

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS  
GENERAL MANAGER



DATE: MARCH 6, 2020

**AGENDA ITEM**

**C**

**MARCH 11, 2020**

## **PRESENTATIONS AND REPORTS**

The following presentations and reports are scheduled:

- C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS.  
[RECEIVE ANNOUNCEMENTS AND REPORTS FROM DIRECTORS]
- C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

TO: BOARD OF DIRECTORS  
FROM: MARIO IGLESIAS  
GENERAL MANAGER  
DATE: MARCH 6, 2020



## CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

**Questions or clarification may be made by the Board members  
without removal from the Consent Agenda.**

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE FEBRUARY 26, 2020, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) AWARD CONSTRUCTION CONTRACT FOR EUREKA WELL REPLACEMENT PROJECT TO ZIM INDUSTRIES INC. [RECOMMEND ADOPT RESOLUTION AWARDED CONTRACT TO ZIM INDUSTRIES, INC. IN THE AMOUNT OF \$738,678, AUTHORIZING STAFF TO EXECUTE CONTRACT, AND AUTHORIZING CHANGE ORDER CONSTRUCTION CONTINGENCY IN AN AMOUNT UP TO \$70,000]
- D-4) APPROVE TASK ORDER WITH CANNON CORPORATION FOR CONSTRUCTION MANAGEMENT SERVICES FOR EUREKA WELL REPLACEMENT PROJECT [RECOMMEND APPROVE TASK ORDER WITH CANNON CORPORATION IN THE AMOUNT OF \$52,160 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER]
- D-5) ADOPT RESOLUTION AMENDING CHAPTER 7, SECTION 7040 OF THE NIPOMO COMMUNITY SERVICES DISTRICT EMPLOYEE HANDBOOK RELATING TO TRAINING [RECOMMEND ADOPT RESOLUTION AMENDING THE NCS D EMPLOYEE HANDBOOK]

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS  
GENERAL MANAGER



FROM: LISA BOGNUDA  
FINANCE DIRECTOR



DATE: MARCH 6, 2020



## WARRANTS

HANDWRITTEN CHECKS  
None

TOTAL COMPUTER CHECKS  
\$193,938.78

VOIDS – NONE

**COMPUTER GENERATED CHECKS – SEE ATTACHED**



Nipomo Community Services District

# Item D-1 Warrants MARCH 11, 2020

## By Payment Number

Payment Dates 03/11/2020 - 03/11/2020

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
<b>Payment: 5780</b>				
Abalone Coast Analytical, Inc.	Lab tests	4880	03/11/2020	5,863.90
				<b>Payment 5780 Total:</b> <u>5,863.90</u>
<b>Payment: 5781</b>				
Alexander's Contract Services,	Meter reading	202002270871	03/11/2020	3,490.30
Alexander's Contract Services,	Meter reading	202002270873	03/11/2020	187.25
				<b>Payment 5781 Total:</b> <u>3,677.55</u>
<b>Payment: 5782</b>				
American Industrial Supply	Roll pin assortment, strut cla	0341024	03/11/2020	39.49
				<b>Payment 5782 Total:</b> <u>39.49</u>
<b>Payment: 5783</b>				
Applied Technology Group, In	SCADA upgrade	19026	03/11/2020	2,846.04
Applied Technology Group, In	SCADA upgrade	19144	03/11/2020	2,846.04
Applied Technology Group, In	SCADA upgrade	19049	03/11/2020	1,138.70
				<b>Payment 5783 Total:</b> <u>6,830.78</u>
<b>Payment: 5784</b>				
AT&T	Telephone	14362954	03/11/2020	27.92
AT&T	Telephone	14362955	03/11/2020	163.85
AT&T	Telephone	14362956	03/11/2020	240.44
				<b>Payment 5784 Total:</b> <u>432.21</u>
<b>Payment: 5785</b>				
Brenntag Pacific, Inc.	Sodium hypochlorite	25934	03/11/2020	324.49
Brenntag Pacific, Inc.	Sodium hypochlorite	24297	03/11/2020	486.88
				<b>Payment 5785 Total:</b> <u>811.37</u>
<b>Payment: 5786</b>				
CalPERS	Quarterly OPEB contribution	MAR2020	03/11/2020	25,250.00
				<b>Payment 5786 Total:</b> <u>25,250.00</u>
<b>Payment: 5787</b>				
Charter Communications	Internet - Shop and/or Office	0123630030320	03/11/2020	214.97
Charter Communications	Internet - Shop and/or Office	0224495022020	03/11/2020	734.20
Charter Communications	Internet - Shop and/or Office	0225708022220	03/11/2020	734.20
				<b>Payment 5787 Total:</b> <u>1,683.37</u>
<b>Payment: 5788</b>				
Clever Ducks	3 Work Station replacements	28197	03/11/2020	3,225.06
Clever Ducks	New work station and monito	28206	03/11/2020	1,496.24
				<b>Payment 5788 Total:</b> <u>4,721.30</u>
<b>Payment: 5789</b>				
Electricraft, Inc.	Service call - polymer pump	14396	03/11/2020	273.75
				<b>Payment 5789 Total:</b> <u>273.75</u>
<b>Payment: 5790</b>				
Environmental Water Solution	Check valves, cover plate asse	3049	03/11/2020	2,391.86
				<b>Payment 5790 Total:</b> <u>2,391.86</u>
<b>Payment: 5791</b>				
Excel Personnel Services, Inc.	Employment agency	2978515	03/11/2020	749.81
Excel Personnel Services, Inc.	Employment agency	2973934	03/11/2020	465.00
				<b>Payment 5791 Total:</b> <u>1,214.81</u>
<b>Payment: 5792</b>				
Famcon Pipe and Supply, Inc.	Ring gaskets, breakoff bolts	S100023519.001	03/11/2020	165.84
				<b>Payment 5792 Total:</b> <u>165.84</u>

