

TO: MICHAEL S. LEBRUN *M.S.L.*  
GENERAL MANAGER

FROM: PETER V. SEVCIK, P.E. *P.V.S.*  
DIRECTOR OF ENGINEERING  
& OPERATIONS

**AGENDA ITEM  
E-2  
DECEMBER 11, 2013**

DATE: DECEMBER 4, 2013

**AWARD CONTRACT FOR  
STANDPIPE TANK MODIFICATION AND REHABILITATION PROJECT**

**ITEM**

Award contract for Standpipe Tank Modification and Rehabilitation Project to Crosno Construction, Inc. in the amount of \$263,350 and authorize construction contingency in the amount of \$25,000 [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AWARDDING CONTRACT TO LOWEST RESPONSIVE AND RESPONSIBLE BIDDER CROSNO CONSTRUCTION, INC. IN THE AMOUNT OF \$263,350, AUTHORIZE STAFF TO EXECUTE CONTRACT, AND AUTHORIZE CHANGE ORDER CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$25,000].

**BACKGROUND**

The 2007 Water and Sewer Master Plan recommended that the District modify the inlet piping on the Standpipe Tank to improve mixing within the tank and minimize the potential for water quality problems within the tank. The District retained Cannon to design the project. The Standpipe Tank was inspected in March 2012 in part to support the design effort but also as part of the District's regular tank inspection program. The inspection identified significant blistering and corrosion of the interior shell of the tank and recommended that the interior of the tank be recoated. Since the tank needs to be taken out of service for both installation of the new inlet and recoating of the interior of the tank, staff combined the projects to minimize staff resources and costs related to taking the tank out of service. The Board authorized staff to seek bids for the project at the September 25, 2013 Board meeting.

On November 20, 2013, bids for the Project were opened from two (2) bidders as listed below:

Contractor	Total Bid Price
Crosno Construction, Inc.	\$263,350
Spiess Construction Co., Inc.	\$333,500

The apparent low bidder was Crosno Construction, Inc. with a bid of \$263,350. Staff reviewed the bid and determined that the bid is responsive and the bidder is responsible. The Engineer's Estimate for construction of the project was \$285,000.

**FISCAL IMPACT**

Funding in the amount of \$400,000 for construction and related costs for the project was budgeted in the FY 2013-2014 budget. Estimated construction cost based on the low bid for the project including contingency is approximately \$288,350. Estimated construction management costs including specialized inspection services and contingency is estimated at \$59,600.

**STRATEGIC PLAN**

Strategic Plan Goal 1.3 – Upgrade and Maintain Water Storage and Distribution Works

**RECOMMENDATION**

Staff recommends that the Board, by motion and roll call vote, adopt Resolution 2013-XXXX Standpipe Tank Modification and Rehabilitation Project Bid Award to:

1. Award the bid for the Standpipe Tank Modification and Rehabilitation Project to lowest responsive and responsible bidder, Crosno Construction, Inc., in the amount of \$263,350 and authorize 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 \$25,000.

**ATTACHMENTS**

- A. Resolution 2013-XXXX Standpipe Tank Modification and Rehabilitation Project Bid Award

DECEMBER 11, 2013

ITEM E-2

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2013-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT AWARDED THE BID FOR THE STANDPIPE TANK  
MODIFICATION AND REHABILITATION PROJECT TO CROSNO CONSTRUCTION, INC. IN THE AMOUNT  
OF \$263,350  
AND AUTHORIZING CONSTRUCTION CONTINGENCY OF \$25,000**

**WHEREAS**, the 2007 Water and Sewer Master Plan and the 2010 Strategic Plan outline the need for upgrading and replacing District Facilities; and

**WHEREAS**, the current Standpipe Tank fill pipe arrangement is inefficient and creates the potential for water quality problems; and

**WHEREAS**, a March 2012 inspection of the interior of the Standpipe tank revealed significant blistering of the coating and corrosion of the interior shell of the tank; and

**WHEREAS**, plans and technical specifications for the Standpipe Tank Modification and Rehabilitation Project, dated October 2013, were prepared by Cannon; and

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

1. The project was advertised for bids in accordance with State of California Public Contracts Code requirements.
2. The District received two bids for the project.
3. Staff has reviewed the bids and has determined that Crosno Construction, 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 Standpipe Tank Modification and Rehabilitation Project is hereby awarded to the lowest responsive and responsible bidder, Crosno Construction, Inc., in the amount of \$263,350 and the General Manager is authorized to execute the construction agreement.
2. The General Manager is authorized to issue Change Orders for construction of the project with an aggregate total amount not to exceed \$25,000.
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:

The foregoing resolution is hereby adopted this 11th day of December 2013.

\_\_\_\_\_  
JAMES HARRISON,  
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
MICHAEL S. LEBRUN  
Secretary to the Board

\_\_\_\_\_  
MICHAEL W. SEITZ  
District Legal Counsel

TO: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER

FROM: PETER V. SEVCIK, P.E.  
DIRECTOR OF ENGINEERING  
& OPERATIONS

DATE: DECEMBER 4, 2013

**AGENDA ITEM  
E-3  
DECEMBER 11, 2013**

**AUTHORIZE TASK ORDER WITH CANNON  
FOR CONSTRUCTION MANAGEMENT SERVICES FOR  
STANDPIPE TANK MODIFICATION AND REHABILITATION PROJECT**

**ITEM**

Authorize Task Order for Standpipe Tank Modification and Rehabilitation Project Construction Management Services with Cannon in the amount of \$54,591 and authorize contingency in the amount of \$5,000 [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION TO AUTHORIZE TASK ORDER WITH CANNON IN THE AMOUNT OF \$54,591, AUTHORIZE STAFF TO EXECUTE TASK ORDER, AND AUTHORIZE CHANGE ORDER CONTINGENCY IN THE AMOUNT OF \$5,000].

**BACKGROUND**

The 2007 Water and Sewer Master Plan recommended that the District modify the inlet piping on the Standpipe Tank to improve mixing within the tank and minimize the potential for water quality problems within the tank. The Standpipe Tank was inspected in March 2012 in part to support the design effort but also as part of the District's regular tank inspection program. The inspection identified significant blistering and corrosion of the interior shell of the tank and recommended that the interior of the tank be recoated. Since the tank needs to be taken out of service for both installation of the new inlet and recoating of the interior of the tank, staff combined the projects to minimize staff resources and costs related to taking the tank out of service. The Board authorized staff to seek bids for the project at the September 25, 2013 Board meeting.

The District retained Cannon to design the project. The project design was completed in October 2013, bids for the construction of the project were opened in November 2013, and construction of the project is pending award of the construction contract.

Staff requested that Cannon provide a proposal for construction management services for the Project. Cannon submitted the attached proposal to perform the work for a not to exceed amount of \$54,591. The proposal includes specialized construction engineering and specialized construction inspection services required for the project.

**FISCAL IMPACT**

Funding in the amount of \$400,000 for construction and related costs for the project was budgeted in the FY 2013-2014 budget. Estimated construction cost based on the low bid for the project including contingency is approximately \$289,000. Estimated construction management costs including specialized inspection services and contingency is estimated at \$59,600.

**STRATEGIC PLAN**

Strategic Plan Goal 1.3 – Upgrade and Maintain Water Storage and Distribution Works

**RECOMMENDATION**

Staff recommends that the Board, by motion and roll call vote, adopt Resolution 2013-XXXX Standpipe Tank Modification and Rehabilitation Project Construction Management Services to:

1. Authorize Task Order for the Standpipe Tank Modification and Rehabilitation Project Construction Management Services with Cannon in the amount of \$54,591 and authorize General Manager to execute Task Order.
2. Authorize the General Manager to issue Change Orders to the Task Order with an aggregate total amount not to exceed \$5,000.

**ATTACHMENTS**

- A. Cannon proposal dated December 4, 2013
- B. Resolution 2013-XXXX Standpipe Tank Modification and Rehabilitation Project Construction Management Services

DECEMBER 11, 2013

ITEM E-3

ATTACHMENT A



December 4, 2013

*Sent via e-mail*

Mr. Peter Sevcik, PE  
District Engineer  
Nipomo Community Services District  
148 South Wilson Street  
Nipomo, CA 93444

**PROJECT:       STANDPIPE TANK MODIFICATIONS AND REHABILITATION PROJECT  
CONSTRUCTION ENGINEERING, OBSERVATION, AND INSPECTION**

Dear Mr. Sevcik:

Thank you for the opportunity to provide the District with construction engineering, observation, and inspection services for the Standpipe Tank Modification and Rehabilitation Project. The effort includes the following components:

- Construction engineering upon construction contract award
- Construction observation of tank modifications
- Inspection during tank rehabilitation (by Harper and Associates; estimated to take eight weeks)
- Construction staking and potholing survey
- Special welding testing (by Earth Systems Pacific)

We are excited to continue working on this project and are glad to see it move forward. I will follow up with you in the next few days to discuss the proposal further. Note that the fees quoted in this proposal are based upon current California Prevailing Wages.

Sincerely,

A handwritten signature in black ink that reads "Rob Morrow". The signature is written in a cursive, flowing style.

Rob Morrow, PE  
Senior Associate Engineer  
C 68916



*Proposal: Standpipe Tank Modifications And Rehabilitation Project  
Construction Engineering, Observation, and Inspection*

**PROJECT UNDERSTANDING AND APPROACH**

Cannon recently completed the Construction Plans and Specifications for the Standpipe Tank Modifications and Rehabilitation Project. The project includes two primary components: 1) Modification of the inlet piping; and 2) Rehabilitation of the tank. The tank modifications include installation of underground PVC and DI pipe and appurtenances as well as aboveground DI and steel pipe and appurtenances, in addition to replacement of existing valves. The tank rehabilitation includes tank coating, tank painting, and cathodic protection.

Our team includes Harper and Associates Engineering for construction engineering and inspection for the tank rehabilitation portion of the project. Earth Systems Pacific is included for special welding inspections.

**SCHEDULE**

The following schedule is based on the project specifications and is used as the basis for the scope and fee estimate.

Contractor Notice to Proceed	
Pre-Mobilization / Submittals	8 weeks
Tank Modifications Construction Activities	4 weeks
Tank Rehabilitation Construction Activities	8 weeks
De-Mobilization / Closeout	2 weeks

*\*Three weeks of active construction activities are assumed for construction observation during Tank Modifications Construction Activities*

**SCOPE OF WORK**

This scope of work was developed based on the Nipomo Community Services District (NCSD) Standpipe Tank Modifications Plans and Specifications (Cannon, September 25, 2013), the Corrosion Engineering Evaluation of the Standpipe Tank (Harper, March 2012), and discussions with the District regarding implementation of this project.

*Task 1 - Construction Engineering*

The following construction engineering support services are included in our fees:

- Pre-construction meeting at the project site (1)
  - Harper will participate via phone to avoid travel costs
- Verification of general conformance with drawings and specifications
- Verification of contractor's schedule and progress tracking
- Review contractor submittals (12 submittals estimated)
- Respond to Requests for Information (RFIs) (4 included)
- Review Progress Pays and Change Orders (4 included)
- Attend project progress meetings (4 included)
- Final site walk and punch list (1)
- Final Record Drawing preparation and submittal

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Construction Engineering, Observation, and Inspection*

We will attend a Pre-Construction meeting and job walk with the selected contractor and NCS D staff. The meetings will allow an opportunity for thorough review of the project plans, compliance requirements, and construction schedule prior to the start of work. We will provide a final site walk of the completed project, as directed by NCS D. We will prepare a punch list and recommendations for corrections and/or completion of remaining work.

Utilizing as-built information and project revision documentation provided by the contractor, we will prepare and submit project Record Drawings. These plans will be based on the finalized Construction Documents and incorporate the as-constructed survey data and contractor's red-line comments showing changes made during construction for NCS D archiving and future reference purposes. Digital computer drawing files of the completed Record Drawings will be submitted to NCS D in AutoCAD format for NCS D's internal use.

*Task 2 - Construction Observation – Tank Modifications*

Construction observation services specific to the construction of the project are listed below. We estimate actual construction activities to take approximately three weeks to complete, given the time needed to coordinate shutdowns, testing, and commissioning. The construction observer will have the following responsibilities:

- Observe the project site during the construction period (as necessary) to act as an on-site representative of NCS D to ensure that the tank modifications work is in general conformance with the project plans and specifications.
- Implement observation guidelines for monitoring the quality of the contractor's work, conduct field observation, and prepare documentation of construction tasks.
- Obtain delivery slips and tickets for materials delivered to the jobsite to use when checking payment requests.

The construction observer will not be responsible for site safety, including but not limited to OSHA and traffic control requirements as well as safety inspection, evaluation, or supervision.

We will provide NCS D with a summary report of the work activities on a weekly basis. The summary report will be based upon the daily work activity logs that will be prepared by the designated construction observer.

*Task 3 - Tank Rehabilitation Inspection*

Harper will conduct construction inspection services for tank rehabilitation that will include:

- Surface preparation inspection
- Prime coat inspection
- Finish coat(s) inspection
- Final Inspection, including dry film thickness testing and holiday detection
- Daily Inspection Activity Reports

Surface preparation inspection will entail inspection of blast cleaned surfaces to verify compliance with specification, removal of dust, etc., including:

*Proposal: Standpipe Tank Modifications And Rehabilitation Project  
Construction Engineering, Observation, and Inspection*

- Weather conditions will be verified via use of an electronic or sling psychrometer to determine suitability of climatic conditions prior to and during all blast cleaning operations.
- Surface will be observed throughout cleaning operations to determine compliance with specifications.
  - Preliminary Cleaning: Surface will be inspected to verify removal of grease, oil, chemicals etc. after completion of solvent cleaning of surface.
  - Abrasive Blast Cleaning: Blasted surfaces will undergo inspection at the end of each day's shift to determine compliance with specification. Physical tests for surface profile will be performed using a K-T Surface Profile Comparator. At completion of blast cleaning during each shift, areas not meeting specification will be reblasted and tests performed again. This cycle will be repeated until surfaces are accepted for coating application.

Upon completion of above inspection, dust and other surface contaminants will be removed as specified and surfaces visually and physically inspected for compliance with specification.

Prime coat inspection will entail, after approval of surface preparation, monitoring weather condition, Contractor's application equipment and its operation, mixing of primer and physical inspection of prime coat application, including spray techniques, cleanliness of surface, thickness, etc. The inspection will include:

- Weather conditions will be verified via use of an electronic or sling psychrometer to determine suitability of climatic conditions prior to and during all application operations.
- Contractor's equipment will be monitored to prevent operation from contributing to any degradation of application (oil, moisture, etc.)
- Coating materials will be inspected for compliance with specification, and all mixing/thinning operations will be monitored.
- Surfaces will be re-inspected to verify no dust or other contaminants are on surface. Remedial cleaning will be performed as required.
- After approval of surface, application will be monitored carefully to verify coatings are evenly applied at proper thickness and with no overspray to interfere with adhesion.

Finish coat(s) inspection will entail, after approval of prime coat application, monitoring weather condition, Contractor's application equipment and its operation, mixing of primer and physical inspection of prime coat application, including spray techniques, cleanliness of surface thickness, etc. The inspection will include:

- Procedures outlined for primary coat inspection, which will be repeated during application of additional coats, including careful examination of areas where cleaning penetrated coating film to verify edges of film have not lifted, curled, etc. Where defects exist, additional cleaning will be performed to bring area into compliance with specification, and area will be recoated as required.

Final inspection will require input at conclusion of finish coatings to ensure application, film continuity (holiday detection), and dry film thickness are in complete conformance with specification. The inspection will include dry film thickness testing and holiday detection. Dry film thickness testing will include:

*Proposal: Standpipe Tank Modifications And Rehabilitation Project  
Construction Engineering, Observation, and Inspection*

- Prior to testing dry film thickness on any given day, Inspector will calibrate his instrument against N.B.S. metal plate standard. No plastic shims will be used. Instrument will be re-calibrated at the beginning of the afternoon session or at any time the instrument may have been subjected to impact against scaffold, structure, etc.
- The coating will be tested to determine whether it has sufficiently dried to eliminate indentation of the probe into the coating, which subtracts mils from the correct reading. If the coating does deform, the testing will be postponed until the coating is firm enough to prevent deformation by the gauge.
- Dry film thickness measurements will be taken on 3' centers until it is determined deficient readings warrant more tests to truly indicate the thickness of the area. Testing will be performed as deemed necessary to accurately determine the thickness, regardless of what the Contractor may say. If widespread deficiencies are found, the Contractor will be advised to determine whether they prefer to proceed with testing after additional material has been applied.
- After completion of the testing and after the Contractor has recoated all of the deficient areas, tests on the recoated areas will be repeated until the minimum dry film thickness is obtained.

