

TO: BOARD OF DIRECTORS
FROM: CRAIG A. STEELE
DISTRICT COUNSEL
DATE: JUNE 24, 2020

**AGENDA ITEM
D-4**

JUNE 24, 2020

**APPROVE UPDATED
NIPOMO COMMUNITY SERVICES DISTRICT
PUBLIC RECORDS POLICY**

ITEM

Review and Approve Updated Nipomo Community Services District (NCSD) Public Records Policy [RECOMMEND ADOPT RESOLUTION APPROVING UPDATED PUBLIC RECORDS POLICY]

BACKGROUND

The California Public Records Act ("PRA") and the State Constitution make access to information and records regarding the public's business a fundamental right of Californians, subject to certain exemptions and restrictions in the PRA. NCSD's current policy regarding public records and the procedures for responding to a PRA request for records was adopted in 1996 and has not been updated since then. Since that time, statutory changes, new technology and court decisions have changed how agencies must respond to PRA requests and the types of records that must be produced. For example, the current policy does not address emails or other electronic records, even though a large amount of NCSD records and communications are now electronic and subject to public disclosure.

The updated policy provides a roadmap for staff to respond to PRA requests. It sets forth the applicable time deadlines for responses and rules regarding requests, and establishes policies on common items such as copying charges and times during which public records are available for review. It also contains a list of the most common types of records that are exempt from disclosure. The updated policy is entirely consistent with State law, and does not impose any District policy that is more burdensome or restrictive than State law.

RECOMMENDATION

Staff recommends that your Board review and discuss the updated Public Records Policy and adopt the attached Resolution to approve the updated Public Records Policy.

ATTACHMENT

- A. Draft Resolution Approving Updated Public Records Policy

JUNE 24, 2020

ITEM D-4

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2020-15XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING AN
UPDATED PUBLIC RECORDS POLICY**

WHEREAS, the California Constitution and the California Public Records Act (“PRA”) make access to records and information regarding the conduct of the public’s business fundamental rights of all Californians, subject to certain limitations and exemptions; and

WHEREAS, the Nipomo Community Services District (“NCSD”) is a “local agency” and subject to the requirements of the Act, pursuant to Government Code Section 6252; and

WHEREAS, in the interest of transparency and accountability, the Board of Directors of NCSD intends to update NCSD’s policy regarding public records.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District, as follows:

1. The facts and findings stated above are true and correct and incorporated herein.
2. The Public Records Policy attached hereto as Exhibit “A” and incorporated herein by reference, is hereby adopted.
3. Resolution No. 96-575 is hereby repealed.

Upon motion by Director _____, seconded by Director _____, on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

the foregoing resolution is hereby passed and adopted this ____ day of _____, 2020.

DAN A. GADDIS
President of the Board

ATTEST:

APPROVED AS TO FORM:

MARIO E. IGLESIAS
General Manager and Secretary to the Board

Craig A. Steele
District Legal Counsel

Exhibit "A"

Public Records Policy

Nipomo Community Services District

Public Records Policy

The California Public Records Act, Government Code sections 6250 through 6276.48 (the “Act”), provides that the public has a right to inspect and obtain a copy of most of the records retained by public agencies in the course of doing business. The Legislature has declared that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in the state. The public’s right to access public records is also guaranteed by Article I, Section 3(b) of the California Constitution.

The right of access is not unlimited. By law, some records are exempt from disclosure. These exemptions generally protect two interests that compete with public disclosure. Some exemptions protect an individual’s fundamental right to privacy. Other exemptions protect records from disclosure to foster efficient and effective government functions and decision-making.

The Nipomo Community Services District (“NCS D”) maintains many public records. Unless there is a specific exemption listed in the Act or in another statute (see discussion below), most records maintained by NCS D in the ordinary course of business will be public records. In those cases where portions of a record are public and other portions are exempt from disclosure, staff will redact or remove the information that is exempt before disclosing the remainder of the record.

DEFINITION OF “PUBLIC RECORD”

As defined by the Act, public records are any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristic. Writing is further defined to include any handwritten or typewritten document, photographs, pictures, drawings, audio or video recording, computer data, electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation.

REQUESTS FOR PUBLIC RECORD

Any member of the public may request to view or purchase a copy of an identifiable public record. The requester does not have to give their name or other identifying information such as address or telephone number, does not have to put their request in writing and does not have to explain why they want the record. A request may be made over the telephone, in person, in writing, by facsimile or electronic mail. However, the District encourages written requests when possible in order to more efficiently respond to a request.

Sometimes, requesters will incorrectly cite to the federal Freedom of Information Act (FOIA). Although FOIA is not applicable to NCSD, NCSD will respond to such requests as if the request had been made pursuant to the Public Records Act.