**Item D-1 Warrants MARCH 11, 2020**

Payment Dates: 03/11/2020 - 03/11/2020

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
<b>Payment: 5793</b>				
Farm Supply Company	Tank	68940	03/11/2020	415.41
Farm Supply Company	Schedule 40 pipe, weed abate	68875	03/11/2020	102.76
<b>Payment 5793 Total:</b>				<b>518.17</b>
<b>Payment: 5794</b>				
FGL Environmental	Lab tests	080034	03/11/2020	521.00
<b>Payment 5794 Total:</b>				<b>521.00</b>
<b>Payment: 5795</b>				
Gaddis, Dan Allen	Travel and mileage reimburse	MAR2020	03/11/2020	33.93
<b>Payment 5795 Total:</b>				<b>33.93</b>
<b>Payment: 5796</b>				
GLM Landscape Management	Landscape maintenance	FEB2020	03/11/2020	405.00
<b>Payment 5796 Total:</b>				<b>405.00</b>
<b>Payment: 5797</b>				
Great Western Alarm and Co	Alarm monitoring service	200200640101	03/11/2020	37.00
Great Western Alarm and Co	Alarm monitoring service	200202107101	03/11/2020	70.00
Great Western Alarm and Co	Alarm monitoring service	200202062101	03/11/2020	70.00
<b>Payment 5797 Total:</b>				<b>177.00</b>
<b>Payment: 5798</b>				
Integrated Industrial Supply, I	Mill hoses, pipe wrap	67378	03/11/2020	3,198.45
<b>Payment 5798 Total:</b>				<b>3,198.45</b>
<b>Payment: 5799</b>				
Lee Central Coast Newspapers	Annual subscription	MAR2020	03/11/2020	338.47
<b>Payment 5799 Total:</b>				<b>338.47</b>
<b>Payment: 5800</b>				
Lee Central Coast Newspapers	Public notice - Southland Scre	FEB2020	03/11/2020	465.25
<b>Payment 5800 Total:</b>				<b>465.25</b>
<b>Payment: 5801</b>				
Mission Uniform Service	Uniforms	511907216	03/11/2020	146.21
Mission Uniform Service	Uniforms	511952323	03/11/2020	146.21
<b>Payment 5801 Total:</b>				<b>292.42</b>
<b>Payment: 5802</b>				
MNS Engineers, Inc.	Construction management - P	74528	03/11/2020	7,540.00
<b>Payment 5802 Total:</b>				<b>7,540.00</b>
<b>Payment: 5803</b>				
Multi W Systems	Pump rebuild	32030380	03/11/2020	3,094.85
<b>Payment 5803 Total:</b>				<b>3,094.85</b>
<b>Payment: 5804</b>				
Newton Geo-Hydrology Cons	Litigation support through 02-	FEB2020	03/11/2020	6,754.88
<b>Payment 5804 Total:</b>				<b>6,754.88</b>
<b>Payment: 5805</b>				
No Limit Tire, Inc	Loader service	26226	03/11/2020	115.00
<b>Payment 5805 Total:</b>				<b>115.00</b>
<b>Payment: 5806</b>				
Office Depot	Office supplies	445618423001	03/11/2020	105.08
Office Depot	Office supplies	447103054001	03/11/2020	48.90
<b>Payment 5806 Total:</b>				<b>153.98</b>
<b>Payment: 5807</b>				
PMC Engineering LLC	Cables	103227	03/11/2020	2,432.79
PMC Engineering LLC	Cable and sink weight	103226	03/11/2020	964.31
<b>Payment 5807 Total:</b>				<b>3,397.10</b>
<b>Payment: 5808</b>				
Praxair Distribution, Inc.	Cylinder rental and refill	95038255	03/11/2020	52.38
Praxair Distribution, Inc.	Cylinder rental	94874943	03/11/2020	135.40
<b>Payment 5808 Total:</b>				<b>187.78</b>

**Item D-1 Warrants MARCH 11, 2020**


**Payment Dates: 03/11/2020 - 03/11/2020**

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
<b>Payment: 5809</b>				
Quinn Company	Hydraulic fluid	PC030314255	03/11/2020	66.69
				<b>Payment 5809 Total: 66.69</b>
<b>Payment: 5810</b>				
R. Baker, Inc.	Repair at Misty Glen PRV	11191495	03/11/2020	15,780.00
				<b>Payment 5810 Total: 15,780.00</b>
<b>Payment: 5811</b>				
R. Baker, Inc.	Progress payment #1	1502-1	03/11/2020	67,914.45
				<b>Payment 5811 Total: 67,914.45</b>
<b>Payment: 5812</b>				
Richards, Watson & Gershon	Water Rights Adjudication	225613	03/11/2020	1,239.21
				<b>Payment 5812 Total: 1,239.21</b>
<b>Payment: 5813</b>				
Richards, Watson & Gershon	Legal services through 01-31-	225612	03/11/2020	10,724.30
				<b>Payment 5813 Total: 10,724.30</b>
<b>Payment: 5814</b>				
Santa Maria Ford Lincoln	Vehicle repair/maintenance	189166	03/11/2020	1,053.55
Santa Maria Ford Lincoln	Vehicle repair/maintenance	189368	03/11/2020	46.10
Santa Maria Ford Lincoln	Vehicle repair/maintenance	189170	03/11/2020	51.10
				<b>Payment 5814 Total: 1,150.75</b>
<b>Payment: 5815</b>				
Santa Maria Sun, LLC	Conservation ads	310260	03/11/2020	396.00
				<b>Payment 5815 Total: 396.00</b>
<b>Payment: 5816</b>				
SoCalGas	Heat - shop/office	FEB2020B	03/11/2020	68.29
				<b>Payment 5816 Total: 68.29</b>
<b>Payment: 5817</b>				
Tesco Controls, Inc.	SCADA upgrades	0069649	03/11/2020	8,630.45
				<b>Payment 5817 Total: 8,630.45</b>
<b>Payment: 5818</b>				
The Sign Place	Project site signs	SLO 38658	03/11/2020	1,571.21
				<b>Payment 5818 Total: 1,571.21</b>
<b>Payment: 5819</b>				
United Rentals	Boom rental	179168295-001	03/11/2020	841.64
				<b>Payment 5819 Total: 841.64</b>
<b>Payment: 5820</b>				
US Bank National Association	Recording fees, Board meetin	FEB2020A	03/11/2020	256.89
US Bank National Association	Domain renewal	FEB2020H	03/11/2020	300.00
US Bank National Association	Blacklake outreach	FEB2020D	03/11/2020	620.00
US Bank National Association	Storage unit	FEB2020B	03/11/2020	199.50
US Bank National Association	Training/seminar-Bognuda, Se	FEB2020F	03/11/2020	175.00
US Bank National Association	Travel and meals	FEB2020C	03/11/2020	378.64
US Bank National Association	CSDA meeting and conference	FEB2020E	03/11/2020	300.00
US Bank National Association	Supplies	FEB2020I	03/11/2020	227.36
US Bank National Association	Software subscription	FEB2020G	03/11/2020	33.98
				<b>Payment 5820 Total: 2,491.37</b>
<b>Payment: 5821</b>				
USA Bluebook	Replacement caps for probe	158033	03/11/2020	143.72
USA Bluebook	pH probes, replacement caps	151265	03/11/2020	882.55
				<b>Payment 5821 Total: 1,026.27</b>
<b>Payment: 5822</b>				
Verizon Wireless	Cell service	9848996070	03/11/2020	650.87
				<b>Payment 5822 Total: 650.87</b>
<b>Payment: 5823</b>				
Wallace Group	FOG program	50196	03/11/2020	307.40

Item D-1 Warrants MARCH 11, 2020

Payment Dates: 03/11/2020 - 03/11/2020

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
<b>Payment: 5823</b>				
<b>Payment 5823 Total:</b>				<u>307.40</u>
Waste Connections	Waste collection - Office	6786737	03/11/2020	48.26
Waste Connections	Waste collection - Olde Towne	6787678	03/11/2020	255.91
Waste Connections	Waste collection - Southland	6788053	03/11/2020	<u>226.20</u>
<b>Payment 5824 Total:</b>				<u>530.37</u>

TO: BOARD OF DIRECTORS  
FROM: MARIO IGLESIAS  
GENERAL MANAGER   
DATE: MARCH 6, 2020



**APPROVE FEBRUARY 26, 2020  
REGULAR BOARD MEETING MINUTES**

**ITEM**

Approve action minutes from previous Board meetings. [RECOMMEND APPROVE MINUTES]

**BACKGROUND**

The draft minutes are a written record of the previous Board Meeting action.

