, over the telephone and in writing.
W. Use tact, initiative, prudence and independent judgment within general policy and legal guidelines in politically sensitive situations.
X. Establish and maintain effective working relationships with those contacted in the course of work.

EDUCATION AND EXPERIENCE:

Any combination of training and experience which would provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to the completion of the twelfth (12th) grade and four (4) years of progressive field experience in the operation and maintenance of water production, treatment, and distribution facilities and equipment. Supplemental college coursework in drinking water or related field is desirable.

LICENSES:

A. Must have valid California Class C driver's license with satisfactory driving record.
B. Must have Grade III Water Distribution Operator Certification issued by the State of California.
C. Must have Grade II Water Treatment Plant Operator Certificate issued by the State of California.
D. Must obtain Grade II Wastewater Treatment Plant Operator Certificate as issued by the California State Water Resources Control Board within 24 months of hire.
E. Grade II Wastewater Collection System Maintenance Certification from the California Water Environment Association highly desirable.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer, and to work in the field around water and wastewater facilities and systems; strength, stamina and mobility to perform medium to heavy physical work, to work in confined spaces, around machines and to climb and descend ladders, and operate varied hand and power tools and construction equipment; to attend meetings and to operate a motor vehicle; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone or radio. The job involves fieldwork requiring frequent walking in operational areas to identify problems or hazards. Finger dexterity is needed to access, enter and retrieve data using a computer keyboard or calculator and to operate above-mentioned tools and equipment. Positions in this classification bend, stoop,

kneel, reach and climb to perform work and inspect work sites. Employees must possess the ability to lift, carry, push, and pull materials and objects necessary to perform job functions.

ENVIRONMENTAL ELEMENTS

Employees work primarily in the field and are exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, confining workspace, chemicals, mechanical and/or electrical hazards, and hazardous physical substances and fumes. Employees interact with upset public and private representatives, and contractors in interpreting and enforcing departmental policies and procedures.

OTHER REQUIREMENTS

Regular on-call duty for response to off-hours water and wastewater emergency situations is required. Must be able to arrive at District facilities within thirty (30) minutes from the time of an initial call-back. Work hours are subject to 24-hour emergency callbacks and standby and requires working varying hours, overtime, weekends and holidays.

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN MSL
GENERAL MANAGER

DATE: FEBRUARY 8, 2013

AGENDA ITEM
E-6
FEBRUARY 13, 2013

REVIEW BOARD BY-LAWS AND POLICIES AND PROPOSE EDITS FOR CONSIDERATION

ITEM

Review Board By-Laws and Policies and propose edits for consideration [RECOMMEND REVIEW OF BY-LAWS AND DIRECT STAFF TO RETURN WITH REVISIONS FOR FUTURE BOARD APPROVAL]

BACKGROUND

Pursuant to Section 17 of the Board By-Laws, the Board By-Laws Policy shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

Attached are the Board By-Laws and Policies for your review and consideration.

RECOMMENDATION

Staff recommends that your Honorable Board review the by-laws and policies, propose edits and direct Staff to place this item on the Consent Calendar for February 27, 2013, Regular Board Meeting for adoption.

ATTACHMENT

A. 2012 By-laws

t:\board matters\board meetings\board letter\2013\130213 bylaws.docx

FEBRUARY 13, 2013

ITEM E-6

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2012 UPDATE
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

1. OFFICERS OF THE BOARD OF DIRECTORS

1.1 The officers of the Board of Directors are President and Vice President.

1.2 The President of the Board of Directors shall serve as chairperson at all Board meetings. He/She shall have the same rights as the other Directors of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

1.3 In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining Directors present shall select one of themselves to act as chairperson of the meeting.

1.4 The President and Vice President of the Board shall be elected annually at the last meeting of each calendar year.

1.5 The term of office for the President and Vice President of the Board shall commence on January 1 of the year immediately following their election.

1.6 The President or, in his/her absence, the Vice President or their designee are authorized to attend meetings of the San Luis Obispo County Planning Commission and meetings of the San Luis Obispo County Board of Supervisors without compensation except reimbursement for use of his/her private vehicle to attend such meetings pursuant to 10.1(b) of these by-laws.

2. MEETINGS

2.1 Subject to holiday and scheduling conflicts, regular meetings of the Board of Directors shall commence at 9:00 a.m. on the second and fourth Wednesday of each calendar month in the Board Room at the District Office located at 148 South Wilson, Nipomo, CA. The Board of Directors reserves the right to cancel and/or designate other dates, places, and times for Director meetings due to scheduling conflicts and holidays.

2.2 Special Meetings.

Special meetings may be called by the President or three (3) Directors with a minimum of twenty-four (24) hours public notice. Special meeting agenda shall be prepared and distributed pursuant to the procedures of the Brown Act by the General Manager or the Assistant General Manager in consultation with the President or, in his or her absence, the Vice President or those Directors calling the meeting.