A requester must identify an actual public record; requests that are too vague cannot be fulfilled. Staff is required by statute to assist the requester in identifying the desired public records. Note that the Act does not require NCSD to create records that do not exist or that it does not normally retain, such as summaries of documents or compiled lists. However, NCSD must comply with certain requests for the extraction or compilation of electronic data (see below).

If a person makes a request for a record that does not exist, or that is vague, NCSD staff should nevertheless attempt to assist the requester in identifying existing records that contain the information being sought where possible, including records or information that is responsive to the purpose of the request, if stated. If reasonable under the circumstances, NCSD staff should also describe the information technology and physical location in which the records exist, and provide suggestions for overcoming any practical basis for denying access to the records or information sought. In the event NCSD compiles an index of its records, provision of that index to a requester satisfies NCSD's obligation to assist the requester.

REQUESTS FOR ELECTRONIC RECORDS

A requester may ask for identifiable public records that exist in electronic format. Emails, recordings and text messages relating to District business can be public records if retained in the ordinary course of business. Some electronic data on personal devices used for District business may be subject to disclosure as a public record. If the record is not exempt, NCSD must make the information available in electronic format in any electronic format in which it holds the information. In the event the requester specifies a specific electronic format, NCSD must produce the record in that format if the requested format is one that has been used by NCSD to create copies for its own use or for provision to other agencies.

However, NCSD is not required to release exempt electronic data, or to release an electronic record in electronic form if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

PROCEDURE FOR COMPLYING WITH A PUBLIC RECORDS ACT REQUEST

Request to Inspect Records: Public records should be available for inspection during normal business hours. Staff should monitor the inspection of original public records to ensure that NCSD records are not altered, destroyed or removed from the premises.

If records are not immediately available because the records are being used by staff, are voluminous, or are stored off-site, or if staff is not available to monitor the inspection,

staff may ask the requester to make an appointment to view the records. The appointment date should be as soon as possible following the request.

If records must first be reviewed for exempt material or redacted, staff should follow the procedure in the next section regarding “Request for Copies of Records.”

Request for Copies of Records: NCSD staff has ten (10) calendar days to determine whether to grant the request and respond in writing to the requester with NCSD’s determination. The 10-day response period starts with the first calendar day after the date of receipt. For example, the determination for a request received on April 1 is due on April 11.

The 10-day response period is not the time period for complying with the request, rather it’s the time period for responding to the requester with a **written** determination as to whether records responsive have been located and what, if any, information from those records is exempt from disclosure. Some requests for records may not be fulfilled until after the 10-day response period has expired.

Content of the Determination Letter: If any information is exempt from disclosure and will be redacted or withheld from the requester, or if the request will be denied, the determination letter must so state and provide the reasons for redacting or withholding the records, which can be accomplished by providing a brief generalized description of the information withheld and citing to the exemptions that apply.

The letter must be signed with the name and title of the person responsible for the denial. If the request for copies is being granted, the determination letter should include a request for pre-payment of the applicable duplication costs and a statement that the copies will be made available a certain number of days after receipt of payment. Records do not have to be copied until after payment is received. If the request is to inspect records, then the letter should set forth the date after which the records will be available, and invite the requester to call or write for an appointment. NCSD may not require a fee for inspection of records.

Duplication Costs: The cost for copying the records is the direct cost of duplication or a statutory fee, if applicable, and does not include staff time to research, retrieve, review or compile the records. NCSD has determined that the direct cost of duplication for normal sized photocopies is fifteen cents (15¢) per page, and for electronic records copied to disc, the fee is \$10.00 per disc. If an outside duplication firm is employed to make the requested copies, the cost charged to NCSD shall be passed along to the requester.

If a request for electronic records requires compilation or extraction, or computer programming to produce the record, or requires the production of an electronic record that is produced only at otherwise regularly scheduled intervals, the requester shall bear the cost of producing an electronic copy, including the cost to construct the record, and the cost of programming and computer services necessary to produce a copy. If staff produces the copy, the cost of producing such electronic copy shall be charged at the staff

member's fully burdened hourly rate, or if an outside computer programmer or computer consultant is used, at the cost charged to NCSD by the programmer or consultant.

The cost of duplication for some records is set by statute. A common example of a statutory fee is the ten cents (10¢) per page charge for copies of FPPC campaign and economic disclosure statements.

Fourteen-Day Extension to Respond. In four statutorily defined "unusual circumstances," NCSD may take up to an additional fourteen (14) calendar days to make a determination on the request. The four unusual circumstances are the following:

- The need to search for and collect records from an off-site location.
- The need to search for, collect and examine a voluminous amount of records.
- The need for consultation with another agency having an interest in the request or among two or more components of the agency receiving the request.
- The need to compile data, write a computer program or construct a computer report to extract data.