Holiday detection includes:

- After completion of dry film thickness testing, all surfaces will be holiday detected, utilizing the specified detector.
- The Tinker-Razor AP or AP-W High Voltage Holiday Detector power pack voltage will be set according to the voltage required in the specification.
- Holiday detection and marking of defective areas will be performed as noted above under "Dry Film Thickness Testing."
- All marked areas will then be repaired and holiday detection performed again. Re-detection and marking will continue until the surface is holiday-free unless otherwise instructed by the District or his Representative.

Harper will prepare daily inspection activity reports that identify daily start and stop times, size of Contractor's crew, equipment used, visitors to jobsite, climatic conditions throughout the day, quantity of materials used, work accomplished, periods of Contractor downtime and cause, inspection procedures used and results, verification and recording of surface preparation, coating material "batch numbers" mixing, thinning, application, and thickness. All entries shall be dated and timed.

The inspector will not be responsible for site safety, including but not limited to OSHA and traffic control requirements as well as safety inspection, evaluation, or supervision.

The fee estimate assumes eight weeks of full-time inspection (40 hours per week).

*Task 4 – Construction Staking and Potholing Survey*

We will provide construction staking services with sufficient detail for the contractor to construct the new water pipeline associated with the project. At a minimum, we anticipate locating all connection points, angle points, valve locations, and vertical pipe locations. We will coordinate this work with the chosen Contractor to maximize the efficiency of the construction work.

*Proposal: Standpipe Tank Modifications And Rehabilitation Project  
Construction Engineering, Observation, and Inspection*

We will collect utility information from potholing activities to establish and record the coordinates, elevations, and dimensions of all utilities and improvements verified or discovered during potholing. Information will be incorporated into design plans within the time specified in the contract documents in case pipeline elevation adjustments are required. The fee assumes two site visits to collect information.

*Task 5 – Special Welding Testing*

Earth Systems Pacific will conduct welding inspection for construction of the standpipe supports. We have estimated one day of shop welding inspection at a local fabricator within 60 miles of the site and two days of field welding inspection. In addition, Earth Systems will provide a final special inspection letter to summarize their findings. For the purpose of estimating the fee, we assume the inspections will consume a full day rather than span multiple days.

**DELIVERABLES**

- Weekly Construction Summary Reports (12)
- Contractor Submittal Responses (12)
- RFI Responses (4)
- Punch List
- Record Drawings

Deliverables will be provided in PDF format and in applicable native file format (e.g., Word, Excel, CAD).

**ASSUMPTIONS AND EXCLUSIONS**

This proposal is based on the following assumptions related to the proposed project:

- All data prepared by others and provided to Cannon will be made available in a digital format, compatible with our systems.
- It is understood that the information and technical data provided by and prepared by others, on the Client's behalf or Property Owner's behalf, may be used by Cannon in performing its services, and that Cannon is entitled to rely upon the accuracy and completeness thereof.
- Project identification signs and way finding signs will be designed by others.
- Cannon is not involved with and not responsible for construction sequencing, scheduling, or coordination of contractor or subcontractor work schedules (we do not determine who does which task first). This is the responsibility of the contractor or contractor-appointed superintendent.

Items not specifically identified in the scope of service sections of this proposal are to be excluded from this work effort and would be considered additional services. Such services include, but are not limited to, Traffic Control Plans. Additional work will be billed on a Time and Materials basis or as an addendum to this proposal with prior written authorization from Client.



*Proposal: Standpipe Tank Modifications And Rehabilitation Project  
Construction Engineering, Observation, and Inspection*

**2013 FEE SCHEDULE**

**Engineering/Design Staff: Civil, Mechanical, Electrical, Structural, Planning**

Sr. Principal Engineer.....	160.00 - 185.00	Sr. Principal Designer.....	105.00 - 130.00
Principal Engineer.....	160.00 - 185.00	Principal Designer.....	100.00 - 125.00
Sr. Associate Engineer.....	135.00 - 160.00	Sr. Project Designer.....	95.00 - 120.00
Associate Engineer.....	125.00 - 150.00	Lead Designer.....	90.00 - 115.00
Sr. Project Engineer.....	115.00 - 140.00	Project Designer.....	80.00 - 105.00
Project Engineer.....	100.00 - 125.00	Sr. CAD Tech.....	60.00 - 90.00
Design Engineer.....	90.00 - 115.00	CAD Tech.....	50.00 - 80.00
Engineering Assistant I, II.....	60.00 - 85.00	Grant Funding Manager I, II.....	120.00 - 135.00
Project Coordinator.....	85.00 - 100.00	Associate Planner.....	125.00 - 150.00
Administrative/Clerical.....	60.00 - 100.00	Sr. Consultant.....	185.00 - 210.00

**Construction Management Staff**

Principal Construction Engineer ...	185.00 - 210.00	Construction Engineer.....	165.00 - 190.00
Sr. Construction Engineer.....	175.00 - 200.00	Structures Representative.....	145.00 - 170.00
Resident Engineer.....	155.00 - 180.00	Sr. Construction Inspector.....	120.00 - 145.00
Assistant Resident Engineer.....	140.00 - 165.00	Construction Inspector.....	115.00 - 140.00
Office Engineer.....	125.00 - 150.00	Associate Construction Engineer .	100.00 - 125.00
Construction Coordinator I, II.....	85.00 - 100.00	Administrative/Clerical.....	60.00 - 100.00

**Survey Office Staff**

Chief Surveyor.....	160.00 - 180.00	Land Surveyor I-IV.....	110.00 - 140.00
Sr. Land Surveyor.....	150.00 - 175.00	Survey Technician I-VI.....	75.00 - 160.00
Survey Manager.....	160.00 - 185.00	Sr. Consultant.....	160.00 - 185.00

*This schedule provides ranges for various staff classifications. The actual rate may differ depending on the discipline; however, it will not be higher than the given range.*

**Prevailing Wage**

Two-Man GPS Crew (3 receivers).....	340.00	Two-Man HDS Crew.....	275.00
Two-Man GPS Crew (2 receivers).....	300.00	One-Man HDS Crew.....	220.00
One-Man GPS Crew (2 receivers).....	220.00	Two-Man UMO Crew.....	200.00
Three-Man Crew.....	300.00	One-Man UMO Crew.....	160.00
Two-Man Crew.....	275.00	One-Man Crew (no robot).....	160.00
One-Man Crew.....	200.00		

*All of the above hourly rates include all direct labor costs and labor overhead, general and administrative expenses and profit. If the client requests, or the client's schedule requires work to be done on an overtime basis, a multiplier of 1.5 will be applied to the above rates for weekdays as well as weekends and holidays. Survey Crews are billed portal to portal, and mileage charges are included in the hourly rate.*

**Other Direct Charges**

<b>In-House Reproduction</b>	
Printing/Copies 8 ½ x 11.....	\$0.05 per page
Printing/Copies 11 x 17.....	\$1.00 per page
Black Line Plots.....	\$2.00 per page
Color Plots.....	\$5.00 per page
Outside Reproduction.....	Cost + 15%
Travel and Related Subsistence.....	Cost + 15%
Truck or Field Vehicle.....	\$80.00 per day
CAD and Simulation Software.....	\$15.00 per day
Mileage Reimbursement (or IRS allowable rate).....	\$.56 mile
Automation & Electrical Materials.....	Cost + 25% (+tax)
Subconsultant Fees.....	Cost + 10%

All direct expenses, such as special equipment, shipping costs, travel other than by automobile, parking expenses, and permit fees will be billed at the actual cost plus 15%.

The stated rates are subject to change, typically on an annual basis.

DECEMBER 11, 2013

ITEM E-3

ATTACHMENT B



**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2013-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING TASK ORDER FOR STANDPIPE TANK  
MODIFICATION AND REHABILITATION PROJECT CONSTRUCTION MANAGEMENT SERVICES WITH  
CANNON IN THE AMOUNT OF \$54,591 AND AUTHORIZING CONTINGENCY OF \$5,000**

**WHEREAS**, plans and technical specifications for the Standpipe Tank Modification and Rehabilitation Project, dated October 2013, were prepared by Cannon; and

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

**WHEREAS**, the District received two bids for the project and has awarded the construction contract for the project; and

**WHEREAS**, the District desires to have Cannon provide construction management services for the Standpipe Tank Modification and Rehabilitation Project.

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

1. The task order for Standpipe Tank Modification and Rehabilitation Project construction management services with Cannon in the amount of \$54,591 is hereby authorized and the General Manager is authorized to execute the task order.
2. The General Manager is authorized to issue Change Orders for the task order with an aggregate total amount not to exceed \$5,000.
3. The above recitals are incorporated herein by this reference.

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

AYES:  
NOES:  
ABSENT:  
CONFLICTS:

The foregoing resolution is hereby adopted this 11th day of December 2013.

\_\_\_\_\_  
JAMES HARRISON,  
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
MICHAEL S. LEBRUN  
Secretary to the Board

\_\_\_\_\_  
MICHAEL W. SEITZ  
District Legal Counsel

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TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *Msl*  
GENERAL MANAGER  
DATE: DECEMBER 6, 2013

**AGENDA ITEM  
E-4**

**DECEMBER 11, 2013**

**RECEIVE GROUNDWATER INDEX PRESENTATION  
BY BRAD NEWTON, Ph.D, PG OF NEWTON GEO-HYDROLOGY  
CONSULTING SERVICES, LLC**

**ITEM**

Presentation of the fall groundwater index for the Nipomo Mesa area. [RECOMMEND RECEIVE REPORT]

**BACKGROUND**

Doctor Brad Newton will review recent work to update the Ground Water Index and will provide a presentation of the fall 2013 Ground Water Index reading.

Doctor Newton's report and the Ground Water Index is an independent work product of the District and is not reviewed or recognized by the Nipomo Mesa Management Area Technical group.

**FISCAL IMPACT**

Funds for preparation of this report are included in the FY 2013-14 Budget.

**STRATEGIC PLAN**

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

**RECOMMENDATION**

Staff recommends that the Board receive the Report and give direction to staff.

**ATTACHMENTS**

- A. Technical Memo #27 Ground Water Index Update
- B. Technical Memo #28 Fall 2013 Groundwater Index
- C. Presentation Slides

DECEMBER 11, 2013

ITEM E-4

ATTACHMENT A



TO: Michael LeBrun, GM  
RE: TM27 GWI Update  
DATE: December 04, 2013  
Page 2 of 7

1 measurements and calculate GWI within the principal production aquifer assuming an  
2 unconfined aquifer and a specific yield of 11.7 percent. Since the initial development of the  
3 GWI, the SLO DPW has updated the RPs of many wells within the Nipomo Mesa. The historic  
4 GWI has not been updated with the new RPs provided by SLO DPW. Additionally,  
5 multiplying the GSE with the average specific yield determined by the Department of Water  
6 Resources (DWR, 2002) to produce the GWI in units of Acre-Feet has caused some concern and  
7 controversy. The method to resolve this controversy is presented as follows.

8 The method normalizes all years to a base minimum value year and scales the normalized  
9 data to the maximum value year thus converting the GWI to a unit less value. The procedure is  
10 described in detail as follows:

11 Update Table Data:

- 12 1. Define base period 1975 - 2008,
- 13 2. Determine minimum and maximum values in spring and fall during the base  
14 period,
- 15 3. Normalize the spring and fall time series data by subtracting the minimum  
16 spring value (see Table 1a, Spring 1989),
- 17 4. Create a unit less index by dividing the normalized spring and fall time series by  
18 the maximum spring value (see Table 1a, Spring 1982),
- 19 5. Tabulate (see Table 1b) and plot (see Figure 1b) along with previous GWI and  
20 compare;

21 Update Map Data:

- 22 6. Repeat Steps 3 - 5 above with GSE maps,
- 23 7. Determine if maps are consistent with tabulate values,
- 24 8. If Step 7 is not consistent with tabulate values, consider applying Steps 2 - 5 on a  
25 per pixel basis.

26 Applying the method describe above (Steps 6 - 8) to historic maps of ground water surface  
27 elevations was not successful at creating meaningful presentation data. Complications arise  
28 from the difference between applying the method to a single value as for the tables and graphs  
29 (i.e. - an integration of ground water surface elevations for each year) for a given year versus  
30 applying the method to a distributed value as presented in a map of ground water surface  
31 elevations for a given year. In the later, some individual well values may be greater for the  
32 minimum year (Spring 1989) than for the maximum year (Spring 1982), thus producing  
33 numerical results that are complex to interpret when shown on a map. Presenting maps of  
34 contours of ground water surface elevations would be a direct method to present the change in  
35 ground water surface across the Nipomo Mesa area and would be consistent with other

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1 materials presented to the public, such as annual reports prepared by the Nipomo Mesa  
2 Management Area Technical Group.

3

#### 4 **Groundwater Surface Elevation Measurements**

5 Ground water surface elevation data were obtained from SLO DPW, NCS D, USGS, and  
6 Woodlands. SLO DPW measures GSE in monitoring wells during the spring (April) and the fall  
7 (October) of each year. Woodlands and NCS D measures GSE in their monitoring wells  
8 monthly. For the years 1975 to 1999, available representative GSE data were used to compute  
9 GWI. For the years 2000 to present, only GSE data from the same wells were used to compute  
10 GWI. For a given year, the number of wells with available GSE data may vary.

11 The GSE data was reviewed in combination with well completion reports and historical  
12 hydrographic records in order to exclude measurements that do not accurately represent static  
13 water levels within the principal production aquifer. Wells that do not access the principal  
14 production aquifer or were otherwise determined to not accurately represent static water levels  
15 within the aquifer were not included in analysis.

16

#### 17 **Key Well Index**

18 The Key Well Index (KWI) was developed by the NMMA Technical Group from eight  
19 inland wells representing the whole of the groundwater basin within the NMMA. The Key  
20 Well Index was defined for each year from 1975 to present as the average of the normalized  
21 spring groundwater data from each well. The lowest value of the Key Well Index could be  
22 considered the "historical low" within the NMMA.

23

#### 24 **REFERENCES**

25 Department of Water Resources (DWR). 2002. Water Resources of the Arroyo Grande -  
26 Nipomo Mesa Area, Southern District Report.

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1 **Table 1a: GWI (Acre-Feet) computed from Spring 1975 to Fall 2013.**

**Spring and Fall  
 Groundwater Index  
 (GWI, Acre-Feet)**

Year	Rainfall (inches)	Spring GWI (Acre-Feet)	Number of Wells	Fall GWI (Acre-Feet)	Number of Wells	Spring to Fall Difference (Acre-Feet)
1975	17.29	99,000	54	91,000	54	8,000
1976	13.45	82,000	45	76,000	65	6,000
1977	10.23	64,000	59	54,000	63	10,000
1978	30.66	84,000	62	---	35	---
1979	15.80	72,000	57	77,000	63	(5,000)
1980	16.57	88,000	55	89,000	46	(1,000)
1981	13.39	97,000	46	75,000	47	22,000
1982	18.58	123,000	42	---	31	---
1983	33.21	---	35	95,000	42	---
1984	11.22	---	14	76,000	37	---
1985	12.20	106,000	37	82,000	41	24,000
1986	16.85	98,000	51	67,000	51	31,000
1987	11.29	83,000	48	71,000	52	12,000
1988	12.66	80,000	51	66,000	49	14,000
1989	12.22	59,000	47	47,000	57	12,000
1990	7.12	62,000	55	49,000	53	13,000
1991	13.18	62,000	52	55,000	54	7,000
1992	15.66	61,000	52	35,000	48	26,000
1993	20.17	72,000	54	52,000	61	20,000
1994	12.15	60,000	54	---	36	---
1995	25.87	87,000	35	74,000	52	13,000
1996	16.54	76,000	45	62,000	57	14,000
1997	20.50	---	20	91,000	48	---
1998	33.67	105,000	41	93,000	44	12,000
1999	12.98	106,000	56	88,000	49	18,000
2000	17.07*	108,000	44	84,000	41	24,000
2001	18.52*	118,000	43	85,000	35	33,000
2002	8.87*	96,000	29	79,000	41	17,000
2003	11.39	94,000	37	66,000	42	28,000
2004	12.57	89,000	42	81,000	35	8,000
2005	22.23	98,000	38	79,000	39	19,000
2006	20.83	107,000	44	78,000	41	29,000
2007	7.11	93,000	44	66,000	42	27,000
2008	15.18	83,000	43	65,000	42	18,000
2009	10.31	76,000	44	65,000	43	11,000
2010	20.07	80,000	45	67,000	42	13,000
2011	34.05	87,000	43	81,000	43	6,000
2012	15.35*	89,000	45	65,000	44	24,000
2013	6.48*	67,000	45	42,000	43	25,000

---: Insufficient for evaluation  
 \*: Preliminary value

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**Table 1b: Unitless GWI computed from Spring 1975 to Fall 2013.**