2.3 Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

2.4 No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act. Pursuant to the Brown Act:

(a) Directors may briefly respond to statements or questions from the public;

(b) Directors may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting;

(c) The Board may take action to direct the General Manager to place a matter on a future agenda;

(d) Directors may make brief announcements or make a brief report on his/her own activities under the Director Comment portion of the Agenda.

2.5 The President, or in his/her absence the Vice President, shall be the presiding officer at District Board meetings. He/She shall conduct all meetings in a manner consistent with the policies of the District. He/She shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/She shall vote on all questions, and on roll call votes his/her name shall be called last.

2.6 Three (3) Directors of the Board shall constitute a quorum for the transaction of District business. When a quorum is lacking for a regular, adjourned, or special meeting, the President, Vice President, or any Director shall adjourn such meeting; or, if no Director is present, the District Secretary shall adjourn the meeting.

2.7 Except as otherwise specifically provided by law, a majority vote of the total membership of the Board of Directors is required for the Board of Directors to take action.

2.8 A roll call vote shall be taken upon the passage of all ordinances and resolutions, and shall be entered in the minutes of the Board, showing those Directors voting aye, those voting no, those abstaining, those temporarily absent because of a conflict of interest, and absent. A roll call vote shall be taken and recorded on any motion not passed unanimously by the Board. Silence shall be recorded as an affirmative vote.

2.9 Votes of abstention shall be counted as a no vote.

2.10 Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without disruptive noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings.

2.11 All recording devices, including but not limited to tape recorders, video tape recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated in plain public view and from behind the public speaker's podium. The President retains the discretion to alter these guidelines, including the authority to require that all video tape recorders, still and/or motion picture cameras be located in the back of the room.

3. AGENDAS

3.1. The General Manager, in cooperation with the Board President, shall prepare the agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request an item to be placed on the regular meeting agenda no later than 4:30 p.m. twelve calendar days prior to the meeting date. Such a request must be also submitted in writing either at the time of communication with the General Manager or delivered to the office within the next working day.

3.2 The following applies to reconsideration of prior Board actions.

(a) After the passage of 9 months from the effective date of the motion, resolution, or ordinance, the matter may be placed on the agenda pursuant to Section 3.1, above, or other provisions of the Brown Act.

(b) Prior to the passage of 9 months, any member of the Board of Directors or the General Manager may request the Board of Directors, by motion, to agree to reconsider a prior Board action at a subsequent meeting of the Board.

(c) The President of the Board of Directors, upon a determination that there is a need to take immediate action, may place an item on the agenda for reconsideration.

3.3 Subject to the following rules, a block of 20 minutes is set aside for each agenda item for public comment, including general public comment:

(a) Comments on agendized items should be held until the appropriate item is called.

(b) Unless otherwise directed by the President, public comment shall be presented from the podium.

(c) The person giving public comment shall state his/her name and whether or not he/she lives within the District boundary prior to giving his/her comment. Public comment shall be directed to the President of the Board.

(d) The President, after consideration of the length of the Agenda, the nature of the Agenda item, and the meeting limitations, may expand or further limit the 20-minute time allocation for public comment.

(e) Each public commenter shall be limited to 3 minutes unless shortened or extended by the President with consideration of the length of the Agenda, the nature of the Agenda item, and the meeting limitations.

3.4 Those items on the District Agenda which are considered to be of a routine and non-controversial nature are placed on the "Consent Agenda". These items shall be approved, adopted, and accepted, etc. by one motion of the Board of Directors; for example, approval of Minutes, approval of Warrants, various Resolutions accepting developer improvements, minor budgetary items, status reports, and routine District operations.

(a) Directors may request that any item listed under "Consent Agenda" be removed from the "Consent Agenda", and the Board will then take action separately on that item. Members of the public will be given an opportunity to comment on the "Consent Agenda"; however, only a member of the Board of Directors can remove an item from the "Consent Agenda". Items which are removed ("pulled") by Directors of the Board for discussion will typically be heard after other "Consent Agenda" items are approved unless the President chooses an earlier or later time.

(b) A Director may ask questions on any item on the "Consent Agenda". When a Director has a minor question for clarification concerning a consent item which will not involve extended discussion, the item may be discussed for clarification and the questions will be addressed along with the rest of the "Consent Agenda". Directors are encouraged to seek clarifications prior to the meeting if possible.

(c) When a Director wishes to consider/"pull" an item simply to register a dissenting vote, an abstention or conflict of interest, the Director shall inform the presiding officer that he/she wishes to register a dissenting vote, an abstention or conflict of interest, on a particular item without discussion. The item will be handled along with the rest of the Consent Agenda, and the District Secretary shall register a "no" vote, an abstention or conflict of interest, in the minutes on the item identified by the Director.