If it becomes necessary to invoke one or more of the above listed reasons for taking additional time in which to make a determination, written notification must be given to the requester by the 10th day following their request. This written notification must state the reason for the delay and the date on which a final determination will be provided to the requester.

EXEMPT RECORDS

The Act makes certain records exempt from disclosure. The following types of District records are the most frequently requested documents that are exempt and therefore are not available to the public:

- Records relating to pending litigation matters;
- Personnel or medical records;
- Attorney/client privileged records;
- Preliminary drafts, notes or interoffice memoranda if they are not kept in the ordinary course of business, and the public interest in withholding the records clearly outweighs the public interest in disclosure;
- Real estate appraisals, engineering or feasibility estimates made for or by NCSD relating to the acquisition of real property until such time as the property has been acquired;
- Social Security numbers;
- Personal identifying information;
- Some utility customer information; and


- Records relating to assessment of the agency's vulnerability to terrorist attacks or other criminal acts intended to disrupt the local agency's operations if prepared for or distributed in a closed session of the agency.

Records should first be checked against the exemptions in the Act or discussed with the NCSD's General Counsel before release. It is important not to release exempt records to the public without authorization, as release of an exempt record could waive any applicable exemptions that would justify nondisclosure, and once released, the record may have to be given to anyone who requests it, unless an exception applies. Consult with NCSD's General Counsel in the event NCSD staff wants to share an exempt record with another public agency or someone not within NCSD's circle of privilege in order to determine whether an exception applies that would permit the record to be shared.

Section 6255 of the Act contains an exemption for records where the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. Courts will carefully scrutinize use of this provision, so it should be used only in extraordinary circumstances after consultation with NCSD's General Counsel.

SUBPOENAS FOR RECORDS

This administrative policy does not apply to subpoenas for records.

TO: BOARD OF DIRECTORS
REVIEWED: MARIO IGLESIAS
GENERAL MANAGER 
FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF
ENGINEERING & OPERATIONS
DATE: JUNE 17, 2020

**AGENDA ITEM
D-5
JUNE 24, 2020**

CONSIDER ADOPTING A RESOLUTION TO ESTABLISH PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE FOR SOUTHLAND WASTEWATER TREATMENT FACILITY SLUDGE DEWATERING SCREW PRESS PROJECT

ITEM

Establish Pre-Qualification Policy and Appeals Procedure for the Southland Wastewater Treatment Facility (WWTF) Sludge Dewatering Screw Press Project [RECOMMEND ADOPT RESOLUTION ESTABLISHING PRE-QUALIFICATION AND APPEALS POLICY FOR SOUTHLAND WWTF SLUDGE DEWATERING SCREW PRESS PROJECT].

BACKGROUND

The District's Southland Wastewater Treatment Facility (SWWTF) consists of screening, grit removal, extended aeration treatment, effluent disposal ponds and biosolids handling equipment. Biosolids are processed using a gravity belt thickener (GBT) and concrete-lined drying beds to reduce the water content of the waste biosolids (sludge) from the SWWTF. Water is removed from the biosolids to reduce weight and volume before hauling offsite for beneficial reuse. Reducing the weight and volume of biosolids allows the biosolids to be hauled offsite as well as minimizes hauling and disposal costs.

During the summer, the biosolids drying beds are extremely effective at dewatering the thickened biosolids (increasing the solids content of the biosolids prior to hauling offsite). However, longer residence times in the drying beds during wet weather periods can cause increased odors. In March 2018, the District received a Notice of Violation from the San Luis Obispo County Air Pollution Control District (SLOAPCD) for creating nuisance odors. The District has taken several operational corrective actions to address the issue on an interim basis and per the mutual settlement agreement with the SLOAPCD, the District needs to install a screw press to dewater thickened biosolids from the GBT in order to avoid use of the drying beds during periods of wet weather.

The California Public Contract Code ("PCC") Section 20101 permits the District to pre-qualify contractors who wish to bid on the District's public works contracts such as the Southland WWTF Sludge Dewatering Screw Press Project. PCC Section 20101 requires the District to establish pre-qualification policies and the method by which decisions regarding Contractor's qualifications may be appealed. Pre-Qualification of Contractors will help ensure that the Project is constructed by reputable, experienced, and qualified contractors.

FISCAL IMPACT

Pre-Qualification of contractors will help ensure that the Project is constructed by reputable and qualified contractors at the best possible price.

STRATEGIC PLAN

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT. Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

Goal 5. OPERATIONS. Maintain a proactive program to ensure readiness of systems and cost-effectiveness of operations.

RECOMMENDATION

By motion and roll call vote, adopt the attached resolution establishing the Pre-Qualification and Appeals Policy for the Southland WWTF Sludge Dewatering Screw Press Project.