**RECOMMENDATION**

Approve Minutes

**ATTACHMENT**

- A. February 26, 2020 draft Regular Board Meeting Minutes



MARCH 11, 2020

ITEM D-2

ATTACHMENT A

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community since 1965*

## DRAFT REGULAR MINUTES

**FEBRUARY 26, 2020 AT 9:00 A.M.**

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### BOARD of DIRECTORS

DAN ALLEN GADDIS, **PRESIDENT**  
CRAIG ARMSTRONG, **VICE PRESIDENT**  
BOB BLAIR, **DIRECTOR**  
ED EBY, **DIRECTOR**  
DAN WOODSON, **DIRECTOR**

### PRINCIPAL STAFF

MARIO IGLESIAS, **GENERAL MANAGER**  
LISA BOGNUDA, **FINANCE DIRECTOR**  
CRAIG A. STEELE, **GENERAL COUNSEL**  
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**

**Mission Statement:**

Provide our customers with reliable, quality, and cost-effective services now and in the future.

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

*President Gaddis called the Regular Meeting of February 26, 2020, to order at 9:00 a.m. and led the flag salute.*

**B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA**

*At Roll Call, all Directors were present.*

*There were no public comments.*

*President Gaddis stated Agenda Items will be taken out of order.*

**D. CONSENT AGENDA**

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE FEBRUARY 12, 2020, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]

D-3) ACCEPT OFFER OF WATER AND SEWER IMPROVEMENTS AND DEED RESTRICTION FOR CO 17-0131 [RECOMMEND ADOPT RESOLUTION ACCEPTING OFFER OF IMPROVEMENTS AND DEED RESTRICTION]

*Director Gaddis requested Item D-3 be pulled for separate discussion.*

*Items D-1 and D-2.*

*There were no public comments.*

*Upon the motion of Director Armstrong and seconded, the Board unanimously approved Consent Agenda Items D-1.*

*Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Woodson, Blair, Eby and Gaddis	None	None

*Upon the motion of Director Armstrong and seconded, the Board approved Consent Agenda Item D-2.*

*Vote 4-0.*

**SUBJECT TO BOARD APPROVAL**

Nipomo Community Services District  
DRAFT REGULAR MEETING  
MINUTES

YES VOTES	ABSENT	ABSTAIN
Directors Armstrong, Woodson, Eby and Gaddis	None	Blair

Peter Sevcik, Director of Engineering and Operations, presented Item D-3.

President Gaddis requested a map locating the project be included with these types of items to determine if conflicts of interest exist for Board members. President Gaddis requested the wording "to the best of its knowledge" be inserted into the Resolution and his middle name be added to his signature block.

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board unanimously approved Consent Agenda Items D-3, as amended.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Blair, Woodson, Eby and Gaddis	None	None

RESOLUTION NO. 2020-1543

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING CO 17-0131 WATER AND SEWER IMPROVEMENTS  
AND DEED RESTRICTION

E. ADMINISTRATIVE AGENDA

E-2) ACCESSORY DWELLING UNITY POTENTIAL IMPACT ON NIPOMO COMMUNITY SERVICES DISTRICT INFRASTRUCTURE [RECOMMEND REVIEW POTENTIAL IMPACTS AND DIRECT STAFF]

Mario Iglesias, General Manager, presented the item and answered questions from the Board. Mr. Iglesias stated the report is an academic study to determine the maximum possible impacts ADU's may have on water and sewer demands within the District boundary and the District's Sphere of Influence (SOI).

Carolyn Berg, County Administration Office Representative, spoke about State mandate and stated SLO County adopted minimum State requirements and did not go above and beyond this in its County ordinance related to ADU's.

Laurie Tamura, Principal Planner of Urban Planning Concepts, presented a letter to the Board and Staff requesting this item be continued for further review.

Rick Sweet, of Sweet Engineering, presented a letter to the Board and Staff, requesting this item be studied further.

The Board directed Staff to draft a letter to the Board of Supervisors for the Board Officers to review to address concerns about the potential impact of ADUs on District Services.

SUBJECT TO BOARD APPROVAL

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

- E-1) APPROVE REVISED BOARD BY-LAWS AND POLICIES [RECOMMEND REVIEW AND DISCUSS THE PROPOSED AMENDMENTS TO THE BOARD BY-LAWS AND POLICIES AND, BY MOTION AND ROLL CALL VOTE, ADOPT THE ATTACHED RESOLUTION TO APPROVE THE AMENDED BOARD BY-LAWS AND POLICIES]

*Craig Steele, District Legal Counsel, presented the item and answered questions from the Board. He stated there is a minor correction to Section 14.1.4.*

*Director Eby stated "personnel committee" should be replaced with "standing Administration Committee" in Section 8.4.*

*Upon the motion of Director Armstrong and seconded, the Board unanimously approved the Resolution, as amended.  
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, Woodson, Blair and Eby	None	None

**RESOLUTION 2020-1544**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AMENDED BOARD BY-LAWS**

The Board took a ten minute break at 10:26 a.m.

**C. PRESENTATIONS AND REPORTS**

- C-1) NIPOMO COMMUNITY SERVICES DISTRICT ANNUAL STRATEGIC PLAN REVIEW [RECOMMEND RECEIVE PRESENTATION]

*Mario Iglesias, General Manager, presented the annual Strategic Plan review and answered questions from the Board.*

*Pam Wilson, NCSD customer, asked if there were plans for expansion of sewer lines.*

- C-2) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS.

Receive Announcements and Reports from Directors

*Director Woodson*

- *February 24, attended SCAC meeting and stated Supervisor Compton is looking for Planning Commissioner replacement.*

*Director Blair*

- *January XX, attended Board of Supervisor's meeting.*

*Director Eby*

- *February 20, attended LAFCO meeting. David Church, Executive Director, announced his retirement in July.*
- *April 3, Five Cities Orchid Show in Arroyo Grande*

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District  
DRAFT REGULAR MEETING  
MINUTES

- April 4, Central Coast Greenhouse Growers Association will hold its annual open house

Director Gaddis

- February 18, attended Board Officers' meeting.
- February 25, attended IRWM meeting and stated grant award date is set for Summer 2020.

C-3) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board unanimously approved receiving and filing presentations and reports.  
Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Eby, Woodson, Blair and Gaddis	None	None

F. GENERAL MANAGER'S REPORT

Mario Iglesias, General Manager, presented the item and answered questions from the Board.

There were no public comments.

G. COMMITTEE REPORTS

None

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Woodson asked if the District operations are prepared for a pandemic.

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced there was no need for Closed Session.

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9
  - a. SMWWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750, AND ALL CONSOLIDATED CASES

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

ADJOURN MEETING

President Gaddis adjourned the meeting at 11:28 a.m.