4. PREPARATION OF MINUTES AND MAINTENANCE OF RECORDINGS

4.1 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheads.

4.2 The minutes of the Board of Directors shall record the aye and no votes taken by the members of the Board of Directors for the passage or denial of all ordinances, resolutions, or motions.

4.3 The District Secretary shall be required to make a record only of such business as was actually considered by a vote of the Board and, except as provided in Sections 4.4 and 4.6 below, shall not be required to record any remarks of Directors or any other person.

4.4 The District Secretary shall attempt to record the names and general place of residence of persons addressing the Board during general public comment.

4.5 Any Director may request for inclusion into the minutes brief comments pertinent to an agenda item, only at the meeting in which the item is discussed. In addition, the minutes shall include the names of speakers who provided public comment on each agenda item and a summary of the Directors' reports. Materials submitted with such comments shall be appended to the minutes at the request of the General Manager, District Counsel, the Board President, or any Director.

4.6 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.

4.7 Any recording of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public Records Act. Consistent with Government Code Section 54953.5(b), the District will maintain the recordings for a 30-day period after the recording. During the 30-day period, the District will provide, without charge, the necessary equipment for inspection of said recordings at the District Office during regular business hours. In addition to the 30-day requirement, the District will attempt to maintain the recordings, without legal obligation to do so, for a minimum of 5 years after the date of the recording. However, during this extended period, the District may not be able to provide the necessary equipment to facilitate inspections.

5. DIRECTORS

5.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors. Directors are encouraged to seek clarification prior to the meeting, if possible.

5.2 Members of the Board of Directors shall exercise their independent judgment on behalf of the interest of the entire District, including the residents, property owners and the public as a whole.

5.3 Information may be requested from staff before meetings, within such limitations as required by the Brown Act. Information that is requested shall be distributed through the General Manager, and all Directors will receive a copy of all information being distributed.

5.4 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.

5.5 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, dissenting Directors should not create barriers to the implementation of said action.

5.6 Pursuant to §54952.2 of the Brown Act:

(a) Except during an open and public meeting, a majority of the Board of Directors shall not use a series of communications of any kind, directly or thru intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the District.

(b) Subsection (a) above shall not be construed as preventing District management staff from engaging in separate conversations or communications with members of the District Board of Directors in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the District, provided that District Staff does not communicate to members of the Board of Directors the comments or positions of any other member or members of the Board of Directors.

5.7 Directors shall not be prohibited by action of the Board of Directors from citing his or her District affiliation or title in any endorsement or publication, so long as no misrepresentation is made, or implied, about the District's position on an issue.

6. AUTHORITY OF DIRECTORS

6.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, a Director has no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

6.2 Directors do not represent any fractional segment of the District but are, rather, a part of the body which represents and acts for the District as a whole.

6.3 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

7. AUTHORITY OF THE GENERAL MANAGER

Pursuant to Government Code §61051, the General Manager shall be responsible for the following:

7.1. The implementation of the policies established by the Board of Directors for the operation of the District;

7.2 The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employee relations system established by the Board of Directors;

7.3 The supervision of the District's facilities and services;

7.4 The supervision of the District's finances.

8. DIRECTOR GUIDELINES

8.1 Directors, by making a request to the General Manager or Assistant General Manager, shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as the basis for certain actions of Staff, justification for Staff recommendations, etc. If the General Manager or the Assistant General Manager cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, work loads, and priorities, then the General Manager or Assistant General Manager shall inform the individual Director why the information is not or cannot be made available.

8.2 In handling complaints from residents or property owners within the District, or other members of the public, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager for processing and the District's response, if any.

8.3 Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, should refer said concerns directly to the General Manager.

8.4 When approached by District personnel concerning a specific District policy, Directors should direct inquiries to the General Manager or Assistant General Manager. The chain of command should be followed. If a Director concludes that a personnel issue is not being adequately addressed in this manner, he/she should refer it to the Board's personnel committee for further consideration, in accordance with District Personnel Policy.

8.5 Directors and General Manager should develop a working relationship so that current issues, concerns, and District projects can be discussed comfortably and openly.

8.6 When responding to constituent requests and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager, or in his/her absence, to the Assistant General Manager.

8.7 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

9. DIRECTOR COMPENSATION

9.1 Each Director is authorized to receive one hundred dollars ($100.00) as compensation for each regular adjourned or special meeting of the Board of Directors attended by him/her.

9.2 Each Director appointed to a committee is authorized to receive one hundred dollars ($100) as compensation for each public meeting of a standing committee attended by him/her.

9.3 Each Director appointed to an ad hoc committee is authorized to receive seventy-five dollars ($75.00) as compensation for each ad hoc committee meeting attended by him/her.