ATTACHMENTS

- A. Resolution 2020-XXXX SWWTF SCREW PRESS PRE-QUALIFICATION

JUNE 24, 2020

ITEM D-5

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2020-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE
FOR THE SOUTHLAND WASTEWATER TREATMENT FACILITY
SLUDGE DEWATERING SCREW PRESS PROJECT**

WHEREAS, California Public Contract Code (“PCC”) Section 20101 permits the Nipomo Community Services District (“District”) to pre-qualify contractors who wish to bid on public works contracts; and

WHEREAS, it is in the public interest for the District to adopt policies and procedures that will help ensure that the Southland Waste Water Treatment Facility Sludge Dewatering Screw Press Project (the “Project”) is constructed by reputable and qualified contractors at the best possible price; and

WHEREAS, it is in the public interest for the District to implement a program for pre-qualifying general contractors and selected subcontractors (“Contractors”) seeking to bid on the Project; and

WHEREAS, among other things, PCC Section 20101 requires the District to adopt an appeals procedure that will allow Contractors to appeal decisions regarding their qualifications to bid on the Project; and

WHEREAS, the District intends for this Resolution to establish pre-qualification policies and the method by which decisions regarding Contractor’s qualifications may be appealed; and

WHEREAS, the procedures adopted by this Resolution are intended to facilitate construction of the Project. Nothing herein, however, is intended, or should be interpreted, to compromise the District’s firm commitment to selecting responsible bidders for the Project.

NOW THEREFORE, BE IT RESOLVED, DECLARED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AS FOLLOWS:

1. EVALUATION OF CONTRACTORS REQUESTING PREQUALIFICATION

The Project Design Manager, Director of Engineering and Operations, and Project Construction Manager and/or their designees herein (“Contractor Evaluation Team”) will evaluate the information submitted by each Contractor to assess the Contractor’s capability and qualifications.

The Contractor Evaluation Team will evaluate the prequalification packages as follows:

a) The Contractor Evaluation Team will determine which Contractors are responsive to the material terms and conditions of the invitation to submit pre-qualification packages. The Contractor Evaluation Team will then determine which of the responsive Contractors are technically, financially, and otherwise qualified and responsible to perform the Project satisfactorily and who have demonstrated the capacity to meet all other requirements of the Project.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2020-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE
FOR THE SOUTHLAND WASTEWATER TREATMENT FACILITY
SLUDGE DEWATERING SCREW PRESS PROJECT

b) If a Contractor is found responsive and qualified based upon the information in its prequalification package, the Contractor Evaluation Team will conduct interviews with the project references provided by the Contractor. The Contractor Evaluation Team will not conduct interviews with the project references provided by Contractors determined to be non-responsive or not qualified based on the information in their prequalification packages.

2. ESSENTIAL REQUIREMENTS

All contractors and subcontractors seeking pre-qualification must meet the essential requirements for pre-qualification in Part 1 of the “**Labor Commissioner’s Model Questionnaire, March 2019, Public Works Pre-Qualification of Contractors**” (“Pre-qualification Questionnaire”), which is adopted by reference herein.

A. In addition to the essential requirements in Part 1 of the Pre-qualification Questionnaire, **general contractors** must:

1. Have successfully completed at least three contracts for construction of a wastewater treatment plant biosolids dewatering system of similar type, complexity and comparable value (at least \$1 million) to the Project and utilizing treatment processes similar to those of the Project, in the past five years, including electrical, mechanical and instrumentation systems. Referenced projects must include: (1) earthwork including pipeline and structural excavations, (2) construction of cast-in-place reinforced concrete structures, (3) installation of mechanical and yard piping, (4) installation of biosolids screw press equipment, (5) coordination with on-going wastewater treatment plant operations, and (6) overall coordination of facility testing and start-up.

2. Identify two or more prospective project managers and superintendents who are currently employed by contractor and have held similar positions on at least one wastewater treatment plant biosolids dewatering system project of type, complexity and value similar to the Project in the past three (3) years, and

3. Provide general liability insurance covering Contractor and Subcontractors with policy limit of at least 5 million dollars per occurrence and 10 million dollars aggregate.

B. In addition to the essential requirements in Part 1 of the Pre-qualification Questionnaire, **electrical subcontractors** must also:

1. Have successfully completed at least three contracts for construction and start-up of electrical components and systems as noted below for wastewater treatment plants of type, size, and complexity similar to the Project in the past five (5) years. List projects where contractor performed work valued at greater than \$100,000 that included elements such as (1) installation of 480 volt distribution switchboards and motor control centers (2) installation of electrical equipment and raceway in Class I hazardous locations and (3) installation of metering and monitoring equipment and integration with existing SCADA instrumentation and control systems, for operation and monitoring of wastewater treatment facilities.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2020-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE
FOR THE SOUTHLAND WASTEWATER TREATMENT FACILITY
SLUDGE DEWATERING SCREW PRESS PROJECT

2. Identify a superintendent and foreman currently employed by contractor for the Project who have held similar positions on at least one wastewater treatment plant of type and complexity similar to the Project and for type and value of work noted above in the past three (3) years.