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


MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	2 hour 28 minutes
Closed Session	0 hour 00 minutes
TOTAL HOURS	2 hours 28 minutes

Respectfully submitted,

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Mario Iglesias, General Manager and Secretary to the Board

Date

TO: BOARD OF DIRECTORS  
REVIEWED: MARIO IGLESIAS  
GENERAL MANAGER   
FROM: PETER V. SEVCIK, P.E.  
DIRECTOR OF  
ENGINEERING & OPERATIONS  
DATE: MARCH 4, 2020



**AWARD CONSTRUCTION CONTRACT FOR  
EUREKA WELL REPLACEMENT PROJECT  
TO ZIM INDUSTRIES INC.**

**ITEM**

Award construction contract for Eureka Well Replacement Project to Zim Industries Inc. [RECOMMEND ADOPT RESOLUTION AWARDING CONTRACT TO ZIM INDUSTRIES, INC. IN THE AMOUNT OF \$738,678, AUTHORIZING STAFF TO EXECUTE CONTRACT, AND AUTHORIZING CHANGE ORDER CONSTRUCTION CONTINGENCY IN AN AMOUNT UP TO \$70,000].

**BACKGROUND**

The Eureka Well had historically been one of the District's largest producing wells. The well was drilled in 1979 and the 2007 Master Plan Update identified a nominal flow capacity of 890 gallons per minute (gpm) for the well based on the long-term average of flow records. In late 2016, the well casing failed and staff determined that the well was no longer serviceable. The well has been properly destroyed and now needs to be replaced with a new well. The replacement well will be drilled on the same site as the destroyed well since the destroyed well had excellent water quality and quantity characteristics. In addition, using the existing site for the replacement well will maximize use of the District's investment in support infrastructure at the site.

The Board authorized staff to bid the project at the December 11, 2019 Board meeting. On February 27, 2020, bids for the Project were opened from three (3) contractors as listed below:

Contractor	Total Base Bid Price
Zim Industries, Inc.	\$738,678.00
Pacific Coast Well Drilling, Inc.	\$752,845.50
Nor-Cal Pump & Well Drilling	\$774,364.75

The apparent low bidder was Zim Industries, Inc. with a Base Bid of \$738,678. Staff reviewed the bid and determined that the bid is responsive and the bidder is responsible.

**SCHEDULE**

The tentative schedule is as follows:

- Contract Award – March 2020
- Construction – April 2020 to July 2020

**FISCAL IMPACT**

Funding in the amount of \$1,000,000 is available for the project in the FY 2019-2020 budget.

**STRATEGIC PLAN**

Goal 1 – WATER SUPPLY – Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

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**

Staff recommends that the Board, by motion and roll call vote, adopt Resolution 2020-XXXX Eureka Well Replacement Well Project Bid Award to:

1. Award the bid for the Eureka Well Replacement Project to Zim Industries Inc. in the amount of \$738,678 and authorize the General Manager to execute the construction agreement.
2. Authorize the General Manager to issue change orders for construction of the project with an aggregate total amount not to exceed \$70,000.

**ATTACHMENTS**

- A. Resolution 2020-XXX Eureka Well Replacement Project Bid Award



MARCH 11, 2020

ITEM D-3

ATTACHMENT A

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

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT AWARDING THE BID FOR THE  
CONSTRUCTION OF THE EUREKA WELL REPLACEMENT PROJECT TO  
ZIM INDUSTRIES, INC. IN THE AMOUNT OF \$738,678,  
AND AUTHORIZING CONSTRUCTION CONTINGENCY OF \$70,000**

**WHEREAS**, the Eureka Well Replacement Project (Eureka Well #2) involves the construction of a public water supply well to replace the Eureka Well that was no longer serviceable; and

**WHEREAS**, the Board authorized staff to solicit bids for the project on December 11, 2019; and

**WHEREAS**, the design drawings and technical specifications for the Eureka Well Replacement Project, dated January 2020, were developed by District staff, Cannon Corporation and Hopkins Groundwater Consultants, Inc.; and

**WHEREAS**, the Eureka Well Replacement Project was advertised for bids in accordance with State of California Public Contracts Code requirements; and

**WHEREAS**, based on the staff report, staff presentation and public comment, the Board makes the following findings:

1. The project was advertised for bid in accordance with State of California Public Contracts Code requirements.
2. The District received three (3) bids for the project.
3. Staff has reviewed the project bids and has determined that Zim Industries Inc., the apparent low bidder, submitted a responsive bid and is a responsible bidder.

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

1. The bid for the Eureka Well Replacement Project is hereby awarded to the lowest responsive and responsible bidder, Zim Industries Inc., in the amount of \$738,678, and the General Manager is authorized to execute the construction agreement.
2. The General Manager is authorized to issue Change Orders for construction of project with an aggregate total amount not to exceed \$70,000.
3. The above recitals and findings are incorporated herein by this reference.

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

**AYES:**

**NOES:**

**ABSENT:**

**CONFLICTS:**

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

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT AWARDING THE BID FOR THE  
CONSTRUCTION OF THE EUREKA WELL REPLACEMENT PROJECT TO  
ZIM INDUSTRIES, INC. IN THE AMOUNT OF \$738,678,  
AND AUTHORIZING CONSTRUCTION CONTINGENCY OF \$70,000**

The foregoing resolution is hereby adopted this 11<sup>th</sup> day of March 2020.

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**DAN ALLEN GADDIS**  
President, Board of Directors

ATTEST:


APPROVED AS TO FORM AND  
LEGAL EFFECT:

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**MARIO IGLESIAS**  
General Manager and  
Secretary to the Board

---

**CRAIG A. STEELE**  
District Legal Counsel

TO: BOARD OF DIRECTORS  
REVIEWED: MARIO IGLESIAS   
GENERAL MANAGER  
FROM: PETER V. SEVCIK, P.E.  
DIRECTOR OF  
ENGINEERING & OPERATIONS  
DATE: MARCH 4, 2020

**AGENDA ITEM  
D-4  
MARCH 11, 2020**

**APPROVE TASK ORDER WITH CANNON CORPORATION  
FOR CONSTRUCTION MANAGEMENT SERVICES FOR  
EUREKA WELL REPLACEMENT PROJECT**

**ITEM**

Approve Task Order with Cannon Corporation for construction management services for Eureka Well Replacement Project [RECOMMEND BY MOTION AND ROLL CALL VOTE APPROVE TASK ORDER WITH CANNON CORPORATION IN THE AMOUNT OF \$52,160 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER].

**BACKGROUND**

The Eureka Well had historically been one of the District's largest producing wells. The well was drilled in 1979 and the 2007 Master Plan Update identified a nominal flow capacity of 890 gallons per minute (gpm) for the well based on the long-term average of flow records. In late 2016, the well casing failed and staff determined that the well was no longer serviceable. The well has been properly destroyed and now needs to be replaced with a new well. The replacement well will be drilled on the same site as the destroyed well since the destroyed well had excellent water quality and quantity characteristics. In addition, using the existing site for the replacement well will maximize use of the District's investment in support infrastructure at the site.

Cannon Corporation was selected by the District to provide design and bid phase services for the Eureka Well Replacement Project. The project design was completed in December 2019, bids for well construction were opened in February 2020 and construction is pending award of the construction contract.

Staff requested that Cannon Corporation provide a proposal for construction management services for the Eureka Well Replacement Project. Cannon submitted the attached proposal to perform the work for a not to exceed amount of \$52,160. The proposal includes inspection, coordination with the District's hydrogeologist, coordination with Caltrans, and survey control required for the project.

**FISCAL IMPACT**

Funding in the amount of \$1,000,000 is available for the project in the FY 2019-2020 budget.