**Spring and Fall  
 Groundwater Index  
 (GWI, Unitless)**

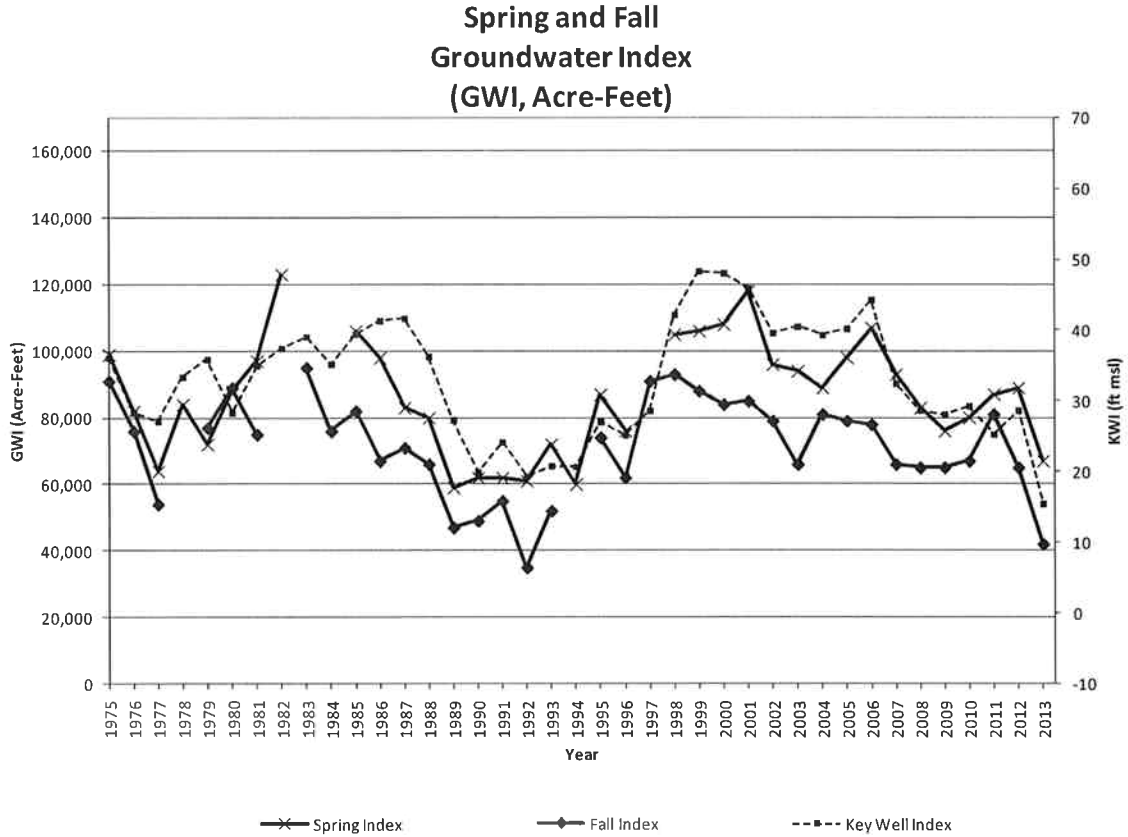
Year	Rainfall (inches)	Spring GWI	Number of Wells	Fall GWI	Number of Wells	Spring to Fall Difference
1975	17.29	0.3252	54	0.2602	54	0.0650
1976	13.45	0.1870	45	0.1382	65	0.0488
1977	10.23	0.0407	59	(0.0407)	63	0.0813
1978	30.66	0.2033	62		35	--
1979	15.80	0.1057	57	0.1463	63	(0.0407)
1980	16.57	0.2358	55	0.2439	46	(0.0081)
1981	13.39	0.3089	46	0.1301	47	0.1789
1982	18.58	0.5203	42		31	--
1983	33.21		35	0.2927	42	--
1984	11.22		14	0.1382	37	--
1985	12.20	0.3821	37	0.1870	41	0.1951
1986	16.85	0.3171	51	0.0650	51	0.2520
1987	11.29	0.1951	48	0.0976	52	0.0976
1988	12.66	0.1707	51	0.0569	49	0.1138
1989	12.22	0.0000	47	(0.0976)	57	0.0976
1990	7.12	0.0244	55	(0.0813)	53	0.1057
1991	13.18	0.0244	52	(0.0325)	54	0.0569
1992	15.66	0.0163	52	(0.1951)	48	0.2114
1993	20.17	0.1057	54	(0.0569)	61	0.1626
1994	12.15	0.0081	54		36	--
1995	25.87	0.2276	35	0.1220	52	0.1057
1996	16.54	0.1382	45	0.0244	57	0.1138
1997	20.50		20	0.2602	48	--
1998	33.67	0.3740	41	0.2764	44	0.0976
1999	12.98	0.3821	56	0.2358	49	0.1463
2000	17.07*	0.3984	44	0.2033	41	0.1951
2001	18.52*	0.4797	43	0.2114	35	0.2683
2002	8.87*	0.3008	29	0.1626	41	0.1382
2003	11.39	0.2846	37	0.0569	42	0.2276
2004	12.57	0.2439	42	0.1789	35	0.0650
2005	22.23	0.3171	38	0.1626	39	0.1545
2006	20.83	0.3902	44	0.1545	41	0.2358
2007	7.11	0.2764	44	0.0569	42	0.2195
2008	15.18	0.1951	43	0.0488	42	0.1463
2009	10.31	0.1382	44	0.0488	43	0.0894
2010	20.07	0.1707	45	0.0650	42	0.1057
2011	34.05	0.2276	43	0.1789	43	0.0488
2012	15.35*	0.2439	45	0.0488	44	0.1951
2013	6.48*	0.0650	45	(0.1382)	43	0.2033

--: Insufficient for evaluation  
 \*: Preliminary value

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Figure 1a: GWI (Acre Feet) and KWI.

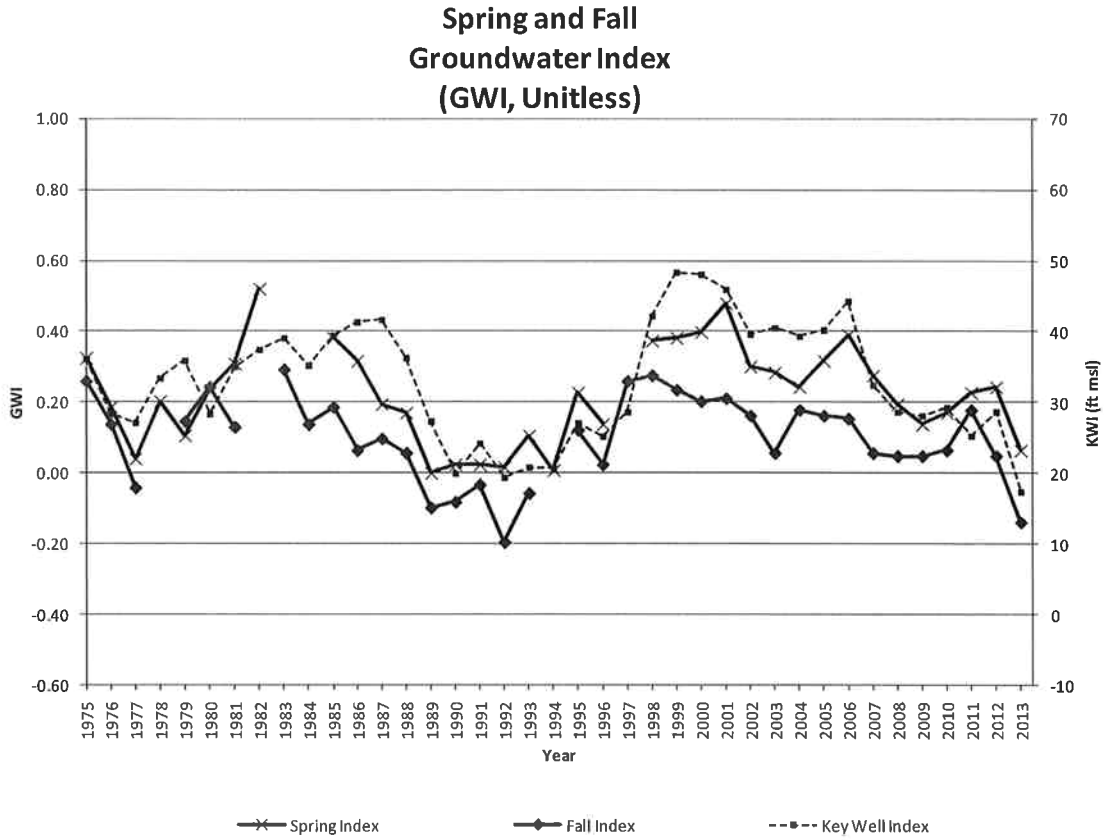


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1

Figure 1b: Unitless GWI and KWI.



2

DECEMBER 11, 2013

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ATTACHMENT B



## TECHNICAL MEMORANDUM

1  
2  
3 **TO:** Michael LeBrun, General Manager NCSD  
4 **FROM:** Brad Newton, Ph.D., P.G.  
5 **RE:** Technical Memorandum #28 - Fall 2013 Ground Water Index  
6 **DATE:** December 04, 2013

---

### INTRODUCTION

8 Groundwater surface elevations (GSE) underlying the Nipomo Mesa are regularly  
9 measured at many places (wells) across the mesa. The Fall 2013 Ground Water Index (GWI) has  
10 been computed and presented herein along with historical GWI from 1975 to present based on  
11 these groundwater surface elevation measurements collected during spring and fall across the  
12 Nipomo Mesa. Limited measurements of GSE were available for the years 1982, 1983, 1984,  
13 1994 and 1997, thus precluding a reliable calculation of GWI for those years.

14 **The Nipomo Mesa Management Area (NMMA) Technical Group (TG) has not**  
15 **reviewed this technical memorandum, its findings, or any presentation of this evaluation.**  
16

### RESULTS

18 Fall 2013 GWI is 42,000 acre-feet (AF), a 23,000 AF (25 percent) decline from the Fall 2012  
19 GWI (Table 1, Figure 1). Moreover, Spring groundwater elevations had declined from 89,000  
20 acre-feet in 2012 to a Spring 2013 GWI of 67,000 acre-feet (a decline of 22,000 acre-feet or 25  
21 percent less than that of Spring 2012), as presented to your Board on June 12, 2013 (NCSD  
22 2013a). The Spring 2013 Key Well Index (KWI) has also significantly declined since 2012 and  
23 generally follows the same historical trends as the GWI (Figure 1). With last the water year's  
24 rainfall being slightly under average and this water year's rainfall being less than 50 percent of  
25 average and along with ongoing groundwater pumping, there is great cause for concern given  
26 that spring and fall groundwater elevations have declined significantly and are now below sea  
27 level across much of the central portion of the Nipomo Mesa.

28 While the development of and semiannual calculation of the relative change in the GWI  
29 has informed the Board of the current water supply conditions and the future reliability of  
30 water supplies to District customers; the unit (Acre-Feet) of the GWI has caused a challenging  
31 controversy. To resolve this controversy, the District authorized the modification of the GWI to  
32 transform the unit of Acre-Feet (AF) to a unitless value by scaling the spring and fall GWI  
33 values to between the historic low and historic high that occurred from the years of 1975 to  
34 2008. The transformation of the GWI from Acre-Feet to a unitless value successfully retains the  
35 relative characteristics of the GWI over time and between the spring and fall values (see Tables  
36 1a and 1b and Figures 1a and 1b). Applying the method to historic maps of ground water

*t:\district projects\groundwater mgmt\gw index\20131204 tm28 fall 2013 gwi.doc*

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1 surface elevations was not successful at creating meaningful presentation data. Technical  
2 Memorandum #27 - Ground Water Index Update presents the details of this work product  
3 (NCSD 2013b). Alternatively, presenting maps of contours of ground water surface elevations  
4 would be a direct method to present the change in ground water surface across the Nipomo  
5 Mesa area and would be consistent with other materials presented to the public, such as annual  
6 reports prepared by the Nipomo Mesa Management Area Technical Group.

7

## 8 **METHODOLOGY**

9 The calculation of spring and fall GWI are based on GSE measurements regularly made by  
10 San Luis Obispo County Department of Public Works (SLO DPW), NCSD, USGS, and  
11 Woodlands. The integration of GSE data is accomplished by using computer software to  
12 interpolate between measurements and calculate GWI within the principal production aquifer  
13 assuming an unconfined aquifer and a specific yield of 11.7 percent. Limited measurements of  
14 GSE were available for the years 1982, 1983, 1984, 1994 and 1997, precluding a reliable  
15 calculation of GWI for those years.

### 16 **Groundwater Surface Elevation Measurements**

17 Groundwater surface elevation data were obtained from SLO DPW, NCSD, USGS, and  
18 Woodlands. SLO DPW measures GSE in monitoring wells during the spring (April) and the fall  
19 (October) of each year. Woodlands and NCSD measures GSE in their monitoring wells  
20 monthly. For the years 1975 to 1999, available representative GSE data were used to compute  
21 GWI. For the years 2000 to 2011, only GSE data from the same 45 wells were used to compute  
22 GWI.

23 The GSE data was reviewed in combination with well completion reports and historical  
24 hydrographic records in order to exclude measurements that do not accurately represent static  
25 water levels within the principal production aquifer. Wells that do not access the principal  
26 production aquifer or were otherwise determined to not accurately represent static water levels  
27 within the aquifer were not included in analysis.

### 28 **Groundwater Surface Interpolation**

29 The individual GSE measurements from each year were used to produce a GSE field by  
30 interpolation using the inverse distance weighting (IDW) method.

### 31 **Ground Water Index**

32 The GWI is defined as the saturated volume above sea level and bedrock multiplied by the  
33 specific yield of 11.7 percent. The GWI is comprised from approximately 45 ground water  
34 elevation measurements made by the County of San Luis Obispo each April and October. The  
35 value of the Ground Water Index was computed for an area approximately similar to the  
36 NMMA Boundary. The base of the saturated volume is mean sea level surface (elevation equals

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1 zero) or the bedrock above sea level, whichever is higher. The bedrock surface elevation is  
2 based on Figure 11: Base of Potential Water-Bearing Sediments, presented in the report, Water  
3 Resources of the Arroyo Grande - Nipomo Mesa Area (DWR 2002). The bedrock surface  
4 elevation was preliminarily verified by reviewing driller reports obtained from DWR (Figure 2).  
5 The specific yield is based on the average weighted specific yield measurement made at wells  
6 within the Nipomo Mesa Hydrologic Sub-Area (DWR 2002, pg. 86). The GWI is similar to the  
7 Key Well Index presented in the Nipomo Mesa Management Area Technical Group annual  
8 report to the Court, but is not directly comparable.

### 9 **Key Well Index**

10 The Key Well Index (KWI) was developed by the NMMA Technical Group from eight  
11 inland wells representing the whole of the groundwater basin within the NMMA. The Key  
12 Well Index was defined for each year from 1975 to present as the average of the normalized  
13 spring groundwater data from each well. The lowest value of the Key Well Index could be  
14 considered the "historical low" within the NMMA.

15

### 16 **REFERENCES**

17 Department of Water Resources (DWR). 2002. Water Resources of the Arroyo Grande - Nipomo  
18 Mesa Area, Southern District Report. 2002.

19 Nipomo Community Services District (NCSD). 2013a. Technical Memorandum #26 - Spring  
20 2013 Ground Water Index. Prepared by Newton Geo-Hydrology Consulting Services,  
21 LLC. June 6, 2013.

22 NCSD. 2013b. Technical Memorandum #27 - Ground Water Index Update. Prepared by Newton  
23 Geo-Hydrology Consulting Services, LLC. December 04, 2013.