9.4 Each Director is authorized to receive one hundred dollars ($100) per day as compensation for representation of the District at a public meeting or public hearing conducted by another public agency and/or participation in a training program on a topic that is directly related to the District, provided the Board of Directors has previously approved the member's participation and the member delivers a written report to the Board of Directors at the District's next regular meeting regarding the member's participation.

9.5 In no event shall Director compensation exceed $100 per day.

9.6 Director compensation shall not exceed six full days in any one calendar month.

10. DIRECTOR REIMBURSEMENT

10.1 Subject to the following rules and budgetary limitations, each Director is entitled to reimbursement for their actual and necessary expenses (including the cost of programs and seminars), for his/her attendance at programs, conferences, and seminars that are related to District functions and/or Director development.

(a) It is the policy of the District to exercise prudence with respect to hotel/motel accommodations. It is also the policy of the District for Directors and staff to stay at the main hotel/motel location of a conference, seminar, or class to gain maximum participation and advantage of interaction with others whenever possible.

If lodging is in connection with a conference or organized education activity, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of the Board of Directors at the time of booking. If the group rate is not available, the Director shall use lodging that is comparable with the group rate. Personal phone calls, room service, and other discretionary expenditures are not reimbursable.

(b) Members of the Board of Directors shall use government and group rates offered by a provider of transportation for travel when available. Directors, using his/her private vehicle on District business, shall be compensated at the prevailing IRS per diem mileage rate.

(c) Any Director traveling on District business shall receive in addition to transportation and lodging expenses, a per diem allowance to cover ordinary expenses such as meals, refreshments, and tips. The amount set for per diem shall be considered fair reimbursement. The per diem shall include $10.00 for breakfast, $15.00 for lunch and $30.00 for dinner, for a daily total of $55.00.

(d) All travel and other expenses for District business, conferences, or seminars outside of the State of California shall require separate Board authorization, with specific accountability as to how the District shall benefit by such expenditure.

10.2 All expenses that do not fall within the reimbursement policy set forth in 10.1, above, shall be approved by the Board of Directors, at a public meeting, before the expense is incurred.

10.3 Board members shall submit an expense report on the District form within ten (10) calendar days after incurring the expense. The expense report shall be accompanied by receipts documenting each expense. Expense reports for mileage, as referenced in Section 10.1(b), shall be submitted no later than the end of each quarter (March, June, September, and December).

10.4 Members of the Board of Directors shall provide brief reports on the program, conferences, and seminars attended at the expense of the District at the next regular meeting of the Board of Directors.

11. TRAINING

11.1 Ethics Training

(a) Pursuant to sections 53234 et seq. of the Government Code, all Directors and designated District personnel shall receive at least 2 hours of ethics training every two years.

(b) Each newly elected Board Member and designated District personnel shall receive ethics training no later than one year from the first day of service with the District and thereafter shall receive ethics training at least once every two years.

11.2 Sexual Harassment Prevention Training

Board members may receive, and the General Manager, and supervisors that are designated in the Districts conflict of interest code shall receive sexual harassment prevention training in accordance with the law

12. COMMITTEES

12.1 Ad Hoc Committees

The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

12.2 Standing Committees

(a) The Board may create standing committees at its discretion. Standing committees shall be advisory committees to the Board of Directors and shall not commit the District to any policy, act or expenditure. Each standing committee may consider District-related issues, on a continuing basis, assigned to it by the Board of Directors. Members of the standing committees shall be appointed by the Board of Directors.

(b) All standing committee meetings shall be conducted as public meetings in accordance with the Brown Act and Sections 2, 3 and 4 of these By-Laws. Summary notes for each meeting of each committee shall be forwarded to the NCSD Board of Directors as a public record.

13. CORRESPONDENCE DISTRIBUTION POLICY

Time permitting, the following letters and other documents shall be accumulated and delivered to the Board of Directors on Monday of each week and/or with agenda packet.

13.1 All letters approved by the Board of Directors and/or signed by the President on behalf of the District, and

13.2 All letters and other documents received by the District that are of District-wide concern, as determined by District staff.

14. CONFLICTS AND RELATED POLICY

State laws are in place which attempt to eliminate any action by a Director or the District which may reflect a conflict of interest. The purpose of such laws and regulations is to insure that all actions are taken in the public interest. Laws which regulate conflicts are very complicated. The following provides a brief policy summary of various conflict related laws. Directors are encouraged to consult with District Legal Counsel and/or the FPPC at 1-800-ASK-FPPC (1-800-275-3772), prior to the day of the meeting, if they have questions about a particular agenda item.

14.1 Conflict of Interest

Each Director is encouraged to review the District Conflict Code on an annual basis. The general rule is that an official may not participate in the making of a governmental decision if it is: reasonably foreseeable that the decision will have a material financial effect on the official or a member of his or her immediate family or on an economic interest of the official, and the effect is distinguishable from the effect on the public generally. FPPC regulations related to interests in real property provide that, if the real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by a decision, that interest is now deemed to be directly involved in the decision.