**STRATEGIC PLAN**

Goal 1 – WATER SUPPLY – Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

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**

Staff recommends that the Board, by motion and roll call vote, approve a Task Order for Eureka Well Replacement Project Construction Management Services with Cannon Corporation in the amount of \$52,160 and authorize the General Manager to execute the Task Order.

**ATTACHMENTS**

- A. Cannon Corporation proposal dated March 2, 2020

MARCH 11, 2020

ITEM D-4

ATTACHMENT A



March 2, 2020

Mr. Peter Sevcik, PE  
Director of Engineering and Operations  
Nipomo Community Services District  
148 South Wilson Street  
Nipomo, CA 93444

**PROJECT: EUREKA WELL REPLACEMENT PROJECT (WELL NO. 2)  
CONSTRUCTION MANAGEMENT SERVICES**

Dear Mr. Sevcik:

This proposal is in response to the Nipomo Community Services District's (District's) request for assistance in providing construction management services for Eureka Well Replacement Project (Well No. 2). The scope of work includes:

- Construction Management
- Construction Surveying

Please contact me with any questions regarding this proposal or to further discuss project details.

Sincerely,

Larry P. Kraemer, P.E.

A handwritten signature in blue ink, appearing to read "Larry P. Kraemer".

Director of Public Infrastructure Division  
RCE #44813



## PROJECT UNDERSTANDING AND APPROACH

NCSD is seeking Construction Management services for the construction and development of Eureka Well No. 2. In general, the work will entail representing the District during the construction phase of the project. Work includes: coordination with the project Hydrogeologist (Hopkins Groundwater Inc., who will be observing the down-hole well construction and development); being on-site to observe activities and take photos of the HDD Crossing of Highway 1; coordination with Caltrans and other permitting agencies; being on-site to observe activities and take photos of the open cut trench and pipeline installation adjacent to the well site; review pay requests in relation to work complete; review change orders; and, coordinate with the hydrogeologist and construction contractor on behalf of the District.

## SCOPE OF WORK

### *Task 1 – Construction Management, Inspection, and Observation*

We will implement guidelines for construction management, inspection, and observation for monitoring the quality of the construction work. A two to three trips a week, part-time construction observer, for an estimated four-month construction period, will be available on-site to implement these guidelines and perform the following tasks when necessary:

- Coordinate and chair a Pre-Construction Meeting with the Contractor and the District and permitting agencies
- Conduct field observation and prepare documentation of construction tasks shown in the construction documents.
- Maintain periodic on-site project reports for inspections, observations and construction activities.
- Prepare a photographic log of construction activities to provide to the District bi-weekly.
- Provide timely RFI review and written response to Contractor and maintain the RFI log and records.
- Provide timely submittal review and acceptance including review of material and equipment submittals for compliance with contract documents. We will maintain the submittal log and records.
- Issue a Non Conformance Report to the Contractor when we witness materials, erection, or installation process, or inadequate quality that does not meet the requirements of the construction contract documents. The report will be issued to the Contractor and notify the Contractor of such deviation and inquire as to the Contractor's proposed corrective action.
- Obtain delivery slips and tickets for materials delivered to the job site to use when checking payment requests and certificates of compliance where applicable.
- Evaluate the Contractor's pay applications and verify the quantities claimed are true and accurate through the use of field measurements, materials tickets, extra work reports, and visual confirmation.
- Final Inspection and compile detailed "punch lists" with the Contractor, District, and hydrogeologist.
- Evaluate Contractor's final payment application and provide approval and recommendation for final payment.
- Coordinate Issuance of a Notice of Completion.

### *Task 2 – Construction Survey*

We will conduct a pre- and post-construction, topographic survey (rough grid) of the well site and leased agricultural fields. We will set one set of stakes for the following:





Proposal: NCSD Eureka Well Replacement Project (Well No. 2)  
 Bid Support and Construction Management Services

- HDD Crossing of Highway 1
- Open Trench Crossing of Old Highway 1
- Proposed Eureka Well No. 2 well casing location

**EXCLUSIONS**

The following exclusions apply to this proposal:

- Field verification and/or determination of property boundaries, easements, and public right-of-way, right-of-way dedications, and easement acquisitions.
- Survey monumentation, records of survey, and legal descriptions and exhibits.
- NPDES compliance reporting, Storm Water Pollution Prevention Plans (SWPPP), and erosion and sediment control drawings.
- Archeological, botanical, biological, geotechnical, and landscaping project services.
- Negotiation and coordination of the implementation of contract change orders during the construction process can be provided as an additional service.

**FEES**

Fees are based on the rates per the enclosed fee schedule and do not include Agency checking or recording fees, or title company fees. It is our understanding that this project qualifies for California Prevailing Wages.

Task 1 Construction Support	\$44,160
Task 2 Construction Survey	\$8,000
T&M Not to Exceed:	\$ 52,160



Nipomo Community Services District  
 Eureka Well Replacement Project (Eureka Well #2)  
 Construction Management Services

Cannon  
 1050 Southwood Drive  
 San Luis Obispo, CA 93401  
 805 544 7407

**Staffing Plan and Cost Estimate**

20-Feb-20

Task	Role	Name	Rate	2020												Est. Hours	Estimated Cost	
				Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec			
<b>Task 1 - Construction Support</b>																		
	Resident Engineer/Construction Manager	Larry Kraemer, P.E.	\$230				8	8	8	8							32	\$7,360
	Assistant Resident Engineer/Inspector	Toby Turmage, P.E.	\$170				16	16	16	16							64	\$10,880
	Inspector	Foster Campbell, E.I.T.	\$135				48	48	48	48							192	\$25,920
	<b>Task 1 Estimated Hours</b>						72	72	72	72							288	\$44,160
	<b>Total Estimated Hours</b>						72	72	72	72							288	
<b>Total Estimated Cost of Labor</b>																		<b>\$44,160</b>
<b>Direct Expenses</b>																		
	Description	Basis														Estimated Cost		
	Task 2 - Pre and Post Construction Survey and Staking	Cannon Survey														\$8,000		
<b>Total Estimated Direct Expenses</b>																		<b>\$8,000</b>
<b>Total Estimated Cost of Bid Support &amp; CM Services</b>																		<b>\$52,160</b>

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS  
GENERAL MANAGER

DATE: MARCH 6, 2020

**AGENDA ITEM**

**D-5**

**MARCH 11, 2020**

**ADOPT RESOLUTION AMENDING CHAPTER 7, SECTION 7040  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
EMPLOYEE HANDBOOK**

**ITEM**

Adopt Resolution amending Nipomo Community Services District ("NCSD") Employee Handbook Chapter 7, section 7040 - Harassment, Discrimination and Retaliation Prevention Policy. [RECOMMEND ADOPT RESOLUTION AMENDING THE NCSD EMPLOYEE HANDBOOK]

**BACKGROUND**

The constantly shifting regulatory environment the District operates in requires vigilance in monitoring legal changes on many fronts. Updating the District's Employee Handbook is one area that continues to demand our attention and diligence. Staff is compelled to review and update the Employee Handbook from time to time to ensure the District meets Board expectations to stay current in this regard.

For example, in August 2019, after an extensive review and update of the Employee Handbook, your Board of Directors adopted the Employee Handbook. In October 2019, the Board of Directors approved the Customer Service Specialist job description and in November 2019 staff presented a resolution amending the Employee Handbook to include this position.