24

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**Spring and Fall  
Groundwater Index  
(GWI, Acre-Feet)**

Year	Rainfall (inches)	Spring GWI (Acre-Feet)	Number of Wells	Fall GWI (Acre-Feet)	Number of Wells	Spring to Fall Difference (Acre-Feet)
1975	17.29	99,000	54	91,000	54	8,000
1976	13.45	82,000	45	76,000	65	6,000
1977	10.23	64,000	59	54,000	63	10,000
1978	30.66	84,000	62	---	35	---
1979	15.80	72,000	57	77,000	63	(5,000)
1980	16.57	88,000	55	89,000	46	(1,000)
1981	13.39	97,000	46	75,000	47	22,000
1982	18.58	123,000	42	---	31	---
1983	33.21	---	35	95,000	42	---
1984	11.22	---	14	76,000	37	---
1985	12.20	106,000	37	82,000	41	24,000
1986	16.85	98,000	51	67,000	51	31,000
1987	11.29	83,000	48	71,000	52	12,000
1988	12.66	80,000	51	66,000	49	14,000
1989	12.22	59,000	47	47,000	57	12,000
1990	7.12	62,000	55	49,000	53	13,000
1991	13.18	62,000	52	55,000	54	7,000
1992	15.66	61,000	52	35,000	48	26,000
1993	20.17	72,000	54	52,000	61	20,000
1994	12.15	60,000	54	---	36	---
1995	25.87	87,000	35	74,000	52	13,000
1996	16.54	76,000	45	62,000	57	14,000
1997	20.50	---	20	91,000	48	---
1998	33.67	105,000	41	93,000	44	12,000
1999	12.98	106,000	56	88,000	49	18,000
2000	17.07*	108,000	44	84,000	41	24,000
2001	18.52*	118,000	43	85,000	35	33,000
2002	8.87*	96,000	29	79,000	41	17,000
2003	11.39	94,000	37	66,000	42	28,000
2004	12.57	89,000	42	81,000	35	8,000
2005	22.23	98,000	38	79,000	39	19,000
2006	20.83	107,000	44	78,000	41	29,000
2007	7.11	93,000	44	66,000	42	27,000
2008	15.18	83,000	43	65,000	42	18,000
2009	10.31	76,000	44	65,000	43	11,000
2010	20.07	80,000	45	67,000	42	13,000
2011	34.05	87,000	43	81,000	43	6,000
2012	15.35*	89,000	45	65,000	44	24,000
2013	6.48*	67,000	45	42,000	43	25,000

---: Insufficient for evaluation

\*: Preliminary value

1  
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Table 1a: GWI (Acre-Feet) computed from Spring 1975 to Fall 2013.

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**Spring and Fall  
Groundwater Index  
(GWI, Unitless)**

Year	Rainfall (inches)	Spring GWI	Number of Wells	Fall GWI	Number of Wells	Spring to Fall Difference
1975	17.29	0.3252	54	0.2602	54	0.0650
1976	13.45	0.1870	45	0.1382	65	0.0488
1977	10.23	0.0407	59	(0.0407)	63	0.0813
1978	30.66	0.2033	62		35	--
1979	15.80	0.1057	57	0.1463	63	(0.0407)
1980	16.57	0.2358	55	0.2439	46	(0.0081)
1981	13.39	0.3089	46	0.1301	47	0.1789
1982	18.58	0.5203	42		31	--
1983	33.21		35	0.2927	42	--
1984	11.22		14	0.1382	37	--
1985	12.20	0.3821	37	0.1870	41	0.1951
1986	16.85	0.3171	51	0.0650	51	0.2520
1987	11.29	0.1951	48	0.0976	52	0.0976
1988	12.66	0.1707	51	0.0569	49	0.1138
1989	12.22	0.0000	47	(0.0976)	57	0.0976
1990	7.12	0.0244	55	(0.0813)	53	0.1057
1991	13.18	0.0244	52	(0.0325)	54	0.0569
1992	15.66	0.0163	52	(0.1951)	48	0.2114
1993	20.17	0.1057	54	(0.0569)	61	0.1626
1994	12.15	0.0081	54		36	--
1995	25.87	0.2276	35	0.1220	52	0.1057
1996	16.54	0.1382	45	0.0244	57	0.1138
1997	20.50		20	0.2602	48	--
1998	33.67	0.3740	41	0.2764	44	0.0976
1999	12.98	0.3821	56	0.2358	49	0.1463
2000	17.07*	0.3984	44	0.2033	41	0.1951
2001	18.52*	0.4797	43	0.2114	35	0.2683
2002	8.87*	0.3008	29	0.1626	41	0.1382
2003	11.39	0.2846	37	0.0569	42	0.2276
2004	12.57	0.2439	42	0.1789	35	0.0650
2005	22.23	0.3171	38	0.1626	39	0.1545
2006	20.83	0.3902	44	0.1545	41	0.2358
2007	7.11	0.2764	44	0.0569	42	0.2195
2008	15.18	0.1951	43	0.0488	42	0.1463
2009	10.31	0.1382	44	0.0488	43	0.0894
2010	20.07	0.1707	45	0.0650	42	0.1057
2011	34.05	0.2276	43	0.1789	43	0.0488
2012	15.35*	0.2439	45	0.0488	44	0.1951
2013	6.48*	0.0650	45	(0.1382)	43	0.2033

---: Insufficient for evaluation

\*: Preliminary value

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Table 1b: Unitless GWI computed from Spring 1975 to Fall 2013.

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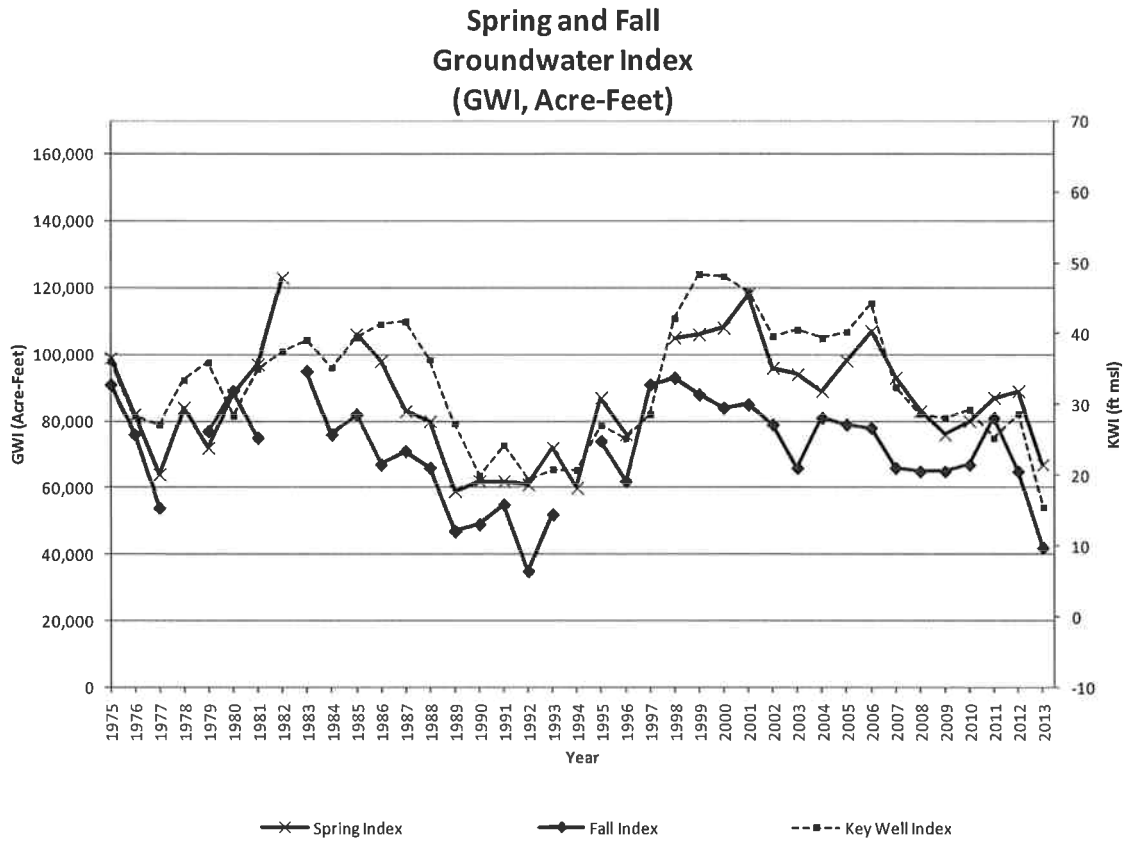
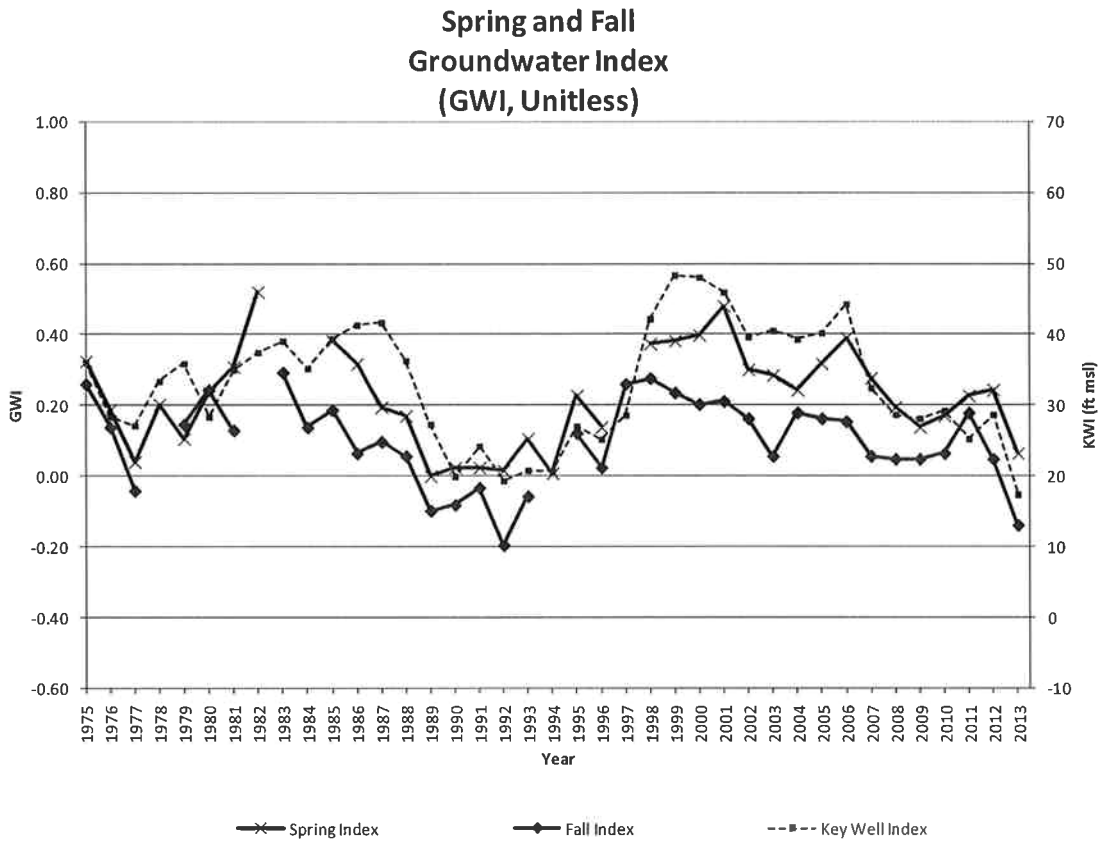


Figure 1a: GWI (Acre Feet) and KWI.

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TO: Michael LeBrun, GM NCSD  
 RE: Fall 2013 GWI  
 DATE: December 04, 2013  
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Figure 1b: Unitless GWI and KWI.

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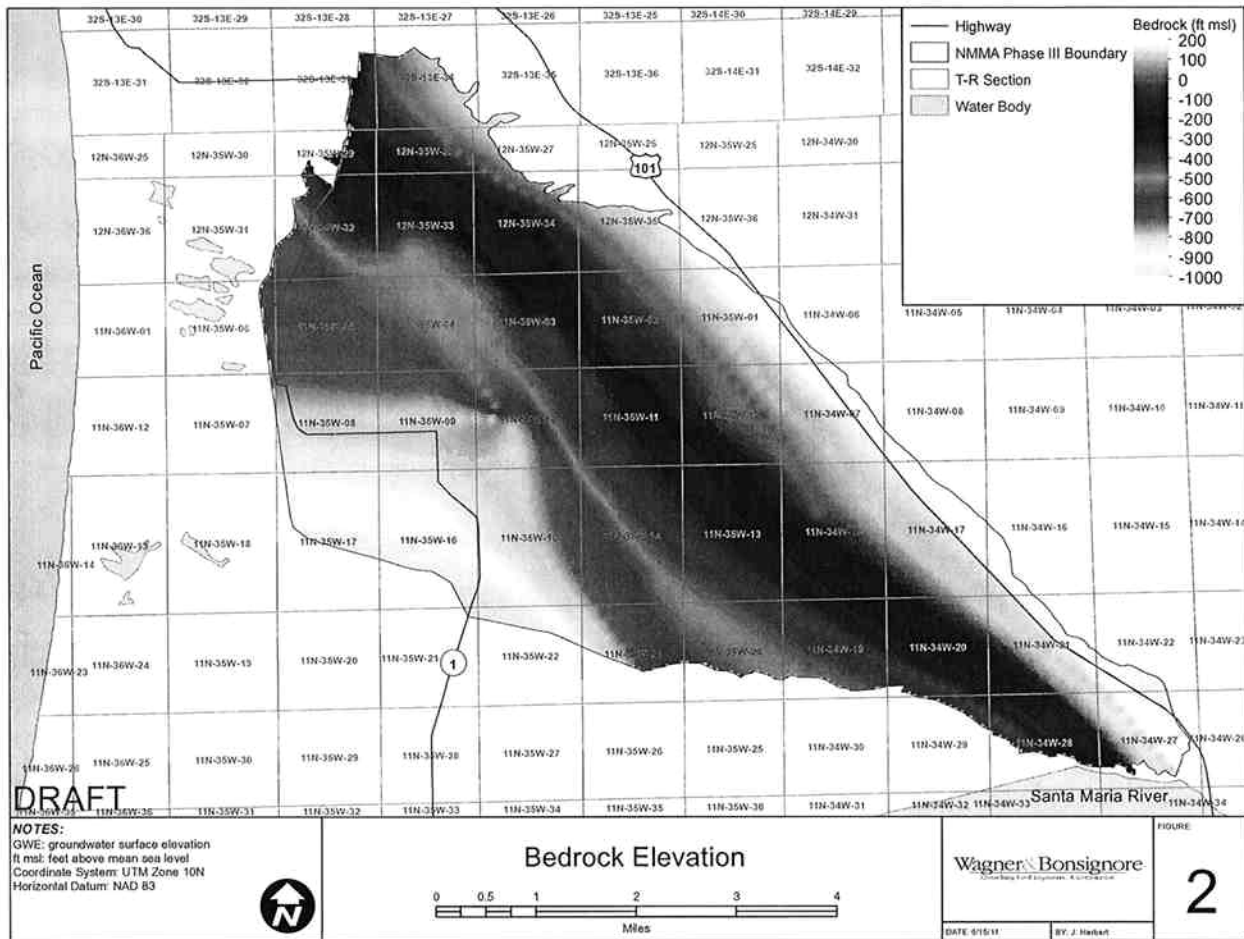


Figure 2: Elevation of bedrock underlying the NMMA.

DECEMBER 11, 2013

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ATTACHMENT C

An aerial photograph of a rural landscape, likely a farm or agricultural area, with a yellow boundary line tracing a path across the fields. The terrain is a mix of green and brown, suggesting different crops or land uses. The text is overlaid on the image.

**Fall 2013**

**Groundwater Surface Elevations  
and Rainfall 2013**

Prepared by  
Newton Geo-Hydrology Consulting Services  
December 11, 2013



# Overview

- Estimate of Fall 2013  
Ground Water Index

- Rainfall 2013



An aerial photograph of a rural landscape, likely a valley or basin, showing a mix of agricultural fields, some buildings, and a winding road. A prominent yellow line traces an irregular boundary across the terrain. A solid blue vertical line is positioned on the left side of the image. The text 'Fall 2013' and 'Ground Water Index' is overlaid in the center of the image.