C. Contractors must meet all of the criteria listed above in order to be pre-qualified, in addition to receiving a passing score on the other evaluation criteria. Contractors who do not meet all of the criteria will not be found qualified to participate in bidding for the contract to construct the Project.

3. **APPEAL PROCESS**

The Contractor Evaluation Team will notify prospective contractors of the result of the pre-qualification process in writing. Any contractor who is not pre-qualified may appeal the determination to the District General Manager. The appeal process is as follows:

(a) Within five (5) calendar days of receipt of written notice that the contractor has not been pre-qualified, the prospective bidder shall notify the District General Manager of its intent to appeal. The notice of appeal shall be made in writing and delivered to the District General Manager at the address in the Notice Inviting Submission of Pre-qualification Packages. If requested by the prospective contractor in the notice of appeal, the District General Manager shall provide notification in writing of the basis of the disqualification and any supporting evidence received from others or adduced as a result of an investigation by the Contractor Evaluation Team. The District General Manager shall provide this information within five (5) calendar days of receiving the notice of appeal.

(b) Within five (5) calendar days of receipt of the District's information, the prospective bidder shall submit any and all evidence it wants the District General Manager to consider in support of its qualifications to perform the Project or submit a written request for a hearing at which to present evidence. The evidence or request for hearing shall be in writing and delivered to the District at the address in the Instructions for Completion of General Contractors and selected subcontractors Pre-qualification Package.

(c) If the District General Manager receives a timely request for a hearing, the hearing will held within ten (10) calendar days of the date the District's General Manager receives the request. The hearing will be before the District General Manager or his designee and will be recorded on audio and/or video tape. The prospective bidder may request that the hearing be recorded steno-graphically. If the prospective bidder requests a stenographic record, it shall be solely responsible for arranging the stenographer and paying all costs for the transcript. At the District General Manager's request, the prospective bidder shall furnish the District General Manager with a copy of the transcript, and the District shall pay no more than the cost of the copy.

(d) The District General Manager shall give the prospective bidder written notice of the outcome of the appeal no later than ten (10) calendar days after the hearing is concluded. The District General Manager's decision will be final and binding.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2020-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE
FOR THE SOUTHLAND WASTEWATER TREATMENT FACILITY
SLUDGE DEWATERING SCREW PRESS PROJECT

(e) If any of the above deadlines falls on a holiday or weekend day, then the deadline will be the next business day.

The District will strictly enforce the time limits in connection with appeals of determination of Contractor pre-qualification, and the bid date will not be extended on account of any appeal of a determination that a contractor is not qualified to submit a bid for the contract to construct the Project.

If a prospective bidder does not appeal a denial of pre-qualification through the process described above, the District's Contractor Evaluation Team's decision on pre-qualification may be adopted without further proceedings. **Failure to appeal within the time set forth above shall be deemed a failure to exhaust administrative remedies and act as a bar to subsequent litigation or other claims procedures.**

4. AUTHORITY OF GENERAL MANAGER

The District General Manager is authorized to modify the Model Forms created by the Department of Industrial Relations for Pre-qualification of Contractors Seeking To Bid On Public Works Projects and to prepare Pre-qualification Packages consistent with this Resolution.

5. MISCELLANEOUS

(a) A Contractor's pre-qualification status will immediately terminate if (1) the contractor's contracting license is suspended or terminated for any reason by the California State Licensing Board; (2) the District determines, after the Contractor is given the opportunity to respond, that the Contractor's application contains information that is materially false; or (3) the Contractor's control over a public works contract, whether within the District's jurisdiction or otherwise, is terminated for cause.

(b) Failure of a Contractor to give District written notice of changes in the information previously provided in its Pre-qualification Package not less than ten (10) days before a bid opening will result in the Contractor being ineligible to bid on the Project.

(c) Nothing contained within this Resolution, or otherwise, will require the District to rate or consider Contractors who have submitted documents that are materially false, substantially incomplete, or are untimely. Any Contractor who submits such documents will be deemed to have waived its right to be considered for bidding on the Project.

(d) The District's General Manager in his sole discretion at any time during the pre-qualification process, even after receiving and scoring applications, may cancel the pre-qualification process. If the pre-qualification process is cancelled as provided herein, and the District wishes to proceed with the Project, then the normal competitive bidding rules will apply. The District shall not be liable for the cost of prospective contractor may have incurred by submitting an application for pre-qualification, and the submittal of a pre-qualification application is a waiver to claim any such cost or losses due to cancellation of the process.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2020-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE
FOR THE SOUTHLAND WASTEWATER TREATMENT FACILITY
SLUDGE DEWATERING SCREW PRESS PROJECT

(e) Nothing contained in this Resolution is intended to delay or postpone the date for submitting and opening bids. Accordingly, to the extent practicable, the District's General Manager, or designee, will expedite the appeals process set forth here.