At today's Board Meeting, staff is recommending your Board adopt a resolution amending the Employee Handbook, Chapter 7, Section 7040 - Harassment, Discrimination and Retaliation Prevention Policy. The changes reflect current law, adds clarity to the policy's intentions, and makes the policy more robust. The recommended changes are a result of the District's Legal Counsel review.

**STRATEGIC PLAN**

Goal 6. GOVERNANCE AND ADMINISTRATION. Conduct District activities in an efficient, equitable and cost-effective manner.

A.1 Periodically review, update and reaffirm District policies and procedures.

**RECOMMENDATION**

It is recommended that your Honorable Board by motion and roll call vote, adopt the resolution that amends the Employee Handbook.

**ATTACHMENTS**

- A. NCSD Employee Handbook, Chapter 7, Sec. 7040 (Blackline)
- B. Resolution 2020-XXXX Amending Employee Handbook, Exhibit A. Chapter 7, Sec. 7040 (Clean)

MARCH 11, 2020

ITEM D-5

ATTACHMENT A

## 7040 - HARASSMENT, DISCRIMINATION AND RETALIATION PREVENTION POLICY

- A. Purpose:** All employees, applicants, interns, volunteers, and independent contractors (“workers”) working for the District are to be treated with respect and dignity. The District is committed to providing an atmosphere free of unlawful harassment and discrimination based on such factors as race, color, religion, creed, national origin or ancestry, physical or mental disability, medical condition, genetic information, pregnancy, childbirth, breastfeeding or related medical conditions, marital status, gender identity, gender expression, sex, age, sexual orientation, military and veteran status, or any other characteristic protected by law. The District also prohibits retaliation against individuals for participation in protected activity, as provided under this policy.

Harassment and discrimination are against the law, and they are demeaning and harmful to both the victim and the District. Under some circumstances, supervisors and co-workers may be personally liable for harassment. The District will not tolerate harassment of, or discrimination against, its workers by managers, supervisors, co-workers, Board members, or anyone conducting District business. Similarly, the District will not tolerate harassment of its workers by others with whom the District has a business, service, or professional relationship (including members of the public).

Our workplace is not limited to District property, but includes anywhere District business is conducted or any business-related function takes place, including social events, takes place. Nothing in this section shall be construed to restrict the First Amendment rights of the public.

This Policy ~~does not~~neither restricts nor inhibits any supervisor from their responsibility or in their ability to direct, critique, and discipline employees in a non-discriminatory manner.

Failure to follow this Policy may result in disciplinary action, up to and including termination of employment. Appropriate action may also be taken with regard to interns, volunteers, and independent contractors, based on the nature of the relationship, including ending the relationship with the District. The District will address unlawful discrimination, harassment, and retaliation by vendors and visitors at its sites or associated with its work and will seek to protect employees, interns, volunteers, and independent contractors from prohibited activity.

- B. Harassment Prohibited:** Harassment includes conduct that has the purpose or effect of unreasonably interfering with an individual’s work performance; creating an intimidating, hostile, threatening or offensive working environment; or unreasonably interfering with the employee’s performance, evaluation, assigned duties or any other condition of employment or career development.

The law defines two categories of sexual harassment. The first category, "quid pro quo," occurs when one employee offers or hints that he or she will give another employee some kind of benefit or improvement in working conditions (e.g., a raise or promotion, guarantee of continued employment, better office space or work assignments, etc.) in exchange for that employee’s satisfaction of a sexual

demand or submission to sexually harassing conduct. The second category, "hostile work environment," occurs when unwelcome sexual advances, requests for sexual favors, or verbal or other conduct creates an intimidating or offensive working environment. The law prohibits any form of sexual harassment that impairs an employee's working ability or emotional well-being at work. Even if the conduct does not rise to the level prohibited by law, the District will not tolerate it.

Harassment can be based on membership in any protected category, not just sexual harassment. This Policy prohibits harassment in any form, including:

1. Oral or Written harassment such as epithets, jokes, derogatory comments or slurs based on the individual's membership or perceived membership in a protected category or association with an individual in a protected category (as listed in sub-section A, above);
2. Physical harassment such as assault, touching, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual based on one of the protected categories; and
3. Visual harassment such as derogatory posters, cartoons or drawings, based on one of the protected categories above.
4. Sexual harassment includes, any unsolicited, offensive or unwelcome sexual advances, requests for sexual favors, and other oral or written, visual, or physical conduct of a sexual nature which occurs under any of the following circumstances:
  - a. Submission to such conduct is made either expressly or by implication of a term or condition of an individual's employment;
  - b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; or
  - c. This policy may be violated where a reasonable person subjected to the discriminatory conduct would find that the harassment altered the working conditions in a manner to make it more difficult to do the job. A single incident may be enough to constitute a violation and stray remarks can be considered evidence of harassment. The District reserves the right to act before conduct reaches the threshold of legally actionable harassment.
  - d. Other examples of sexual harassment include unwelcome sexual flirtations or propositions; verbal abuse of a sexual nature; graphic verbal comments about an individual's body; sexually degrading words used to describe an individual; and the display or use in the work environment of sexually suggestive objects or pictures, posters, jokes, cartoons, or calendar illustrations.
  - e. Sexual harassment also includes gender-based harassment by a person of the same gender. Sexual harassment need not be motivated by sexual desire. Sexual harassment on the job is

prohibited whether it involves co-worker harassment, harassment by a supervisor or manager, harassment by a local agency official, harassment by a subordinate, or harassment by third parties doing business with or for the District. It is also prohibited when involving workers who are not employees, such as volunteers, interns, and independent contractors. Finally, the District will act within legal constraints to protect employees where visitors are alleged to be involved.

**B.C. Retaliation Prohibited:** Retaliation against an employee for reporting unlawful, discrimination, harassment, and/or retaliation, including violations of this Policy or for participating in the investigation of a harassment, discrimination, or retaliation complaint (including any proceeding or hearing) is strictly prohibited. Retaliation is not limited to adverse employment actions, but may also include chastisement, derogatory or insulting remarks, social ostracism, or any other conduct intended to punish the employee or deter employees from reporting harassment or cooperating in investigations. The District will investigate any complaint of retaliation and will take immediate and appropriate disciplinary action if retaliation has occurred. Complaints of retaliation should be reported to his or her supervisor, the General Manager, or any District supervisor with whom the individual feels comfortable speaking. The allegation will be investigated according to the same procedure as harassment complaints.

**C.D. Procedures regarding all complaints of discrimination or harassment including retaliation:**

**Employee Responsibility:**

1. It is important that employees inform the District as soon as possible about any prohibited harassment because nothing can be done to remedy the situation if the District does not know that it exists.
2. Any individual who feels comfortable doing so should let a fellow employee know when that employee's behavior or comments are offensive or unwelcome, even if the situation does not rise to the level of a violation of this Policy. However, individuals are not required to handle these situations on their own. If an individual is not comfortable handling a situation directly with another employee, the individual should immediately report the conduct to one of the persons referenced below.
3. Any individual who believes that they have been or are being harassed in violation of this Policy shall report this violation to his or her supervisor, the General Manager, or any District supervisor with whom the individual feels comfortable speaking. An individual is never required to report harassment to a party believed to be involved in the harassment and can always make the report to another supervisor or the General Manager.
4. Any individual who is aware or suspects that another person has been harassed in violation of this Policy shall report this violation to his or her supervisor, the General Manager, or any District supervisor with whom the individual feels comfortable speaking.