# Fall 2013 Ground Water Index



Fall 2013 GWI

# GWI Estimate

Spring and Fall  
Groundwater Index  
(GWI, Acre-Feet)

Year	Rainfall (inches)	Spring GWI (Acre-Feet)	Number of Wells	Fall GWI (Acre-Feet)	Number of Wells	Spring to Fall Difference (Acre-Feet)
1976	13.45	82,000	45	76,000	54	2000
1977	10.23	64,000	59	54,000	54	2001
1978	30.66	84,000	62	—	—	2002
1979	15.80	72,000	57	77,000	54	2003
1980	16.57	88,000	55	89,000	54	2004
1981	13.39	97,000	46	75,000	54	2005
1982	18.58	123,000	42	—	—	2006
1983	33.21	—	35	95,000	54	2007
1984	11.22	—	14	76,000	54	2008
1985	12.20	106,000	37	82,000	54	2009
1986	16.85	98,000	51	67,000	54	2010
1987	11.29	83,000	48	71,000	54	2011
1988	12.66	80,000	51	66,000	54	2012
1989	12.22	59,000	47	47,000	54	2013
1990	7.12	82,000	55	49,000	54	18,000
1991	13.18	62,000	52	55,000	56	24,000
1992	15.66	61,000	52	35,000	41	33,000
1993	20.17	72,000	54	52,000	35	17,000
1994	12.15	60,000	54	—	41	28,000
1995	25.87	87,000	35	74,000	35	8,000
1996	16.34	76,000	45	62,000	38	19,000
1997	20.50	—	20	91,000	41	29,000
1998	33.67	105,000	41	93,000	44	27,000
1999	12.98	106,000	56	88,000	42	18,000
2000	17.07*	108,000	44	84,000	44	24,000
2001	18.52*	118,000	43	85,000	43	33,000
2002	8.87*	96,000	29	79,000	41	17,000
2003	11.39	94,000	37	66,000	42	28,000
2004	12.57	89,000	42	81,000	35	8,000
2005	22.23	98,000	38	79,000	39	19,000
2006	20.83	107,000	44	78,000	41	29,000
2007	7.11	93,000	44	66,000	42	27,000
2008	15.18	83,000	43	65,000	42	18,000
2009	10.31	76,000	44	65,000	43	11,000
2010	20.07	87,000	45	67,000	42	13,000
2011	34.05	87,000	43	81,000	43	6,000
2012	15.35*	89,000	45	65,000	44	24,000
2013	6.48*	67,000	45	42,000	43	25,000

—: Insufficient for evaluation  
\*: Preliminary value

\*: Preliminary value

Spring and Fall  
Groundwater Index  
(GWI, Unitless)

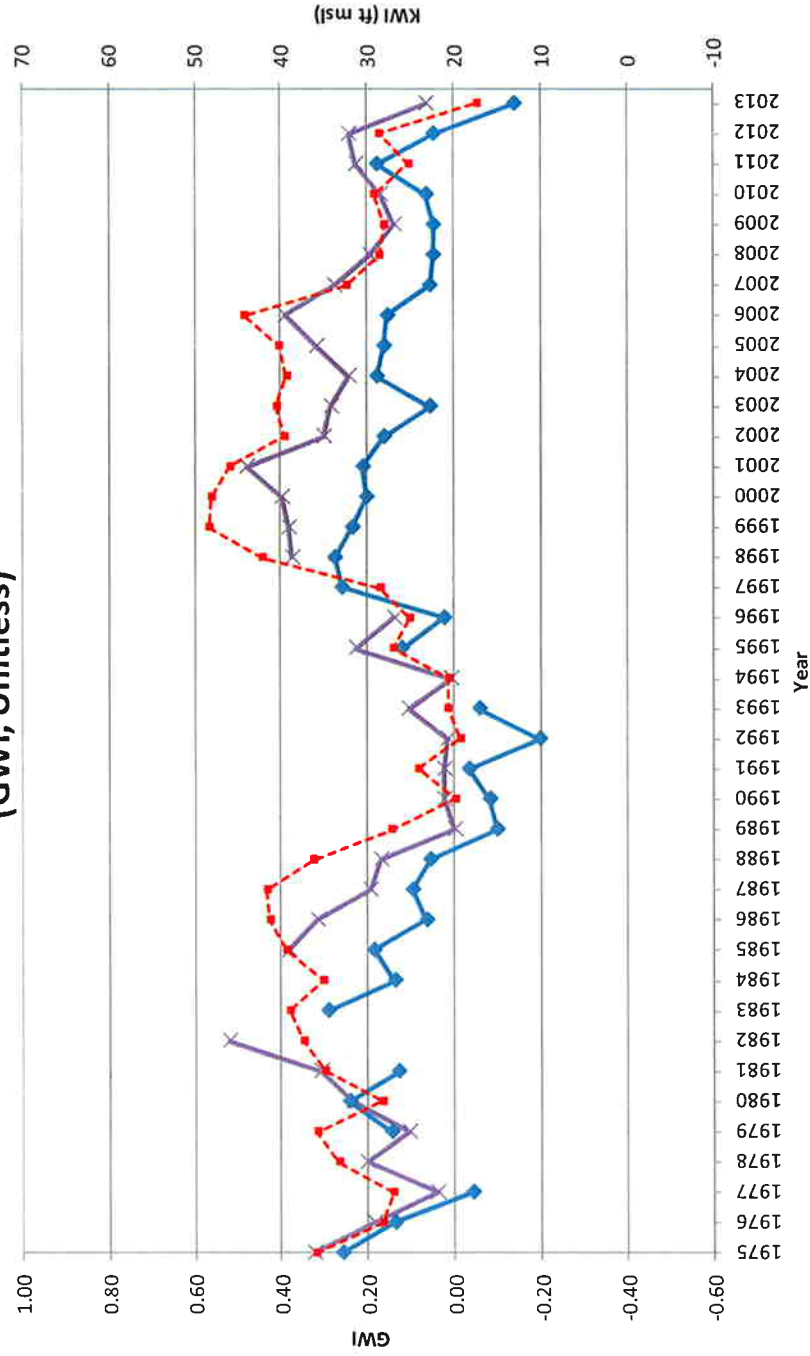
Year	Rainfall (inches)	Spring GWI	Number of Wells	Fall GWI	Number of Wells	Spring to Fall Difference
1975	17.29	0.3252	54	0.2602	54	0.0650
1976	0.3984	44	0.2033	41	0.1951	
1977	0.4797	43	0.2114	35	0.2683	
1978	0.3008	29	0.1626	41	0.1382	
1979	0.2846	37	0.0569	42	0.2276	
1980	0.2439	42	0.1789	35	0.0650	
1981	0.3171	38	0.1626	39	0.1545	
1982	0.3902	44	0.1545	41	0.2358	
1983	0.2764	44	0.0569	42	0.2195	
1984	0.1951	43	0.0488	42	0.1463	
1985	0.1382	44	0.0488	43	0.0894	
1986	0.1707	45	0.0650	42	0.1057	
1987	0.2276	43	0.1789	43	0.0488	
1988	0.2439	45	0.0488	44	0.1951	
1989	0.0650	45	(0.1382)	43	0.2033	
1990	17.07*	0.3984	44	0.2033	41	0.1951
1991	18.52*	0.4797	43	0.2114	35	0.2683
1992	8.87*	0.3008	29	0.1626	41	0.1382
1993	11.39	0.2846	37	0.0569	42	0.2276
1994	12.57	0.2439	42	0.1789	35	0.0650
1995	22.23	0.3171	38	0.1626	39	0.1545
1996	20.83	0.3902	44	0.1545	41	0.2358
1997	7.11	0.2764	44	0.0569	42	0.2195
1998	15.18	0.1951	43	0.0488	42	0.1463
1999	10.31	0.1382	44	0.0488	43	0.0894
2000	20.07	0.1707	45	0.0650	42	0.1057
2001	34.05	0.2276	43	0.1789	43	0.0488
2002	15.35*	0.2439	45	0.0488	44	0.1951
2003	6.48*	0.0650	45	(0.1382)	43	0.2033

—: Insufficient for evaluation  
\*: Preliminary value

Fall 2013 GWI

# GWI Estimate

Spring and Fall  
Groundwater Index  
(GWI, Unitless)



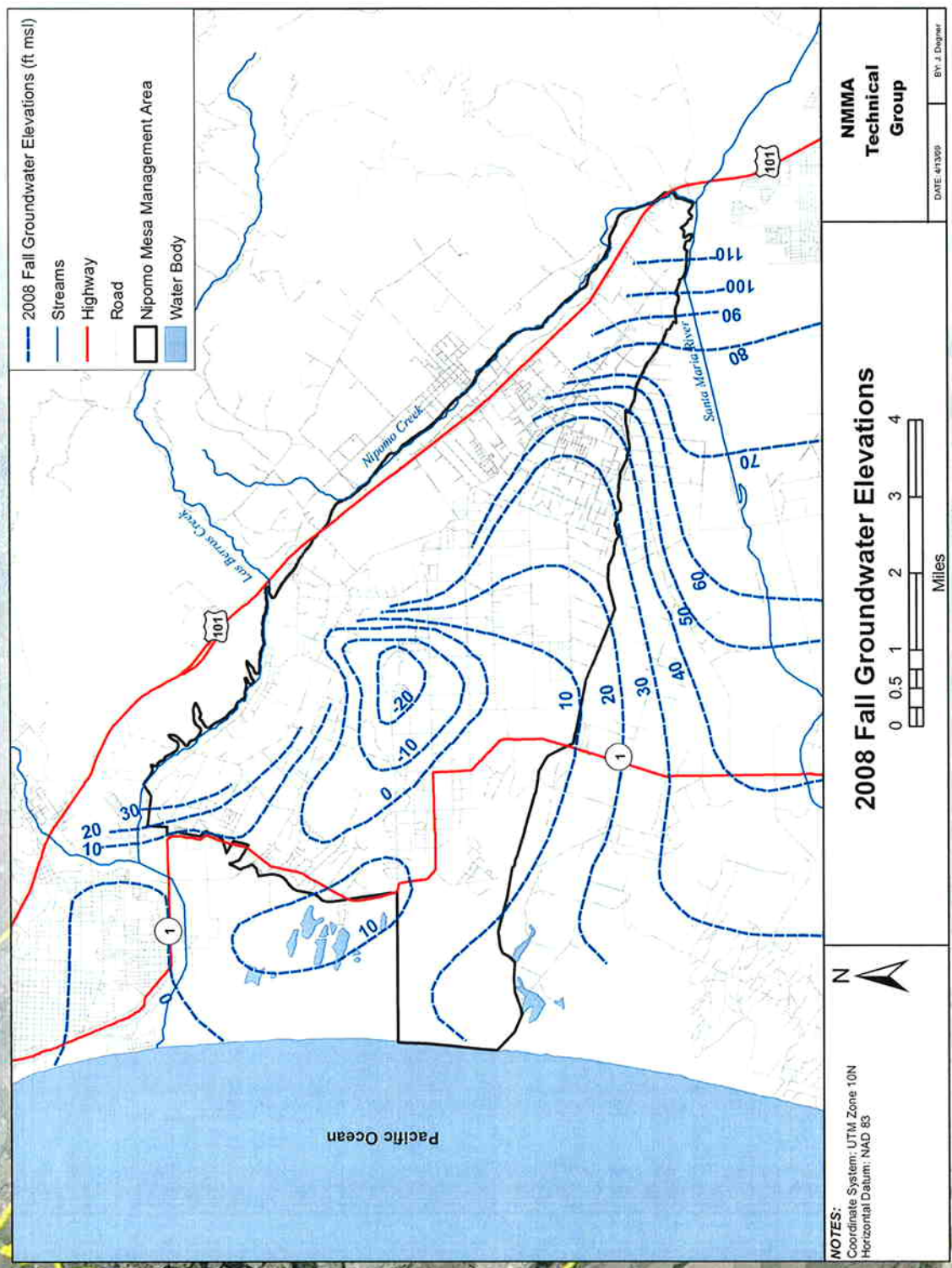


# Spatial Distribution

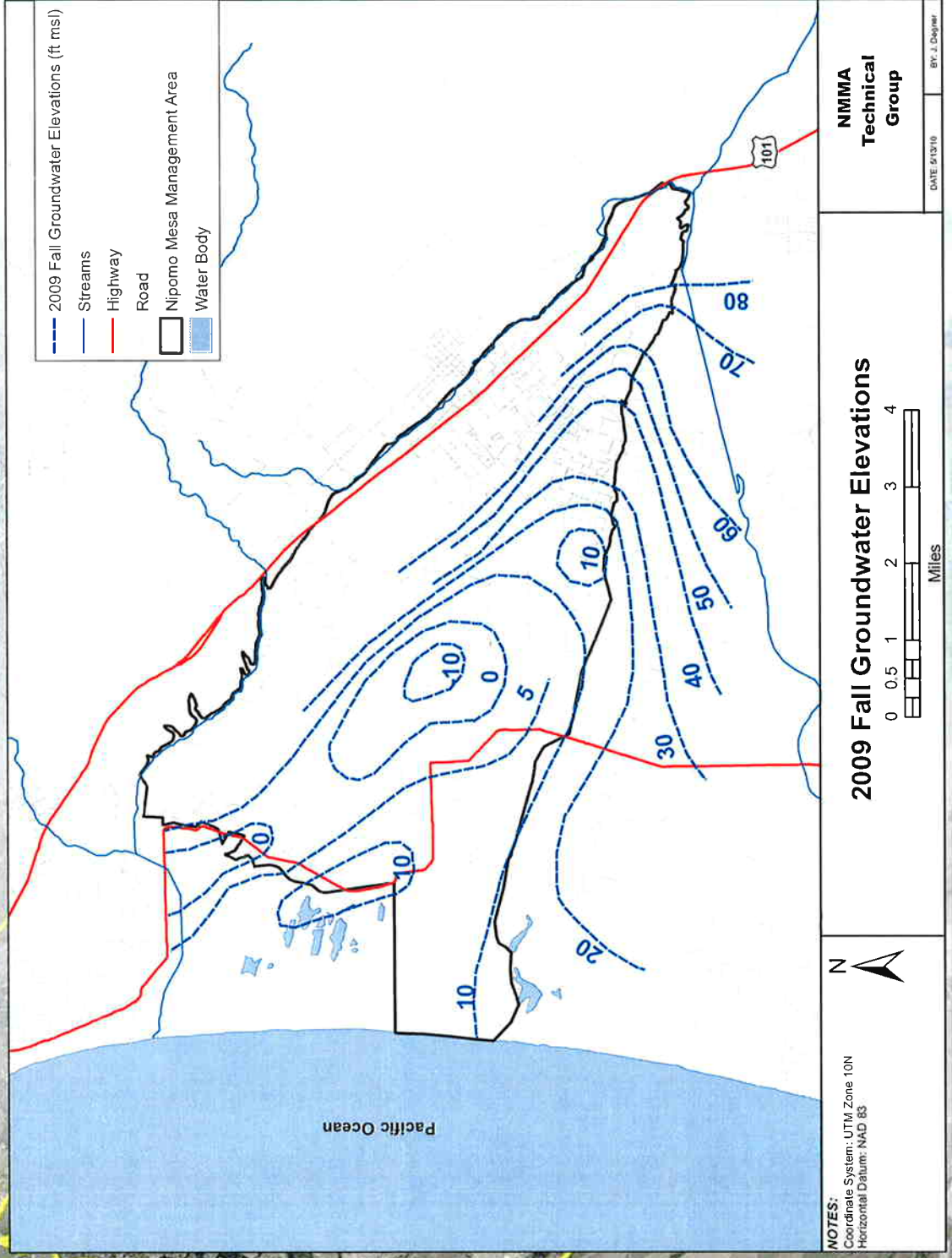
- Groundwater surface elevations are not uniform
- Lowest water levels are in the central and western portion of the Nipomo Mesa
- GWE have declined significantly in a large area in the western portion of the Nipomo Mesa (most are currently below sea level)