(f) This Resolution will remain effective until repealed or is superseded by subsequent Resolutions.

(g) This Resolution will take effect immediately upon adoption.

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

AYES:
NOES:
ABSENT:
CONFLICTS:

The foregoing resolution is hereby adopted this 24th day of June 2020.

DAN ALLEN GADDIS
President, Board of Directors

ATTEST:

APPROVED AS TO FORM AND
LEGAL EFFECT:

MARIO IGLESIAS
General Manager and Secretary to the Board

CRAIG A. STEELE
District Legal Counsel

TO: BOARD OF DIRECTORS
 FROM: MARIO IGLESIAS
 GENERAL MANAGER
 DATE: June 19, 2020



**AGENDA ITEM
 F
 JUNE 24, 2020**

GENERAL MANAGER'S REPORT

ITEM

Standing report to your Honorable Board -- *Period covered by this report is June 7, 2020 through June 20, 2020.*

DISTRICT BUSINESS

Administrative

The District encourages residents to provide reports of any observed water waste. The District keeps an accounting of leak adjustments as a measure of non-revenue water lost to leaks as well as tracking late fee waivers. For the month of May 2020, the District is waiving all late fees and is not keeping track of late payments due to the District's response to the COVID19 health emergency. There were no Leak Adjustments applied for or granted in May. The District is also offering to customers to credit their account the third-party cost for paying their bill on-line. There is a \$3.95 charge by Official Payments, the third-party vender that provides the service. A total of 12 customers took advantage of the District's offer in the month of May.

Office Activities

	May 20	Jan 20 - May 2020
Reports of Water Waste	0	0
Leak Adjustments	0	11
Leak Adjustment Amount	\$0	\$3,643
Late Fee Waivers	0	15
Late Fee Waiver Adjustment Amount	\$0	\$2,940
Official Payments cost to District	\$47	\$87

Water Resources

Table 1. Total Production Acre Feet (AF)

	May-20	Jul 19 - May 20
Groundwater Production	119.4	901.0
Supplemental Water Imported	<u>83.6</u>	<u>887.7</u>
Total Production	<u>203.0</u>	<u>1,788.8</u>

NCS D imported 83.6 AF of water over the 31 day period in May averaging 610 gallons per minute for an average total of 878,747 gallons per day. For fiscal year 2019-20 the District must import at least 800 AF of supplemental water to meet its contractual obligation with the City of Santa Maria. On average, the District must import an average of 67 AF per month. For the eleven-month period, July 1, 2019 through May 31, 2020, a total of 733 AF would indicate the District was on target to meet its import water obligation. Compared to the 888 AF imported in this time period (July through May), the District has reached 118% of its import water obligation.

The District's total combined production, including groundwater production wells and supplemental water imported at the Joshua Road Pump Station, registered 203 AF for the month and 1,788.8 AF for the eleven months of FY 2020. Compared to 1,671 AF in FY 2019 for the same period, the current fiscal years total water production is a 7% increase year over year.

NCSD GW Reduction

Table 2 compares the District's total water production for the month of May and the fiscal year-to-date (July 2019 through May 2020) total against the same period for 2013 (pre-drought production). The Department of Water Resources ("DWR") designated 2013 as the pre-drought production year. The pre-drought production data is included in the monthly water production report and compared to current usage, all of which is submitted by water purveyors statewide to DWR. There is no mandate by DWR at this time for the District to reach a particular conservation level. The District's year-to-date conservation effort remains about 25% for the fiscal year.

Table 2. FY 2020 Total Demand To-date Compared to 2013

	May-20	July – May 2020
Total Production (AF) for FY 2019-20	203.0	1,788.8
Total Production (AF) for 2013	<u>265.4</u>	<u>2,373.4</u>
Reduction (AF)	<u>62.4</u>	<u>584.6</u>
Percentage Reduction	<u>23.5%</u>	<u>24.6%</u>

The District's purveyor customers, Golden State Water Company and Woodlands Mutual Water Company, each claim 16.66% (cumulatively 33.33%) of the imported water NCSD brings onto the basin through the NSWP. Of the 800 AF minimum imported water from the City of Santa Maria, 266.6 AF or 33.33 % of the imported water – whichever is greater – will be credited to these two purveyor customers. The credited amount must be added to the District's groundwater pumping total every month to reflect the groundwater pumped by these customers in-lieu of taking imported water from the District. Table 3 below demonstrates the calculus for determining the District's groundwater pumping reduction.