14.2 Interest in Contracts, Government Code Section 1090

The prohibitions of Government Code Section 1090 provide that the Board of Directors may not contract with any business in which another Director has a financial interest.

14.3 Incompatible Office, Government Code Section 1099

The basic rule is that public policy requires that when the duties of two offices are repugnant or overlap so that their exercise may require contradictory or inconsistent action, to the detriment to the other public interest, their discharge by one person is incompatible with that interest. When a Director is sworn in for such a second office, he/she is simultaneously terminated from holding the first office.

15. EVALUATION OF CONSULTANTS

The District's legal counsel shall be evaluated by the Board of Directors annually during the months of May and June of each year.

16. CONTINUING EDUCATION

Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Subject to budgetary constraints, there is no limit to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

17. BOARD BY-LAWS REVIEW POLICY

Subject to 3.1 the Board By-Laws and Policies shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

18. RESTRICTIONS ON BY-LAWS

The rules contained herein shall govern the Board in all cases to which they are applicable, and in which they are not inconsistent with State or Federal laws.

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN MSL
GENERAL MANAGER

DATE: FEBRUARY 7, 2013

AGENDA ITEM
E-7
FEBRUARY 13, 2013

CONSIDER RESCINDING DISTRICT POLICY WHICH SUSPENDS PROCESSING OF APPLICATIONS FOR NEW WATER SERVICE

ITEM

Consider rescinding current District Policy ordering the suspension of processing application for new water service. [RECOMMEND DIRECT STAFF]

BACKGROUND

On January 23, 2013, your Board considered a request to "*remove the moratorium and return all policy, resolution and code to its former status*", in reference to your Board's policy suspending the processing of application for new water service. Your Board denied the request on a 3-1 vote.

Your Board suspended processing of requests for new District water service (Ordinance 2012-117) in June 2012 following a failed property tax measure to fund a supplemental water pipeline project and the resultant ambiguity on a timeline for delivery of supplemental water. The Board's action was based on the District being unable to make the findings required by District Code §3.28.020, "that sufficient excess water" exists to serve new projects.

In accordance with Board By-Laws 3.2(c), the Board President directed staff to place reconsideration of the Board's January 23, 2013 action denying the request on today's agenda.

STRATEGIC PLAN

Strategic Plan Goal 1.1. – Protect, Enhance and Assess available Water Supplies
Strategic Plan Goal 1.2 – Secure New Water Supplies

RECOMMENDATION

Your Board may consider to:

- Direct staff to draft revised District policy to lift the suspension on processing of applications for new water service; and/or,
- Provide other direction to staff.

ATTACHMENTS

A. Ordinance 2012-117

FEBRUARY 13, 2013

ITEM E-7

ATTACHMENT A

ORDINANCE NO. 2012- 117

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT REAFFIRMING RESOLUTION 2012-1259 SUSPENDING APPLICATIONS FOR INTENT-TO-SERVE LETTERS, SUSPENDING CHAPTER 3.05 OF THE DISTRICT CODE AND DISTRICT ORDINANCE 2009-114 RELATED TO WATER SERVICE LIMITATIONS, REPEALING DISTRICT CODE SECTION 3.04.052 AS ESTABLISHED BY DISTRICT ORDINANCE 2009-112 RELATED TO ESTABLISHING PAYMENT OF CAPACITY CHARGES FOR CERTAIN COMMERCIAL PROJECTS AND DECLARING DISTRICT CODE SECTION 3.04.053 AND SECTION 3 OF DISTRICT ORDINANCE 2010-115 RELATED TO PAYMENT OF CAPACITY CHARGES FOR CERTAIN RESIDENTIAL AND MIXED USE PROJECTS AS REPEALED PURSUANT TO THE TERMS OF SAID ORDINANCE

WHEREAS, the Nipomo Community Services District ("District") provides water service within the District's water service area pursuant to § 61100 (a) of the Community Services District Law which provides:

"(a) Supply water for any beneficial uses, in the same manner as a municipal water district, formed pursuant to the Municipal Water District Law of 1911, Division 20 (commencing with Section 71000) of the Water Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail"; and

WHEREAS, § 61060 (b) of the Community Services District Law provides in relevant part:

"A district shall have and may exercise all rights and powers, expressed and implied, necessary to carry out the purposes and intent of this division, including, but not limited to, the following powers:

(b) To adopt, by ordinance, and enforce rules and regulations for the administration, operation, and use and maintenance of the facilities and services listed in Part 3 (commencing with Section 61100)"; and

WHEREAS, it is essential for the protection of the health, welfare, and safety of the residents of the District and the public benefit of the State of California ("State"), that the groundwater resources of the Nipomo Mesa be conserved; and