5. Reports regarding discrimination, retaliation, or any other violation of this policy are made in the same manner as reports of harassment, as described above. All individuals covered by this policy may make reports under this procedure, including employees, applicants, unpaid interns or volunteers, or persons providing services pursuant to a contract in the workplace.

**Supervisor Responsibility:**

1. Each supervisor has the responsibility of maintaining a work environment free of unlawful discrimination and harassment. This responsibility includes being available to discuss this Policy with the workers that they supervise and to assure the workers that they are not required to endure any form of prohibited discrimination, harassment, or retaliation. If someone reports a discrimination, harassment, or retaliation allegation to a supervisor or a supervisor has reason to believe such conduct may have occurred, it is the responsibility of the supervisor to take immediate action by documenting the incident(s) and immediately reporting the conduct or allegation of harassment to the General Manager. If the General Manager is alleged to be involved, the report is made to the President of the Board of Directors. If the President is unavailable, the report may be made to the Vice President.
2. Any supervisor who fails to take appropriate action to report or address harassment, discrimination or retaliation issues can and will be disciplined by the District.

**D.E. Investigation:**

1. **Process:** The District will investigate all complaints of harassment in a prompt, objective, and thorough manner, including interviews of those with relevant knowledge where appropriate. Interim measures may be implemented during the investigation, as warranted. Written reports with a specific description of the incident(s), names of those involved or witnessing, dates and times and other detailed information provide the best opportunity for investigation. However, oral and anonymous complaints are also accepted and will be investigated in the manner the available information allows. The District's investigation will be designed to maintain, to the extent possible, the privacy and confidentiality of all parties involved. However, the District cannot guarantee absolute confidentiality because of the need to reveal information in the course of the investigation and as required by due process in the event of employee discipline. The General Manager is responsible for directing an investigation into such allegations, assuring a fair, complete and timely process and for implementing appropriate remedial action, where warranted. In the event the General Manager is alleged to be involved and the report is made to the President of the Board of Directors (or the Vice President if the President is unavailable), the President will designate an individual to fulfill the responsibility of the General Manager in directing the investigation process. This same investigation process applies to complaints of discrimination and retaliation.

2. **Resolution:** After investigation, the District will communicate the confidential findings (i.e., “sustained” or “not sustained”) to the complainant, the alleged harasser, and members of management with a legitimate need to know. The investigation report, notes and other written materials from the investigation are confidential documents, consistent with the District's commitment to maintain confidentiality and privacy to the extent possible. Individuals do not have a right to copies, except as may be required in further proceedings, such as discipline.
3. **Appropriate action:** If there is a finding that harassment in violation of this Policy has occurred, the District will take appropriate and immediate action to end any harassment and prevent its recurrence. This may include imposing discipline. The District may also implement remedial action, where appropriate. Specific action taken will depend upon the specific circumstances.

**E.F. Further Information:** Employees are urged to contact the General Manager if they have any questions or concerns about this Policy.

In addition to this Policy, the State of California Department of Fair Employment and Housing (“DFEH”) provides additional information regarding the legal remedies and complaint process available through the government agencies. If a worker thinks he or she has been harassed, discriminated against, or that he or she has been retaliated against for complaining, that person may file a complaint or obtain additional information from DFEH at 1-800-884-1684 or <http://www.dfeh.ca.gov>.

**G. Sexual Harassment and Abusive Conduct Training:** State law requires that all employees in supervisory roles and all elected officials must attend two hours of harassment prevention training, including a segment on abusive conduct prevention, at least every two years. The training can be required more frequently at the discretion of the District. New supervisors must receive training within six months of promotion or hire. All non-supervisory employees will be required to attend one hour of harassment prevention training every two years. In addition, at its discretion, the [Agency] District may require any employee to attend sexual harassment and/or abusive conduct training at any time.



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

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING CHAPTER SEVEN, SECTION 7040 OF THE EMPLOYEE HANDBOOK**

**WHEREAS**, the Board of Directors of Nipomo Community Services District (herein "District") previously adopted the Employee Handbook on August 14, 2019 ("Employee Handbook"), and

**WHEREAS**, as of January 1, 2020, SB 778 makes new training requirements and deadlines applicable to the District as an employer; and

**WHEREAS**, the District intends to maintain its Employee Handbook and practices in compliance with all applicable laws.

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

1. Chapter Seven, Section 7040 of the Employee Handbook shall be amended and replaced in its entirety with the Chapter Seven, Section 7040 of the Employee Handbook attached hereto as Exhibit "A," which is hereby adopted.
  
2. This Resolution and the amendment to the Employee Handbook adopted herein, shall take effect immediately

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

AYES:  
NOES:  
ABSENT:  
CONFLICTS:

the foregoing resolution is hereby passed and adopted this \_\_\_\_\_ day of March, 2020.

\_\_\_\_\_  
**DAN ALLEN 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

MARCH 11, 2020

ITEM D-5

ATTACHMENT B

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

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NIPOMO COMMUNITY SERVICES DISTRICT  
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AYES:

NOES:

ABSENT:

CONFLICTS:

the foregoing resolution is hereby passed and adopted this \_\_\_\_\_ day of March, 2020.

\_\_\_\_\_  
**DAN ALLEN 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

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

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING CHAPTER SEVEN, SECTION 7040 OF THE EMPLOYEE HANDBOOK**

**EXHIBIT "A"**

**7040 - HARASSMENT, DISCRIMINATION AND RETALIATION PREVENTION POLICY**

- A. Purpose:** All employees, applicants, interns, volunteers, and independent contractors ("workers") working for the District are to be treated with respect and dignity. The District is committed to providing an atmosphere free of unlawful harassment and discrimination based on such factors as race, color, religion, creed, national origin or ancestry, physical or mental disability, medical condition, genetic information, pregnancy, childbirth, breastfeeding or related medical conditions, marital status, gender identity, gender expression, sex, age, sexual orientation, military and veteran status, or any other characteristic protected by law. The District also prohibits retaliation against individuals for participation in protected activity, as provided under this policy.

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- B. Harassment Prohibited:** Harassment includes conduct that has the purpose or effect of unreasonably interfering with an individual's work performance; creating an intimidating, hostile, threatening or offensive working environment; or unreasonably interfering with the employee's performance, evaluation, assigned duties or any other condition of employment or career development.

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

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING CHAPTER SEVEN, SECTION 7040 OF THE EMPLOYEE HANDBOOK**

**EXHIBIT "A"**

exchange for that employee's satisfaction of a sexual demand or submission to sexually harassing conduct. The second category, "hostile work environment," occurs when unwelcome sexual advances, requests for sexual favors, or verbal or other conduct creates an intimidating or offensive working environment. The law prohibits any form of sexual harassment that impairs an employee's working ability or emotional well-being at work. Even if the conduct does not rise to the level prohibited by law, the District will not tolerate it.