# Groundwater Elevation Map



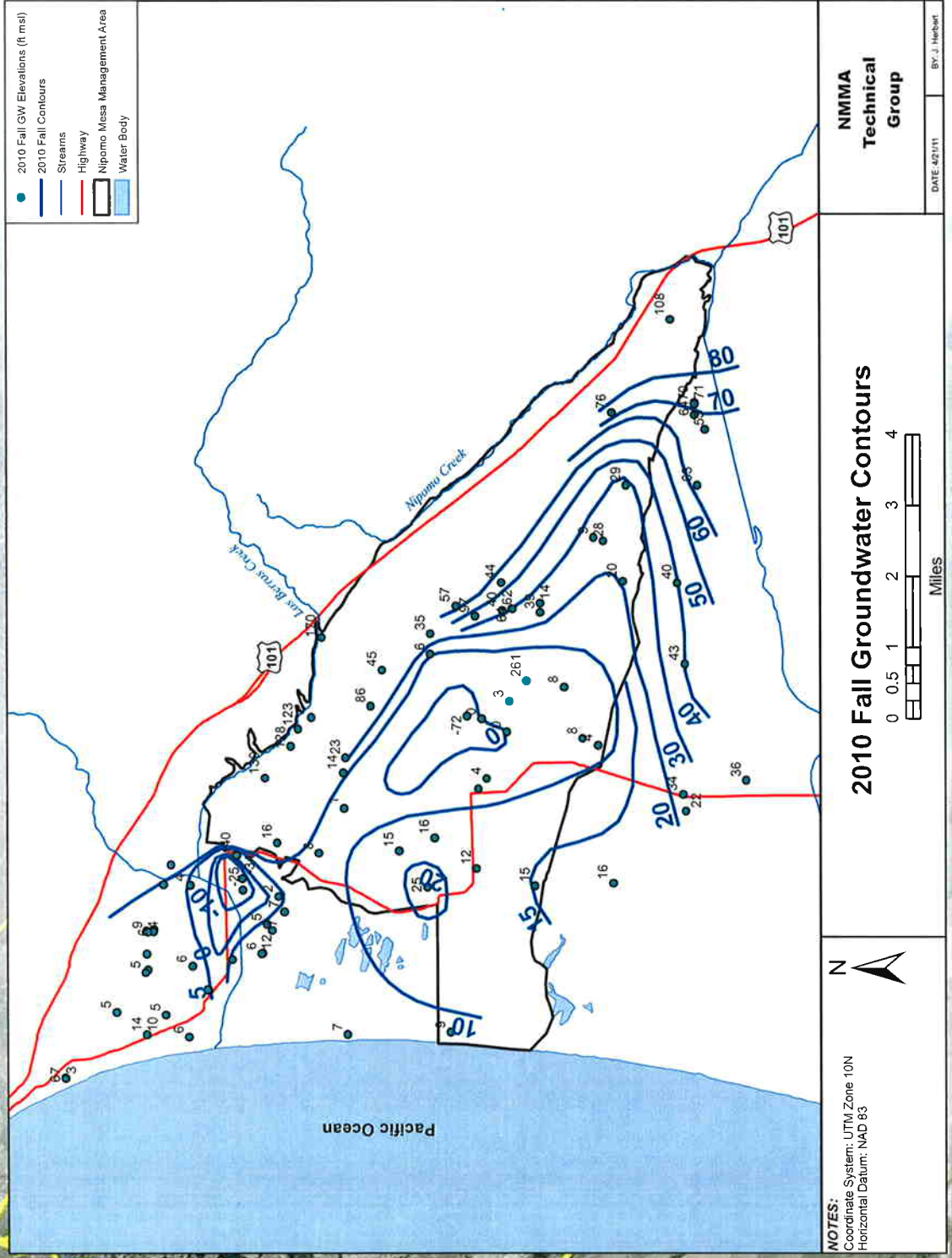
# Groundwater Elevation Map





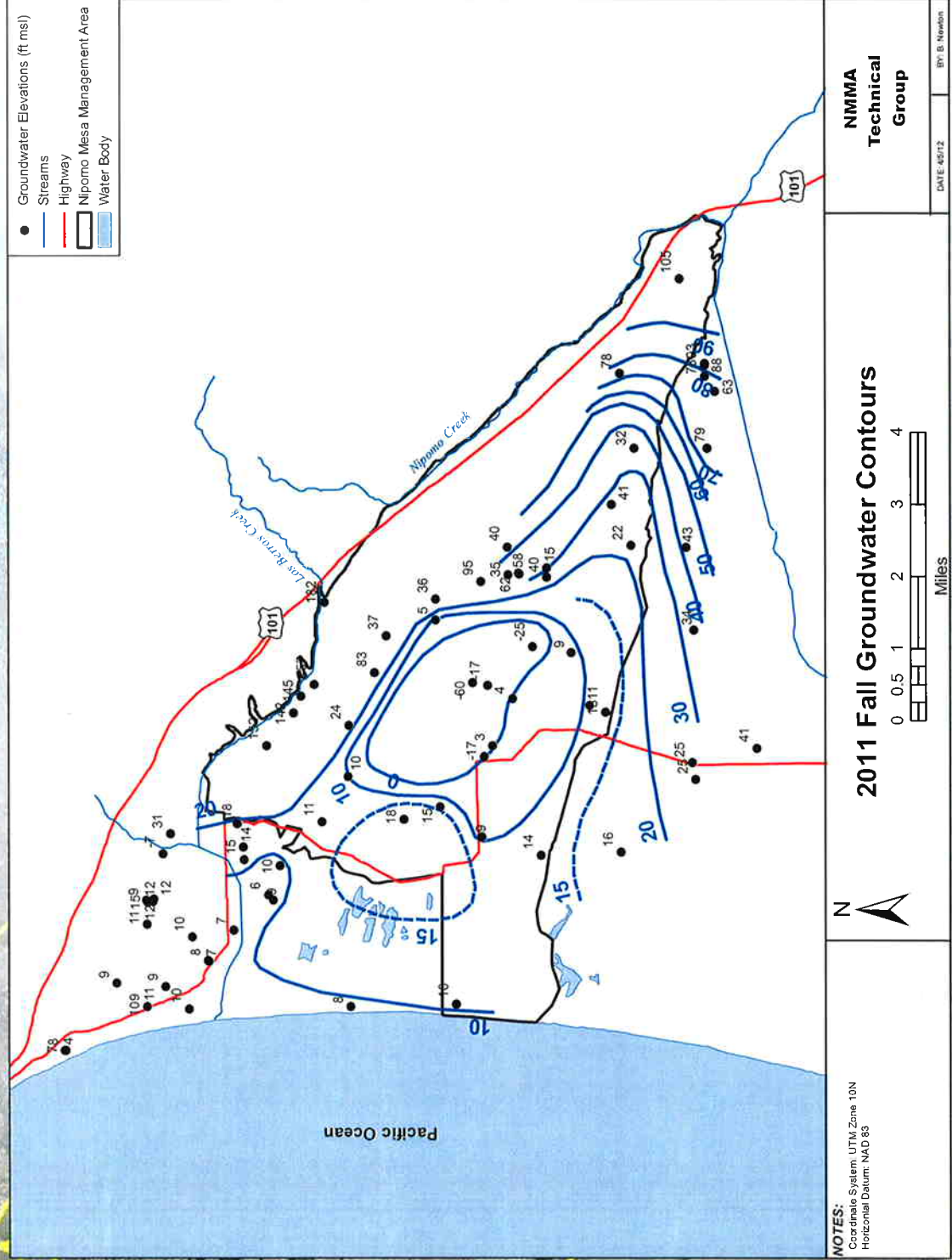
Fall 2013 GWI

# Groundwater Elevation Map



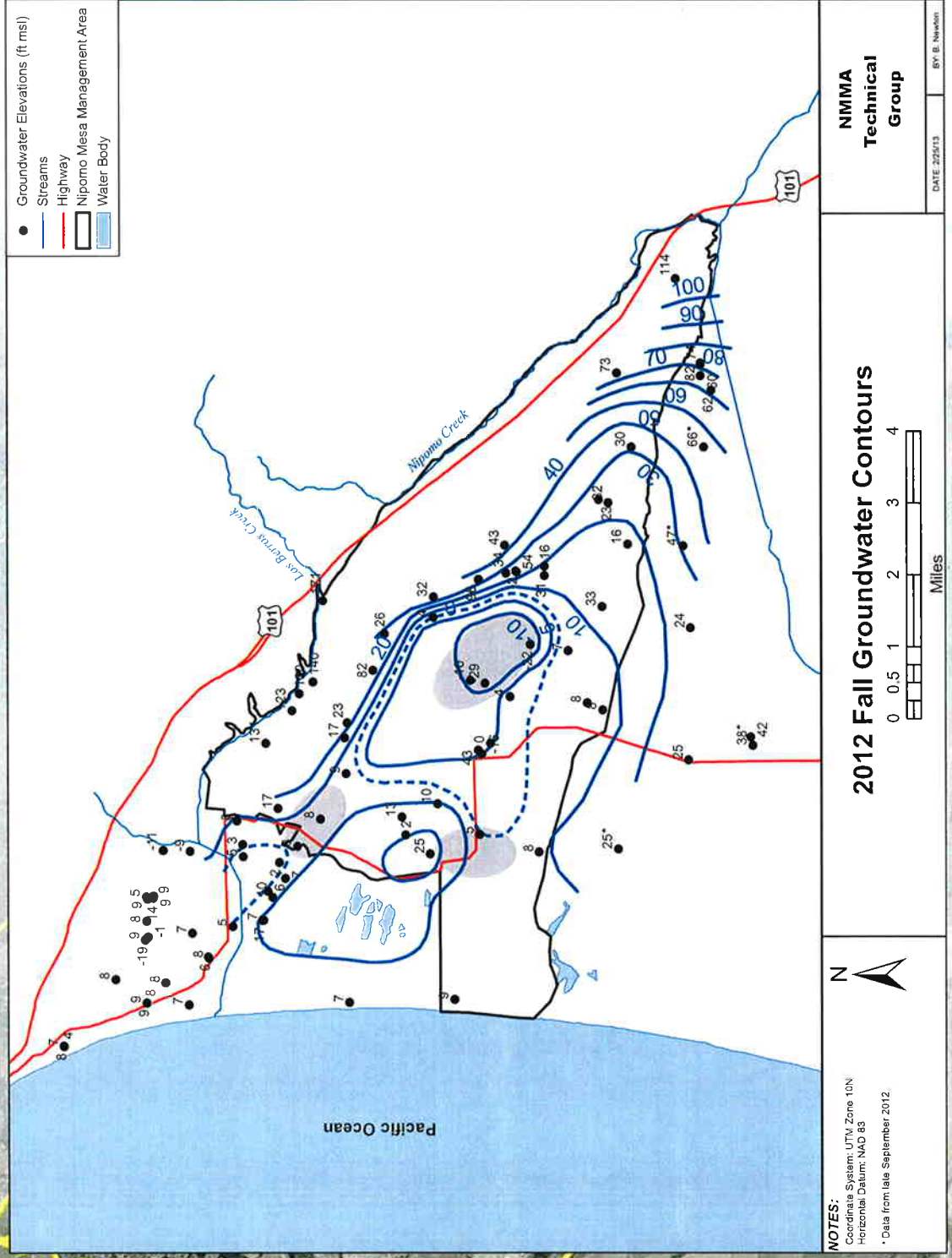
Fall 2013 GWI

# Groundwater Elevation Map





# Groundwater Elevation Map



**NOTES:**  
 Coordinate System: UTM Zone 10N  
 Horizontal Datum: NAD 83  
 • Data from late September 2012.

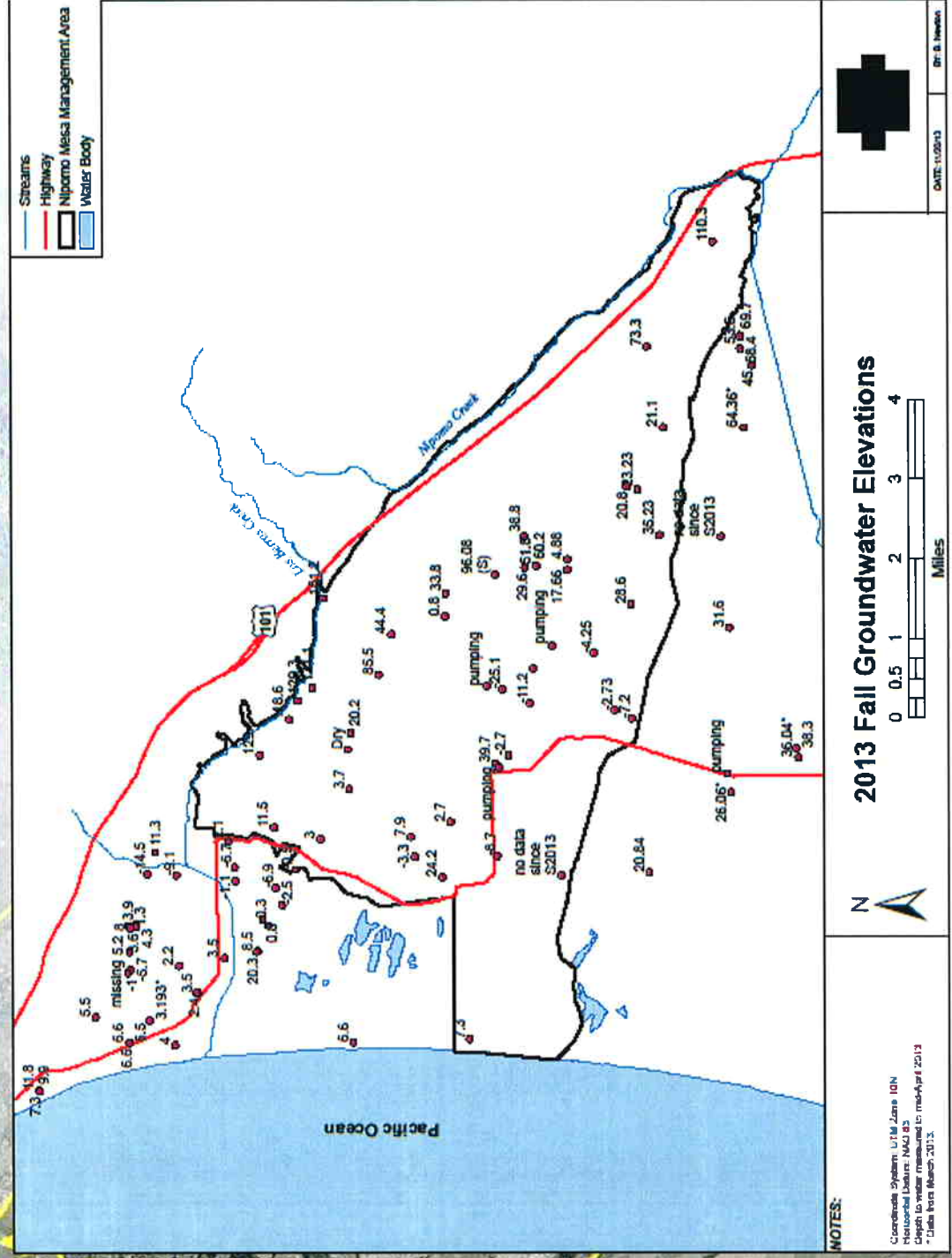
**2012 Fall Groundwater Contours**

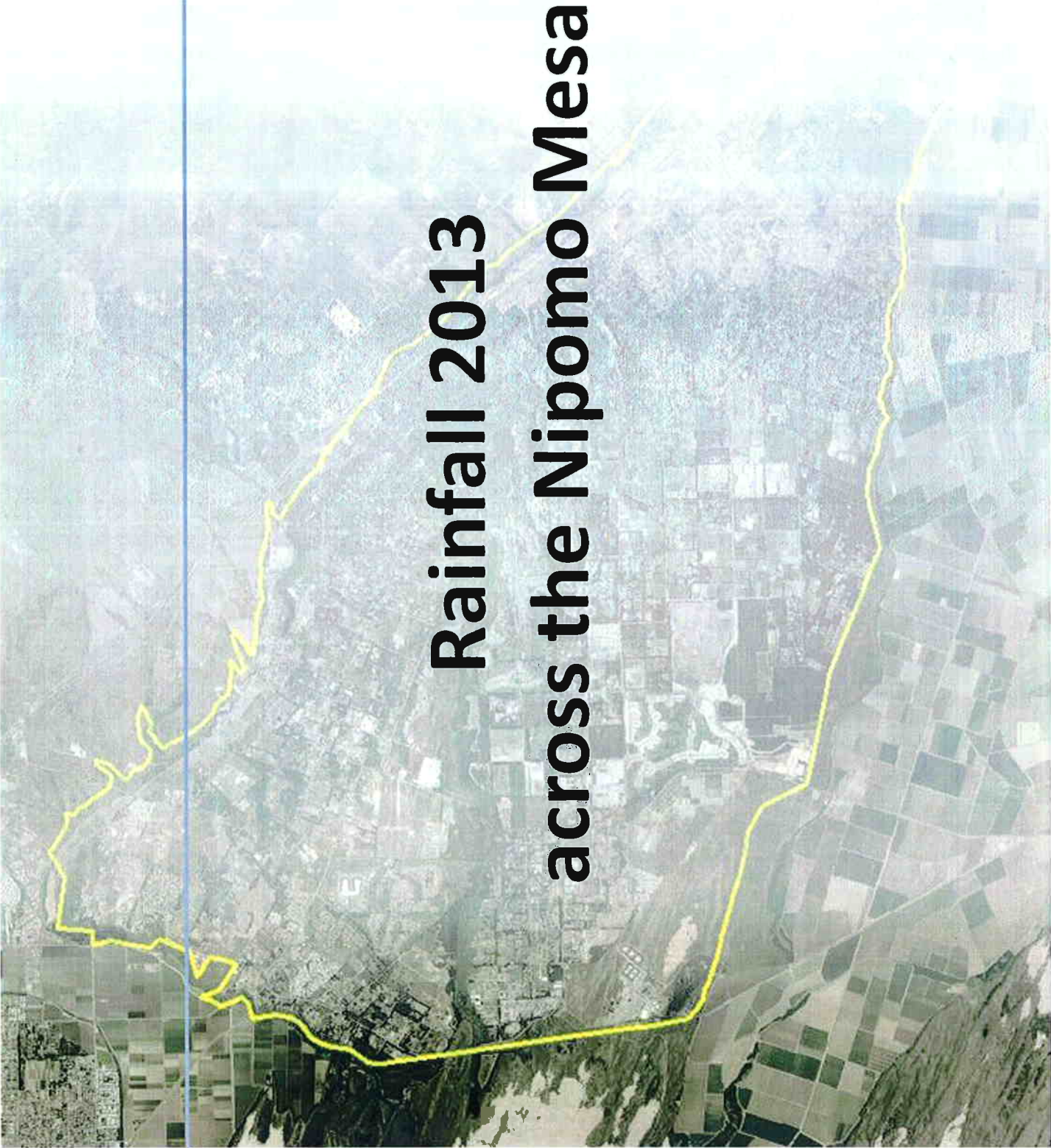
**NMMA  
 Technical  
 Group**

DATE: 2/26/13  
 BY: B. Newton



# Groundwater Elevation Map





**Rainfall 2013**  
**across the Nipomo Mesa**



# Annual Data

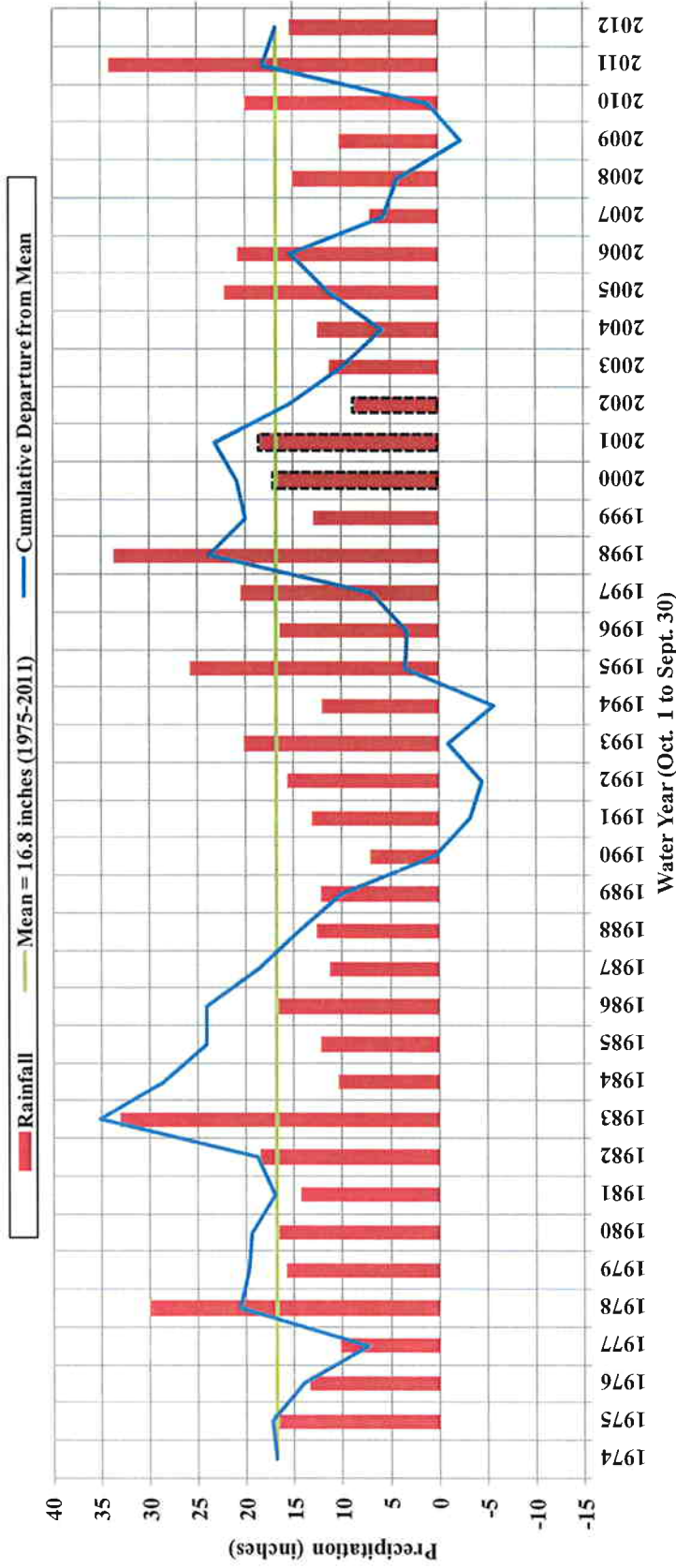
## 2012-2013

Nipomo East (728)  
Currently – 5.90 in.

Nipomo South (730)  
Currently – 7.0 in.

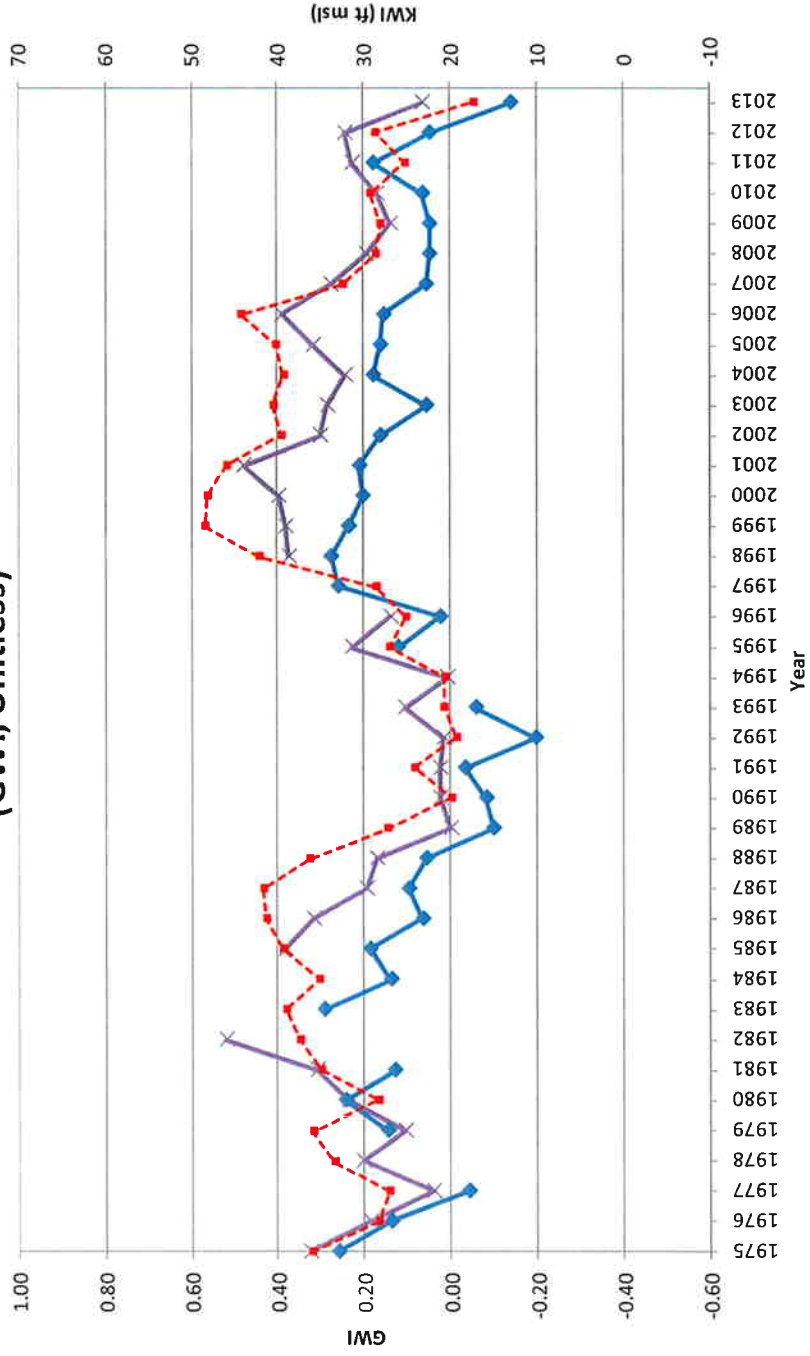
Oceano (795)  
Currently – 6.57 in.

Cumulative Departure from the Mean Rainfall  
Nipomo CDF (151.1)

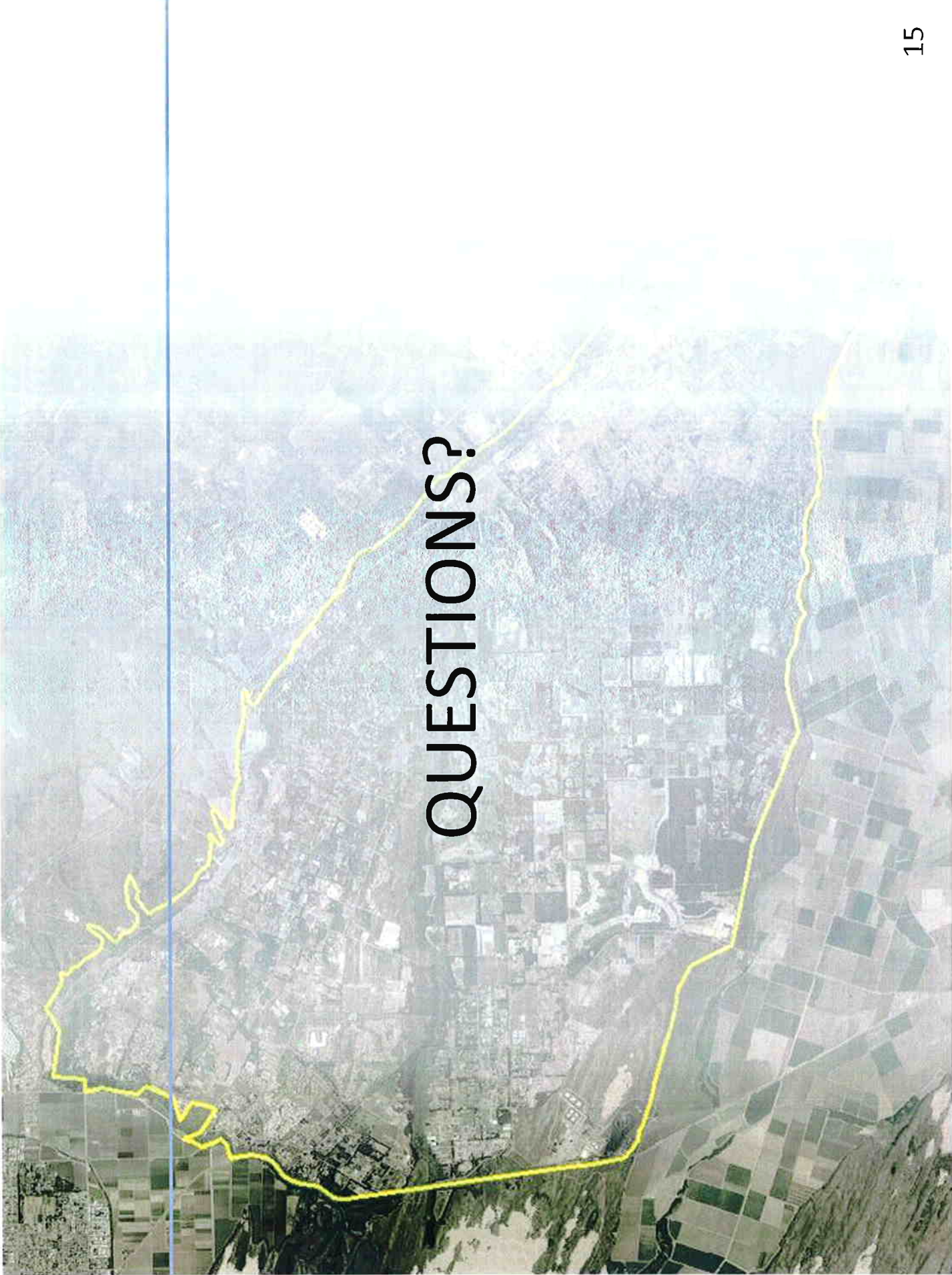


# Annual Data

Spring and Fall  
Groundwater Index  
(GWI, Unitless)







QUESTIONS?



Fall 2013 GWI

# GWI Estimate

Spring and Fall  
Groundwater Index  
(GWI, Acre-Feet)

Year	Rainfall (inches)	Spring GWI (Acre-Feet)	Number of Wells	Fall GWI (Acre-Feet)	Number of Wells	Spring to Fall Difference (Acre-Feet)
1975	17.29	99,000	54	91,000	54	8,000
1976	13.45	82,000	45	76,000	65	6,000
1977	10.23	64,000	59	54,000	63	10,000
1978	30.66	84,000	62	—	35	—
1979	15.80	72,000	57	77,000	63	(5,000)
1980	16.57	88,000	55	89,000	46	(1,000)
1981	13.39	97,000	46	75,000	47	22,000
1982	18.58	123,000	42	—	31	—
1983	33.21	—	35	95,000	42	—
1984	11.22	—	14	76,000	37	—
1985	12.20	106,000	37	82,000	41	24,000
1986	16.85	98,000	51	67,000	51	31,000
1987	11.29	83,000	48	71,000	52	12,000
1988	12.66	80,000	51	66,000	49	14,000
1989	12.22	59,000	47	47,000	57	12,000
1990	7.12	62,000	55	49,000	53	13,000
1991	13.18	62,000	52	55,000	54	7,000
1992	15.66	61,000	52	35,000	48	26,000
1993	20.17	72,000	54	52,000	61	20,000
1994	12.15	60,000	54	—	36	—
1995	25.87	87,000	35	74,000	52	13,000
1996	16.54	76,000	45	62,000	57	14,000
1997	20.50	—	20	91,000	48	—
1998	33.67	105,000	41	93,000	44	12,000
1999	12.98	106,000	56	88,000	49	18,000
2000	17.07	108,000	44	84,000	41	24,000
2001	18.52	118,000	43	85,000	35	33,000
2002	8.87	96,000	29	79,000	41	17,000
2003	11.39	94,000	37	66,000	42	28,000
2004	12.57	89,000	42	81,000	35	8,000
2005	22.23	98,000	38	79,000	39	19,000
2006	20.83	107,000	44	78,000	41	29,000
2007	7.11	93,000	44	66,000	42	27,000
2008	15.18	83,000	43	65,000	42	18,000