WHEREAS, the District's current water supply is limited to groundwater extracted from the Nipomo Mesa Management Area (NMMA) (also referred to as the Nipomo Mesa Water Conservation Area (NMWCA) by the County of San Luis Obispo), of the Santa Maria Groundwater Basin; and

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT REAFFIRMING RESOLUTION 2012-1259 SUSPENDING APPLICATIONS FOR INTENT-TO-SERVE LETTERS, SUSPENDING CHAPTER 3.05 OF THE DISTRICT CODE AND DISTRICT ORDINANCE 2009-114 RELATED TO WATER SERVICE LIMITATIONS, REPEALING DISTRICT CODE SECTION 3.04.052 AS ESTABLISHED BY DISTRICT ORDINANCE 2009-112 RELATED TO ESTABLISHING PAYMENT OF CAPACITY CHARGES FOR CERTAIN COMMERCIAL PROJECTS AND DECLARING DISTRICT CODE SECTION 3.04.053 AND SECTION 3 OF DISTRICT ORDINANCE 2010-115 RELATED TO PAYMENT OF CAPACITY CHARGES FOR CERTAIN RESIDENTIAL AND MIXED USE PROJECTS AS REPEALED PURSUANT TO THE TERMS OF SAID ORDINANCE

WHEREAS, the District is a party to a groundwater adjudication, Santa Maria Valley Water Conservation District v. City of Santa Maria, etc. et al., Case No. CV 770214 ("Groundwater Litigation"); and

WHEREAS, pursuant to Section VI D(1) of the June 2005 Stipulation as incorporated into the January 25, 2008 Final Judgment in the Groundwater Litigation the Nipomo Mesa Management Area Technical Group has declared that a potentially severe water shortage condition exists within the Nipomo Mesa Management Area; and

WHEREAS, the San Luis Obispo County Department of Planning and Building's 2004 Resource Capacity Study for the Water Supply in the Nipomo Mesa Area recommended a Level of Severity III (existing demand equals or exceeds dependable supply) be certified for the Nipomo Mesa Water Conservation Area and that measures be implemented to lessen adverse impacts of future development (said Study and referenced documents are incorporated herein by reference); and

WHEREAS, on June 26, 2007, the San Luis Obispo County Board of Supervisors certified the waters underlying the NMWCA at a Severity Level III; and

WHEREAS, the resource protection goals of the San Luis Obispo County South County Area Plan include the following:

- Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.

- Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels; and

WHEREAS, District Code §3.28.020 provides:

"all intent-to-serve letters shall be based on findings that sufficient excess water and sewer capacity exists to serve the project"; and

WHEREAS, § 71640 of the Municipal Water Service District Law provides:

"A district may restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and may prohibit the wastage of district water or the use of district water during such periods for any purpose other than household uses or such other restricted uses as the district determines to be necessary. A district may also prohibit use of district water during such periods for specific uses which it finds to be nonessential"; and

WHEREAS, the District Board of Directors, at a public meeting on June 13, 2012, considered the Staff Report and public testimony regarding the adoption of this Ordinance; and

WHEREAS, based on the Staff Report, staff presentation, the reports and studies referenced in this Ordinance and public comment, and the failure of the recent ballot proceedings to fund and implement a Supplemental Water Project to the NMMA\NMWCA, the District Board of Directors finds that:

(a) It is currently unable to make the findings required by District Code Section 3.28.020, "that sufficient excess water --- exists to serve new projects"; and

(b) That there is a threatened or existing water shortage; and

WHEREAS, based on the Staff Report, staff presentation, the reports and studies referenced in this Ordinance, public comment and the failure of the recent ballot proceedings to fund and implement the Supplemental Water Project to the NMMA\NMWCA, the District Board of Directors further finds:

A. That the purpose and intent of this Ordinance is consistent with the purposes found in the Judgment and Stipulation in the Ground Water Litigation imposing a physical solution to assure long-term sustainability of the groundwater basin and the San Luis Obispo County's certification of a Severity Level III for the waters underlying the NMWCA; and
B. Prohibiting the issuance of new Intent-To-Serve Letters will provide greater assurances that there will be adequate groundwater to meet the present needs of the District residences consistent with District Code §3.28.020 and the resource protection goals of the San Luis Obispo County South County Area Plan; and

C. That adopting this Ordinance will further conserve the water supply for the greater public benefit, with particular regards to domestic use, sanitation and fire protection; and

D. That this Ordinance adopts Rules and Regulations for the administration, operation, and use of District services; and

WHEREAS, by adopting this Ordinance, the District does not intend to limit other means of managing, protecting and conserving the groundwater basin by the District. Further, the District intends to work cooperatively with the NMMA Technical Group and other agencies, such as the County of San Luis Obispo, to implement regional solutions such as groundwater management and the importation of Supplemental Water to the NMMA\NMWCA; and

WHEREAS, based on the Staff Report, staff presentation, and public comment, the District Board of Directors further finds this Ordinance is adopted for the protection of the health, safety and welfare of District water customers who depend on the underlying groundwater basin as their source of water supply.