Harassment can be based on membership in any protected category, not just sexual harassment. This Policy prohibits harassment in any form, including:

1. Oral or Written harassment such as epithets, jokes, derogatory comments or slurs based on the individual's membership or perceived membership in a protected category or association with an individual in a protected category (as listed in sub-section A, above);
2. Physical harassment such as assault, touching, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual based on one of the protected categories; and
3. Visual harassment such as derogatory posters, cartoons or drawings, based on one of the protected categories above.
4. Sexual harassment includes any unsolicited, offensive or unwelcome sexual advances, requests for sexual favors, and other oral or written, visual, or physical conduct of a sexual nature which occurs under any of the following circumstances:
  - a. Submission to such conduct is made either expressly or by implication of a term or condition of an individual's employment;
  - b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; or
  - c. This policy may be violated where a reasonable person subjected to the discriminatory conduct would find that the harassment altered the working conditions in a manner to make it more difficult to do the job. A single incident may be enough to constitute a violation and stray remarks can be considered evidence of harassment. The District reserves the right to act before conduct reaches the threshold of legally actionable harassment.
  - d. Other examples of sexual harassment include unwelcome sexual flirtations or propositions; verbal abuse of a sexual nature; graphic verbal comments about an individual's body; sexually degrading words used to describe an individual; and the display or use in the work environment of sexually suggestive objects or pictures, posters, jokes, cartoons, or calendar illustrations.

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- e. Sexual harassment also includes gender-based harassment by a person of the same gender. Sexual harassment need not be motivated by sexual desire. Sexual harassment on the job is prohibited whether it involves co-worker harassment, harassment by a supervisor or manager, harassment by a local agency official, harassment by a subordinate, or harassment by third parties doing business with or for the District. It is also prohibited when involving workers who are not employees, such as volunteers, interns, and independent contractors. Finally, the District will act within legal constraints to protect employees where visitors are alleged to be involved.
- C. Retaliation Prohibited:** Retaliation against an employee for reporting unlawful, discrimination, harassment, and/or retaliation, including violations of this Policy or for participating in the investigation of a harassment, discrimination, or retaliation complaint (including any proceeding or hearing) is strictly prohibited. Retaliation is not limited to adverse employment actions, but may also include chastisement, derogatory or insulting remarks, social ostracism, or any other conduct intended to punish the employee or deter employees from reporting harassment or cooperating in investigations. The District will investigate any complaint of retaliation and will take immediate and appropriate disciplinary action if retaliation has occurred. Complaints of retaliation should be reported to his or her supervisor, the General Manager, or any District supervisor with whom the individual feels comfortable speaking. The allegation will be investigated according to the same procedure as harassment complaints.
- D. Procedures regarding all complaints of discrimination or harassment including retaliation:**
- Employee Responsibility:**
- 1. It is important that employees inform the District as soon as possible about any prohibited harassment because nothing can be done to remedy the situation if the District does not know that it exists.
  - 2. Any individual who feels comfortable doing so should let a fellow employee know when that employee's behavior or comments are offensive or unwelcome, even if the situation does not rise to the level of a violation of this Policy. However, individuals are not required to handle these situations on their own. If an individual is not comfortable handling a situation directly with another employee, the individual should immediately report the conduct to one of the persons referenced below.
  - 3. Any individual who believes that they have been or are being harassed in violation of this Policy shall report this violation to his or her supervisor, the General Manager, or any District supervisor with whom the individual feels comfortable speaking. An individual is never required to report harassment to a party believed to be involved in the harassment and can always make the report to another supervisor or the General Manager.

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4. Any individual who is aware or suspects that another person has been harassed in violation of this Policy shall report this violation to his or her supervisor, the General Manager, or any District supervisor with whom the individual feels comfortable speaking.
5. Reports regarding discrimination, retaliation, or any other violation of this policy are made in the same manner as reports of harassment, as described above. All individuals covered by this policy may make reports under this procedure, including employees, applicants, unpaid interns or volunteers, or persons providing services pursuant to a contract in the workplace.

**Supervisor Responsibility:**

6. Each supervisor has the responsibility of maintaining a work environment free of unlawful discrimination and harassment. This responsibility includes being available to discuss this Policy with the workers that they supervise and to assure the workers that they are not required to endure any form of prohibited discrimination, harassment, or retaliation. If someone reports a discrimination, harassment, or retaliation allegation to a supervisor or a supervisor has reason to believe such conduct may have occurred, it is the responsibility of the supervisor to take immediate action by documenting the incident(s) and immediately reporting the conduct or allegation of harassment to the General Manager. If the General Manager is alleged to be involved, the report is made to the President of the Board of Directors. If the President is unavailable, the report may be made to the Vice President.
7. Any supervisor who fails to take appropriate action to report or address harassment, discrimination or retaliation issues can and will be disciplined by the District.

**E. Investigation:**

1. **Process:** The District will investigate all complaints of harassment in a prompt, objective, and thorough manner, including interviews of those with relevant knowledge where appropriate. Interim measures may be implemented during the investigation, as warranted. Written reports with a specific description of the incident(s), names of those involved or witnessing, dates and times and other detailed information provide the best opportunity for investigation. However, oral and anonymous complaints are also accepted and will be investigated in the manner the available information allows. The District's investigation will be designed to maintain, to the extent possible, the privacy and confidentiality of all parties involved. However, the District cannot guarantee absolute confidentiality because of the need to reveal information in the course of the investigation and as required by due process in the event of employee discipline. The General Manager is responsible for directing an investigation into such allegations, assuring a fair, complete and timely process and for implementing appropriate remedial action, where warranted. In the event the General Manager is alleged

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to be involved and the report is made to the President of the Board of Directors (or the Vice President if the President is unavailable), the President will designate an individual to fulfill the responsibility of the General Manager in directing the investigation process. This same investigation process applies to complaints of discrimination and retaliation.

2. **Resolution:** After investigation, the District will communicate the confidential findings (i.e., "sustained" or "not sustained") to the complainant, the alleged harasser, and members of management with a legitimate need to know. The investigation report, notes and other written materials from the investigation are confidential documents, consistent with the District's commitment to maintain confidentiality and privacy to the extent possible. Individuals do not have a right to copies, except as may be required in further proceedings, such as discipline.
3. **Appropriate action:** If there is a finding that harassment in violation of this Policy has occurred, the District will take appropriate and immediate action to end any harassment and prevent its recurrence. This may include imposing discipline. The District may also implement remedial action, where appropriate. Specific action taken will depend upon the specific circumstances.

- F. **Further Information:** Employees are urged to contact the General Manager if they have any questions or concerns about this Policy.

In addition to this Policy, the State of California Department of Fair Employment and Housing ("DFEH") provides additional information regarding the legal remedies and complaint process available through the government agencies. If a worker thinks he or she has been harassed, discriminated against, or that he or she has been retaliated against for complaining, that person may file a complaint or obtain additional information from DFEH at 1-800-884-1684 or <http://www.dfeh.ca.gov>.

- G. **Sexual Harassment and Abusive Conduct Training:** State law requires that all employees in supervisory roles and all elected officials must attend two hours of harassment prevention training, including a segment on abusive conduct prevention, at least every two years. The training can be required more frequently at the discretion of the District. New supervisors must receive training within six months of promotion or hire. All non-supervisory employees will be required to attend one hour of harassment prevention training every two years. In addition, at its discretion, the District may require any employee to attend sexual harassment and/or abusive conduct training at any time.