Table 3. NCSD GW Production (NCSD GW Well Production plus Purveyor Credit)

	May-20	Jul 19 - May 20
NCSD GW Well Production	119.4	901.0
Purveyor Customer Credit (33.3% of Import Water)	<u>27.9</u>	<u>295.8</u>
NCSD Total Calculated GW Production	147.3	1,196.8
Average GW Production for 2009-2013	<u>261.6</u>	<u>2,269.7</u>
NCSD Percentage of GW Reduction	44%	47%

Taking into consideration the above referenced purveyor customer credit, the District can claim a groundwater pumping reduction of 44% for the month of May compared to the 5-year average from 2009 to 2013 (NMMA-TG assigned comparator). For Fiscal Year 2020, the total groundwater pumping reduction for the District is 47%. At the current Stage IV level of NMMA's Water Shortage Condition and Response Plan, the District is slightly short of achieving its targeted groundwater pumping reduction level of 50% for the year.

2020 Fiscal Year Groundwater Pumping Forecast

Table 4 projects the District's groundwater pumping reduction effectiveness for Fiscal Year 2020. The targeted groundwater pumping reduction as stated above is 50%. At current usage through in May 2020, and using last year's production values for the remaining month of the fiscal year inserted, the District is predicted to be short of its pumping reduction goals for fiscal year 2020 by 55.5 AFY or 2% of the year's groundwater production. This exercise demonstrates that there would be a nominal amount of ground water pumped in excess of the 50% target. Each year, water use trends slightly differ depending upon the weather – a major factor that drives consumer water demand. Table 4 is a forecasting tool used to help staff respond and adjust its actions to help reach the groundwater pumping reduction target.

Table 4. Projected Groundwater Pumping

	Apr-20	May-20	Jun-20	Year-to-Date Jul-Jun 2020	Target	Over/(Under)
NCSD GW Well Production	61.3	119.4	97.3	998.3		
Purveyor Customer Credit (33.3% of Import Water)	<u>25.8</u>	<u>27.9</u>	<u>27.5</u>	<u>323.1</u>		
NCSD Total Calculated GW Production	87.1	147.3	124.8	1,321.4	1,266.0	(55.45) AcFt
Average GW Production for 2009-2013	199.0	261.6	263.5	2,533.3	2,533.3	
NCSD Percentage of GW Reduction	56%	44%	53%	48%	50.0%	

Table 5. FY 2019 v. FY 2020 Groundwater Pumping

	May-20	Jul 19-May 20	May-19	Jul 18-May 19
NCSD GW Well Production	119.4	901.0	72.8	782.8
Purveyor Customer Credit (33.3% of Import Water)	<u>27.9</u>	<u>295.8</u>	<u>28.1</u>	<u>296.4</u>
NCSD Total Calculated GW Production	147.3	1,196.8	100.9	1,079.1
Average GW Production for 2009-2013	261.6	2,269.7	261.6	2,269.7
NCSD Percentage of GW Reduction	44%	47%	61%	52%

Table 5 compares the previous year's groundwater pumping with the current year's groundwater pumping for the same period. The District's overall water demand is up for the current year. The community may achieve the same level of groundwater pumping reduction year over year depending upon the weather. The data leaves open a possibility that, all things being equal, the District would not reach its groundwater pumping reduction target for the fiscal year.

Rainfall Gauge – (gathered from the following websites)

Note 1: SLO County Website

https://wr.slocountywater.org/site.php?site_id=3&site=935e7af7-0e94-4042-bc11-e02906d5ba44

Note 2: SLO County Website

https://wr.slocountywater.org/site.php?site_id=2&site=878bfdbf-5c40-4398-8226-418372e4039b

(Reported in inches)	Nipomo East (Dana Hills Reservoirs)	Nipomo South (Southland Plant)
May 2020 Total	0.40	0.24
July-2019 through May-2020 (Season Total)	13.87	11.66
June 1, 2020 to June 18, 2020	<u>0.00</u>	<u>0.00</u>
Total Rainfall to date	13.87	11.66
Average Annual Year Rainfall	18.0 ¹	14.0 ²

Safety Program

Next Quarterly Safety Meeting Scheduled for Friday, July 10, 2020.

Other Items

COVID19 RESPONSE PLAN UPDATE [ATTACHMENT A]

Supplemental Water Capacity Accounting

	Number of Equivalent Meters	AFY
Supplemental Water Available for Allocation	947	500
Supplemental Water Reserved (Will Serve Letter Issued)	123	-64.9
Subtotal Net Supplemental Water Available for Allocation	824	435.1
Supplemental Water Assigned (Intent-to-Serve Issued)	126	-66.5
Total Remaining Supplemental Water Available for Allocation	698	368.5

As of June 3, 2020

Connection Report

Nipomo Community Services District
Water and Sewer Connections

END OF MONTH REPORT

	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20
Water Connections (Total)	4441	4444	4444	4445	4449							
Sewer Connections (Total)	3208	3211	3211	3213	3217							
New Water Connections	0	3	0	1	4							
New Sewer Connection	1	3	0	2	4							
Galaxy & PSHH at Orchard and Division Sewer Connections billed to the County	476	476	476	476	476							

The Connection Report is current through June 6, 2020.