2009	10.31	76,000	44	65,000	43	11,000
2010	20.07	80,000	45	67,000	42	13,000
2011	34.05	87,000	43	81,000	43	6,000
2012	15.35	89,000	45	65,000	44	24,000
2013	6.48	87,000	45	42,000	43	25,000

—: Insufficient for evaluation  
\*: Preliminary value

\*: Preliminary value

Spring and Fall  
Groundwater Index  
(GWI, Unitless)

Year	Rainfall (inches)	Spring GWI	Number of Wells	Fall GWI	Number of Wells	Spring to Fall Difference
1975	17.29	0.3252	54	0.2602	54	0.0650
1976	13.45	0.1870	45	0.1382	65	0.0488
1977	10.23	0.0407	59	(0.0407)	63	0.0813
1978	30.66	0.2033	62	—	35	—
1979	15.80	0.1057	57	0.1463	63	(0.0407)
1980	16.57	0.2358	55	0.2439	46	(0.0081)
1981	13.39	0.3089	46	0.1301	47	0.1789
1982	18.58	0.5203	42	—	31	—
1983	33.21	—	35	0.2927	42	—
1984	11.22	—	14	0.1382	37	—
1985	12.20	0.3821	37	0.1870	41	0.1951
1986	16.85	0.3171	51	0.0650	51	0.2520
1987	11.29	0.1951	48	0.0976	52	0.0976
1988	12.66	0.1707	51	0.0569	49	0.1138
1989	12.22	0.0000	47	(0.0976)	57	0.0976
1990	7.12	0.0244	55	(0.0813)	53	0.1057
1991	13.18	0.0244	52	(0.0325)	54	0.0569
1992	15.66	0.0163	52	(0.1951)	48	0.2114
1993	20.17	0.1057	54	(0.0569)	61	0.1626
1994	12.15	0.0081	54	—	36	—
1995	25.87	0.2276	35	0.1220	52	0.1057
1996	16.54	0.1382	45	0.0244	57	0.1138
1997	20.50	—	20	0.2602	48	—
1998	33.67	0.3740	41	0.2764	44	0.0976
1999	12.98	0.3821	56	0.2358	49	0.1463
2000	17.07	0.3984	44	0.2033	41	0.1951
2001	18.52	0.4797	43	0.2114	35	0.2683
2002	8.87	0.3008	29	0.1626	41	0.1382
2003	11.39	0.2846	37	0.0569	42	0.2276
2004	12.57	0.2439	42	0.1789	35	0.0650
2005	22.23	0.3171	38	0.1626	39	0.1545
2006	20.83	0.3902	44	0.1545	41	0.2358
2007	7.11	0.2764	44	0.0569	42	0.2195
2008	15.18	0.1951	43	0.0488	42	0.1463
2009	10.31	0.1382	44	0.0488	43	0.0894
2010	20.07	0.1707	45	0.0650	42	0.1057
2011	34.05	0.2276	43	0.1789	43	0.0488
2012	15.35	0.2439	45	0.0488	44	0.1951
2013	6.48	0.0650	45	(0.1382)	43	0.2033

—: Insufficient for evaluation  
\*: Preliminary value

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: DECEMBER 7, 2013

**AGENDA ITEM**  
**E-5**  
**DECEMBER 11, 2013**

**APPROVE NEWTON GEO-HYDROLOGY  
2014 CONSULTING SERVICES CONTRACT SCOPE AND BUDGET**

**ITEM**

Consider scope and budget for Newton Geo-Hydrology 2014 Consulting Services [RECOMMEND APPROVE SCOPE AND \$90,000 BUDGET FOR NEWTON GEO-HYDROLOGY CONSULTING SERVICES]

**BACKGROUND**

Dr. Brad Newton has provided litigation support services and general hydrologic consulting services to the District throughout the groundwater adjudication process. Dr. Newton represents the District on the Nipomo Mesa Management Area Technical Group.