NOW, THEREFORE BE IT ORDAINED, by the Board of Directors of the District as follows:

Section 1 — Intent-To-Serve Letters

District Resolution 2012-1259 Suspending The Processing Of Intent-To-Serve Letters is affirmed. All applications for new District water service are suspended and will be received and filed without priority. Chapter 3.05 of the District Code and District Ordinance 2009-114 are suspended.

Section 2 — Payment of Capacity Charges for Certain Commercial Projects

Section 3.04.052 of the District Code as established by District Ordinance 2009-112 Establishing Procedures For Payment Of District Fees For Connection Of Commercial Projects Developed On Two Or More Parcels are Repealed.

Section 3.04.051 of the District Code is modified to remove reference "Except as provided in Section 3.04.052"

Section 3 — Payment of Capacity Charges for Certain Residential and Mixed Use Projects

Section 3.04.053 of the District Code as established by District Ordinance 2010-115 Establishing Procedures For Payment Of District Fees For Connection For Residential Projects Creating Four Or More Parcels And Mixed Use Projects Under A Single Application For A Final Map That Required a Dedication Of Any Water And Sewer Improvements Pursuant To a Plan Check Inspection is repealed, pursuant to Section 3.04.053 H of Ordinance 2010-115.

Section 3.04.051 of the District Code is modified to remove reference "Except as provided in Section 3.04.052 and 3.04.053"

Section 4 of District Ordinance 2010-115 and Section 5.02.010 (4) of the District Code are reaffirmed.

Section 5 of District Ordinance 2010-115 and Section 4.03.010 of the District Code are reaffirmed.

Section 4 — Reconsideration

The District Board shall reconsider Sections 1, and 2 of this Ordinance, as part of its Regular or Special Meeting Agendas, during the month of October of this year and during the months of May and October of each succeeding year.

Section 5 — Inconsistency

To the extent that the terms of provision of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior district Ordinance(s), Motions, Resolutions (including District Resolution 2010-1199 establishing fees for processing applications for deferral of District Connection Charges), Rules, or Regulations adopted by the District, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed.

Section 6 — Incorporation of Recitals

The recitals to this Ordinance are true and correct, are incorporated herein by this reference, including the referenced documents, and constitute further findings for the implementation of the Water Service Limitations adopted by this Ordinance.

Section 7 — Severance Clause

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 8 — Effect of Headings in Ordinance

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

Section 9 — CEQA

The Board of Directors of the District finds that the policies and procedures adopted by this Ordinance are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378 (b) (2) because such policies and procedures constitute general policy and procedure making. The Board of Directors further finds that the adoption of the rules and regulations established by this Ordinance is not a project as defined in CEQA Guideline Section 15378, because it can be seen that the Suspension of Intent-To-Serve Letters and Ordinances related to payment of connection/capacity fees will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The District incorporates by reference the CEQA findings in support of San Luis Obispo County Ordinance 3090, the County of San Luis Obispo's certification of a Severity Level III for the NMWCA and the District's CEQA findings supporting the adoption of Chapter 3.05. The District General Manager is directed to prepare and file an appropriate notice of exemption.

Section 10 — California Department of Fish and Game Certificate of Fee Exemption

Pursuant to § 711.4 (c)(2)A of the Fish and Game Code, the District Board of Directors finds that rules and regulations adopted by this Ordinance will

have no effect on fish and wildlife. The General Manager is authorized to file a California Department of Fish and Game Certificate of Fee Exemption.

Section 11 — Effective Date

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of the tenth (10th) day after passage this Ordinance shall be published once with the names of the members of the Board of Directors voting for or against the Ordinance in a newspaper of general circulation within the District.

Introduced on the 13TH day of June, 2012, and adopted by the Board of Directors of the Nipomo Community Services District on June 27, 2012, by the following roll call vote, to wit:

AYES: Directors Eby, Winn, Vierheilig, and Gaddis
NOES: Director Harrison
ABSENT: None
ABSTAINING: None

James Harrison

JAMES HARRISON,
President of the Board

ATTEST:

Michael S. LeBrun

MICHAEL S. LEBRUN
Secretary to the Board

APPROVED AS TO FORM

JON S. SEITZ
District Legal Counsel

(ENDORSED)
FILED

JUN 28 2012

JULIE L. RODEWALD COUNTY CLERK
By Katrina Taylor
DEPUTY CLERK

Notice of Determination

To:
County Clerk
County of San Luis Obispo
1055 Monterey Street, Rm. D-120
San Luis Obispo, CA

From:
Nipomo Community Services District
PO Box 326
Nipomo, CA 93444-0326

Subject: Filing Notice of Determination

Owner of Affected Property: Prosperity within the boundary of the Nipomo Community Services District

Title/Action Taken: Approval Ordinance 2012-117

Location of Affected Property Developed and undeveloped property within the boundary of the Nipomo Community Services District

Description: Ordinance 2012 -117 Suspends further processing of applications of Intent-to-Serve letters for water service within the District's boundary and repeals and reaffirms certain Code Sections related to Capacity Charges.