Meetings (May 24, through June 6)

Meetings Attended (telephonically or in person):

- June 8, SLO County EOC Briefing
- June 8, NCS D BL Assessment District Team Mtg.
- June 9, Staff Mtg. – Cust. Service Specialist
- June 9, Eng/Admin Coordination Meeting
- June 10, Rotary
- June 10, Regular NCS D Board Meeting
- June 10, Exec. Team After-Board Meeting
- June 12, Staff Mtg. – AGM & Cust. Service Specialist
- June 12, PSPS (PG&E) Portal Training
- June 15, SLO County EOC Briefing
- June 15, Board Officers Meeting
- June 16, Staff Mtg. – Cust. Service Specialist
- June 16, Development Mtg – Dana Reserve
- June 17, NCS D Management Team Meeting
- June 17, SLO Cnty CSD Manager’s Meeting
- June 18, Training – Electrical Technical
- June 18, CSDA Representative
- June 19, Staff Mtg. – AGM & Cust. Service Specialist
- June 19, NCS D BL Assessment District Team Mtg.

Meetings Scheduled (June 7 through June 13):

Upcoming Meetings (telephonically or in person):

- June 23, Staff Mtg. – Cust. Service Specialist
- June 23, Eng/Admin Coordination Meeting
- June 24, Rotary
- June 24, Regular NCS D Board Meeting
- June 24, Exec. Team After-Board Meeting
- June 25, NMMA-TG Meeting
- June 25, NMMA Manager’s Meeting
- June 26, Staff Mtg. – AGM & Cust. Service Specialist
- June 26, Monthly Administration Staff Meeting
- June 26, SLO County EOC Briefing

Upcoming Water Resource and Other Meetings

Upcoming Standing Meetings:

- NMMA-TG: June 25th (Thursday) @ 10:00 AM, Conf. Call
- RWMG: Unscheduled
- WRAC: September 2nd, @ 1:30 PM, SLO County Library
- NMMA Purveyor Meeting: June 25th @ 1:00 PM, NCS D Conf. Rm.
- NCS D Board Officer Meeting: June 29th @2:00 PM, NCS D Conf. Rm.

RECOMMENDATION

Staff seeks direction and input from your Board

ATTACHMENTS

- A. COVID19 - NCS D Response Plan Update

JUNE 24, 2020

ITEM F

ATTACHMENT A

Date: June 24, 2020

Response Activities to COVID19 Health Emergency

Prepared by: Mario Iglesias, General Manager

DISTRICT RESPONSE TO COVID 19

New Actions

1. Waiting for window modifications at the office. Once completed, all barriers planned to address safety for opening the lobby will be completed.
2. Considering opening Office on July 1, 2020. County Offices are scheduled to open at that time.
3. June 18, 2020, Governor orders face masks be worn in public places. District management purchased disposable face masks for staff, Board Members, and any public that attends District Board Meetings and lack a face mask.

Ongoing Actions

1. Participate in SLO County Daily EOC Briefing
2. Review SLO County Daily EOC Status Report
3. Practicing Social Distancing

Previous Actions

1. NCSB Board Passes Resolution Declaring Emergency in District
2. Admin Office Closed to the Public
 - a. Meetings are virtual – Conference Calls
3. **Discontinued:** Split staff into two teams
 - a. See schedule on Response Plan
4. Received directions for FEMA Public Assistance – Cost Tracking Guidance
5. Governor’s Executive Order – No Water Turn-offs
 - a. District instituted this policy as well as a No Late Fee – No Penalty Fees
6. Wipe-down between shifts
7. Each operator in separate designated vehicle.
8. Received additional PPE. Administration Staff will be on normal schedule 8-4:30 starting Monday May 18th
9. Operations Staff are on normal 7:00 am to 3:30 pm work schedule as of Monday, May 4th.
County opened up construction sites.
10. Expanded Customer Service Work to include site visits for investigations (high bills, meter issues) week of May 11
11. Trailers for quarantine have been returned – May 1
12. District to begin wastewater sampling in conjunction with County effort to determine presence of COVID19 in communities – May 11
13. Temporary Admin Support Workers brought back to Office (Provider incentivized due to PPP Funds) – June 1
14. Lobby Modifications: Glass will be equipped with speaker plates to allow the communication between customer and clerk without opening the sliding window.