This is to advise that the Nipomo Community Services District as Lead Agency has approved the above described actions on June 13, 2012, and has made the following determinations with regards to the California Environmental Quality Act.

The Board of Directors of the District finds that the policies and procedures adopted by this Ordinance are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378 (b) (2) because such policies and procedures constitute general policy and procedure making. The Board of Directors further finds that the adoption of the rules and regulations established by this Ordinance is not a project as defined in CEQA Guideline Section 15378, because it can be seen that the Suspension of Intent-To-Serve Letters will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The District incorporates by reference the CEQA findings in support of San Luis Obispo County Ordinance 3090, the County of San Luis Obispo's certification of a Severity Level III for the NMWCA and the District's CEQA findings supporting the adoption of Chapter 3.05. The District General Manager is directed to prepare and file an appropriate notice of exemption.

Additional Information

Additional information pertaining to this Notice of Determination may be obtained by contacting Michael S. LeBrun, District General Manager at 805-929-1133.

Date: June 27, 2012

Michael S. LeBrun

Michael S. LeBrun, General Manager

CALIFORNIA DEPARTMENT OF FISH AND GAME
CERTIFICATE OF FEE EXEMPTION

ACTION TAKEN: APPROVE ORDINANCE 2012-117

APPLICANT:
Name: NIPOMO COMMUNITY SERVICES DISTRICT
Address: 148 S. WILSON STREET
City: NIPOMO, CA 93444
Phone: (805)929-1133

DESCRIPTION - ACTION: ADOPT ORDINANCE 2012-117 SUSPENDING FURTHER PROCESSING OF APPLICATIONS FOR INTENT-TO-SERVE LETTERS FOR WATER SERVICE WITHIN DISTRICT'S BOUNDARY AND REPEAL AND REAFFIRM CERTAIN CODE SECTIONS RELATED TO CAPACITY CHARGES.

LOCATION: WITHIN THE BOUNDARIES OF THE NIPOMO COMMUNITY SERVICES DISTRICT BINDING OF EXEMPTION

FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on the wildlife resources for one or more of the following reason(s):

( ) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.

( ) The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.

( ) The project is of limited size and scope and is not located in close proximity to significant wildlife habitat.

( ) The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project.

(x) Other: The action taken has no effect on fish and wildlife. (Fish and Game Code § 711.4 (c) (2) (A).

CERTIFICATION:

I hereby certify that the above findings are based upon the administrative record, and hearing record that the action taken on the Ordinance will not individually or cumulatively have and adverse effect on the wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Michael S. LeBrun 6/27/12

Michael S. LeBrun Date
General Manager,
Nipomo Community Services District

State of California—The Resources Agency
DEPARTMENT OF FISH AND GAME

2012 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT# 427426

STATE CLEARING HOUSE # (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY: Nipomo Community Services Dist.

DATE: 6/28/2012

COUNTY/STATE AGENCY OF FILING: San Luis Obispo

DOCUMENT NUMBER:

PROJECT TITLE: Approval Ordinance 2012-117

PROJECT APPLICANT NAME: Nipomo Community Services Dist.

PHONE NUMBER: 805 (54)37272

PROJECT APPLICANT ADDRESS: P.O. Box 326

CITY: Nipomo

STATE: CA

ZIP CODE: 93444

PROJECT APPLICANT (Check appropriate box):

☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	$2,919.00	$
☐ Mitigated/Negative Declaration (ND)(MND)	$2,101.50	$
☐ Application Fee Water Diversion (State Water Resources Control Board Only)	$850.00	$
☐ Projects Subject to Certified Regulatory Programs (CRP)	$992.50	$
☒ County Administrative Fee	$50.00	$ 50.00
☐ Project that is exempt from fees		
☐ Notice of Exemption		
☐ DFG No Effect Determination (Form Attached)		
☐ Other		$

PAYMENT METHOD:

☐ Cash ☐ Credit ☒ Check ☐ Other

TOTAL RECEIVED $ 50.00

SIGNATURE: X Katrina Daylor

TITLE: Deputy Clerk Recorder

WHITE - PROJECT APPLICANT YELLOW - DFG/ASB PINK - LEAD AGENCY GOLDEN ROD - COUNTY CLERK DFG 753.5a (Rev. 11/11)