The contract for Dr. Newton's services are reviewed by your Board each year on a calendar year basis. The attached scopes of work (Exhibits A to Task Orders 2014-1 and 2014-2) from Newton Geo-Hydrology present the proposed scope of services and budget for 2014.

The proposal covers two tasks, General Consultation (not to exceed limit of \$10,000) and Santa Maria Groundwater Adjudication support (not to exceed limit of \$80,000).

**FISCAL IMPACT**

The approved FY 13-14 Budget includes funding for six months of Dr. Newton's services. The remaining six months of services will be included in the FY 14-15 Budget.

**STRATEGIC PLAN**

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

**RECOMMENDATION**

Staff recommends the Board of Directors by motion and roll-call vote, approve the 2014 Support Services Contract with Newton Geo-Hydrology Consulting Services, LLC for a not exceed amount of \$90,000.00 and direct staff to issue Task Order 2014-1 in the amount of \$10,000 and Task Order 2014-2 in the amount of \$80,000.

**ATTACHMENTS**

- A. Newton Geo-Hydrology Consulting Services, LLC Proposal

DECEMBER 11, 2013

ITEM E-5

ATTACHMENT A





## Newton Geo-Hydrology Consulting Services, LLC

### **Exhibit A for Task Order # 2014-1**

Task Order #2014-1, General Consultation, is to allow for Newton Geo-Hydrology Consulting Services (Consultant) to provide the following services, on an as-requested basis, that are not included within the scope of other Task Orders. Such services include Part A and Part B as follows:

- A. Preparation of Fall Ground Water Index (GWI) technical memorandum and presentation thereof to the District Board of Directors. It is understood that reports will, in whole or in part, be based on confidential information obtained in confidence from landowners related to private wells, (see specifically Section 26 of the Agreement related to confidential information). The estimated cost for the GWI technical memorandum and presentation at NCSD Board of Directors meeting under Task Order #2014-1 Part A is four thousand (\$4,000) dollars, which accounts for twenty (20) hours of Dr. Newton's efforts plus budget for travel, plus materials and other direct costs.
- B. Preparation of other technical memorandums at the request of either the General Manager or the District Board of Directors. The estimated budget for other technical memorandums under Task Order #2014-1 Part B is two thousand dollars (\$2,000).

### **Budget**

The total budget for Task Order #2014-1 Parts A and B, through December 31, 2014, is ten thousand (\$10,000) dollars to be billed on a time and material basis in accordance with the Agreement.



## Newton Geo-Hydrology Consulting Services, LLC

### Exhibit A for Task Order # 2014-2

Task Order # 2014-2 is to allow for Newton Geo-Hydrology Consulting Services (Consultant) to provide the following litigation support services related to the Groundwater Adjudication presented in Part A through Part D as follows:

- A. Preparation for, travel, and attendance/participation at Nipomo Mesa Management Area (NMMA) Technical Group (TG) regular monthly meetings. The estimated cost for each of NMMA TG fourteen (14) regular meetings under Task Order # 2014-2 is three thousand (\$3,000) dollars, which accounts for fourteen (14) hours of Dr. Newton's efforts plus budget for travel, plus materials and other direct costs. The estimated budget for Task Order # 2014-2 Part A is forty-two thousand dollars (\$42,000).
- B. Preparation for, travel, and attendance/participation at Management Areas (MAs) Subcommittee ad hoc meetings, including meetings with the NCMA and SMVMA representatives. The estimated cost for each of MAs Subcommittee four (4) regular meetings under Task Order # 2014-2 is one thousand five hundred (\$1,500) dollars, which accounts for six (6) hours of Dr. Newton's efforts plus budget for travel. The estimated budget for Task Order # 2014-2 Part B is six thousand dollars (\$6,000).
- C. Preparation of the Annual Report to the Court pursuant to the Final Judgment of the Santa Maria Groundwater Litigation. The estimated budget for Task Order # 2014-2 Part C, which accounts for one hundred sixty (160) hours of Dr. Newton's efforts plus budget for travel, plus materials and other direct costs, is thirty-two thousand dollars (\$32,000).
- D. Preparation of reports and technical memorandums related to NMMA TG functions with the prior approval of either the District General Manager or District Legal Counsel, and other opinions requested by District Legal Counsel. It is understood that reports will, in whole or in part, be based on confidential information obtained in confidence from landowners related to private wells. (see specifically Section 26 of the Agreement related to confidential information). The estimated budget for Task Order # 2014-2 Part D is unknowable in advance of a specific scope and schedule for said reports, technical memorandums, or other opinions.

#### **Budget**

The total budget for Task Order # 2014-2 Part A, Part B, and Part C through December 31, 2014, is thirty-seven thousand (\$80,000) dollars to be billed on a time and material basis in accordance with the Agreement.

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER

DATE: DECEMBER 6, 2013

**AGENDA ITEM  
E-6  
DECEMBER 11, 2013**

## **CONSIDER DRAFT WATER POLICY STATEMENT**

### **ITEM**

Consider a draft water resources policy statement, receive public input, and provide staff direction [RECOMMEND CONSIDER DRAFT STATEMENT AND DIRECT STAFF].

### **BACKGROUND**

The District is constructing a supplemental water supply pipeline and otherwise preparing for increasing available water supply sources to customers for the first time in its fifty-year history. A supplemental supply of water will allow for better management of the local groundwater which is currently the only water supply to the District and entire Nipomo Mesa and greater Nipomo community.

The District's customers are making a significant investment to bring a supplemental water supply to the Mesa. The District desires to protect this investment by ensuring the supplemental water supply is used to offset existing demand as ordered by the court overseeing the area groundwater litigation.

Since current basin users are being ordered to offset existing water demand with supplemental water, all future water demands throughout the area must be met with supplemental water supply or the basin will continue to be mined (over-pumped) in an unsustainable manner.

The District must play an important role in promoting good policy to protect the area's water resources. However, with limited geographic and policy authority, the District is not in a position to dictate policy across the Nipomo Mesa.

The County of San Luis Obispo, through its planning and building powers controls demand for water resources associated with new/future development. The Nipomo Mesa Management Area (NMMA) Technical Group includes representatives from the area's large water users. The Group is tasked with monitoring and managing the area groundwater resources and reporting to the groundwater court.

The District is developing a water policy statement that is based on previous court and County actions regarding the use and protection of Nipomo area groundwater resources. The District will work to build consensus around the policy statement with the intent of achieving application of the court's direction and County policy across the Nipomo Mesa. The District's ultimate goal is to protect the District's primary water supply thorough sustainable management of the local groundwater basin.

Your Board's Water Resources Committee reviewed the draft Policy Statement on November 19, 2013 and received public comment. The draft Statement was shared with the members of the NMMA on November 19 and discussed at the December 2 NMMA meeting.

The current version of the draft statement reflects changes from Committee input, public comment, and comments received from NMMA members thus far.

Staff envisions the following process:

- Refining the draft Statement with Board and public input today
- Further input and refinement by the NMMA members at the January and February meetings
- March 5, 2014, presentation to County Water Resources Advisory Council
- Presentation and discussion with Board of Supervisors following WRAC
- Formal adoption of a final Policy Statement by the District

### **FISCAL IMPACT**

Water resources are one of the District's most valuable and irreplaceable assets.

### **RECOMMENDATION**

Staff is seeking Board and public input on the draft Policy Statement and the process for refining the statement and building consensus. Additionally, staff is seeking Board and public input on other approaches for achieving the goal of protecting the District's primary water supply through sustainable management of the local groundwater basin.

### **ATTACHMENTS**

- A. Draft Water Policy Statement

DECEMBER 11, 2013

ITEM E-6

ATTACHMENT A

# Nipomo Community Service District

## DRAFT – Water Resources Policy Statement

12/11/2013 Version

### BACKGROUND

#### Demand

The entire Nipomo Mesa and greater Nipomo area relies on groundwater to meet 100% of area resident's and business' water needs. The District and two other large water companies supply about half of the areas residential homes and commercial businesses. The remainder of users including agriculture, residential and commercial, are supplied by private wells.

Annual groundwater production across the Nipomo Mesa is reported (both metered and estimated values) in the Nipomo Mesa Management Area (NMMA) Technical Group's annual report (The NMMA Technical Group is a court appointed body whose boundaries encompass the Nipomo Mesa). The Group estimates the area's total annual production of groundwater for agricultural and urban uses back in 1975 was just over 4,000 acre-feet. In 1989, total production exceeded 8,000 acre-feet and in 2008, total pumping was estimated to be 12,600 acre-feet (4.1 Billion Gallons). In the ensuing years demand dropped somewhat and most recently began trending up again. The estimate for total production across the NMMA in 2012 is 11,260 acre-feet.

San Luis Obispo County has authority over all discretionary building and land use approvals within the District service area and throughout the Nipomo Mesa area. A main driver of future water demand is development approval. The District has limited ability to deny water service to County approved development within its service area and no authority to control development or the associated increase groundwater demand outside its service boundary.

There are significant under-developed and un-developed lands in the District and throughout the Nipomo Mesa. The area's mild climate and relatively pristine environment will likely continue to attract new residents to the area. Therefore, increased water demand from new development must be considered.

#### Supply

District concerns for the health of the groundwater basin and long-term supply reliability date back to the mid 1980's. In the early 1990's, the customers of the District declined participation in the coastal branch of the State Water Project.

In June 2013, the District awarded construction contracts for Nipomo Supplemental Water Project, Phase 1. The Project has a 650 acre-foot per year (AFY) capacity and is scheduled to be completed by May 2015. Phases 2 and 3 of the project will bring total capacity to 3,000 AFY and are not yet scheduled for construction.

# Nipomo Community Service District

## DRAFT – Water Resources Policy Statement

### Basis for Policy Statement

#### San Luis Obispo County Actions

In 2004, the County completed a Resource Capacity Study of the groundwater underlying the Nipomo Mesa (a.k.a Papadopulos Report). The Study concluded the area groundwater basin was being excessively over pumped. Based on the study, the County Board of Supervisors certified a Level Severity III (most severe level) for the area's groundwater resources. According to the County's Resource Management program: *"Level III occurs when the demand for the resource equals or exceeds its supply and is the most critical level of concern. The County should take a series of actions to address resource deficiencies before Level III is reached."*

In May 2006, the County adopted Ordinance 3090 (Attached hereto) establishing the Nipomo Mesa Water Conservation Area (NMWCA) boundaries. The Ordinance requires all land divisions within the NMWCA that lead to increased non-agricultural water demand pay a supplemental water fee. Further, Ordinance 3090 requires that amendments to the General Plan which increase non-agricultural water demand within the NMWCA be watered by imported or supplemental water. (The County defined NMWCA covers essentially the same area as the court defined NMMA.)

In December 2006, the District objected to a County development approval and environmental findings which directly contradicted Ordinance 3090. The County went ahead with approving a general plan amendment with a mitigated negative declaration and the District subsequently filed a lawsuit. On March 17, 2008, the Superior Court of the State of California issued its final judgment in the case (attached hereto). The settlement held in favor of the District's position and required the payment of a supplemental water fee deposit by the project proponent prior to recordation of a final development map.

In October 2008, the County, based on a finding of "overdraft" within the NMWCA caused by recent climatic conditions, adopted Ord. 3160 requiring that water conservation measures be implemented in new construction throughout the NMWCA.

#### Groundwater Lawsuit

In 1997, the Santa Maria Groundwater Basin, including the entire NMWCA defined by the County, became subject to groundwater litigation. On January 25, 2008 the court issued a Final Judgment in the case and ordered a 2005 Stipulation that had been entered into by most litigants be implemented. The ruling was appealed. In 2012, the Appellate court sent three minor aspects of the Final Judgment and Stipulation back to the trial court. The appellant's requests for further case review by both the California and United States Supreme Courts were denied. The trial court has taken no action to date on the appellate court direction.

# Nipomo Community Service District

## DRAFT – Water Resources Policy Statement

The 2005 Stipulation defines three management areas across the basin (Northern Cities, Nipomo Mesa, and Santa Maria Valley) and establishes membership and reporting requirements for each. The Stipulation requires that the District lead a project (the Nipomo Supplemental Water Project) to import 2,500 AFY of water to the NMMA from the City of Santa Maria (June 30, 2005 Stipulation, Section VI Physical Solution). The Stipulation additionally requires that all new urban, municipal, and industrial water demands shall provide a source of supplemental water or a supplemental water development fee to offset the new water demand associated with that development (June 30, 2005 Stipulation Section VI.E. New Urban Uses). Developed water for new demand is above and beyond the 2,500 AFY required by the Stipulation for the purpose of offsetting the existing pumping imbalance.

The Stipulation requires the NMMA Technical Group to develop a monitoring program that includes trigger points, based on well levels and water quality, for potentially severe and severe water shortage conditions (June 30, 2005 Stipulation Section VI.D). Response to water shortage conditions includes voluntary and mandatory conservation measures. Mandatory measures are to be proposed to, and approved by, the Court.

The County and all major water purveyors operating in the Nipomo Mesa area signed the Stipulation and did not appeal the Final Judgment. The District is implementing the Court's Final Judgment as it pertains to basin monitoring and supplemental water acquisition.

In spring 2006, the NMMA Technical Group's Key Well Index indicated Potentially Severe Criterion and remains in that condition today. In the spring of 2013, following a very dry winter, the index dropped over 25% and came within a fraction of a foot from triggering Severe Criterion.

### WATER RESOURCES POLICY STATEMENT

The above summarized court rulings and County ordinances form the basis of the following District water resources policy:

1. In the context of the court's Final Judgment, "new" demand on the groundwater basin is demand associated with development approved after the Judgment was filed on January 25, 2008.
2. The District added 500 AFY of capacity to the Court ordered 2,500 AFY Nipomo Supplemental Water Project. The District added the capacity in order to water new development within its services boundary. All District approved applications for new water service after January 2008 will be tentatively counted against the added 500 AF of supplemental water capacity. When a 'new' project is issued a Will Serve letter (final non-revocable commitment to serve), the



# Nipomo Community Service District

## DRAFT – Water Resources Policy Statement

allocation of water for the project will be permanently counted against the 500AF of added supplemental water project capacity.

3. Once the District has allocated 500AF of supplemental water capacity from the current supplemental water project to 'new' urban demands, no further applications for new water service will be accepted and no commitments for new water service will be made by the District unless and until additional supplemental/developed water sources are under contract.
4. The District will strive to insure that outside the District services boundary and within the NMWCA/NMMA, and excepting only development within the Woodlands Specific Plan (for which 416 AFY of capacity in the Nipomo Supplemental Water Project has been specifically reserved), all new urban demands are met by a future source (in addition to the court defined Nipomo Supplemental Water Project) of supplemental water or pay a supplemental water fee as follows:
  - Within the service boundary of Golden State Water Company (GSWC) and Rural Water Company (RWC), all new demands for water must be met by supplemental water (2005 Stipulation).
  - In areas not served by GSWC, NCSO, or RWC, all new urban demands resulting from land divisions must pay a supplemental water fee (SLO CO Ordinance 3090). The fee must be applied to a new supply of supplemental water. All new urban demands resulting from general plan amendment must utilize new sources of supplemental/developed water (SLO CO Ordinance 3090).
5. The District will work with San Luis Obispo County to reconcile County Ordinance 3090 with the 2005 Stipulation by expanding the County Ordinance to require that all new water demand (not just that new water demand resulting from property division and/or general plan amendment) pay a supplemental water fee toward new sources of supplemental water.
6. Supplemental water charges collected from inside the District boundary will be utilized to build out the current supplemental water project to full (3,000 AFY) capacity.
7. The District will work with the County and other area purveyors and development interests to define and acquire new sources of supplemental/developed water.
8. The District will work with the County and the NMMA to define and implement management measures that will protect area groundwater resources.



the demand without the requested amendment or land division, the application shall include provisions for supplemental water as follows:

- a. **General Plan Amendments.** Where the estimated non-agricultural water demand resulting from the amendment would exceed the existing non-agricultural demand, the application shall not be approved unless supplemental water to off-set the proposed development's estimated increase in non-agricultural demand has been specifically allocated for the exclusive use of the development resulting from the general plan amendment, and is available for delivery to the Nipomo Mesa Water Conservation Area.
  - b. **Land Divisions.** Where the estimated non-agricultural water demand resulting from the land division would exceed the existing non-agricultural demand, a supplemental water development fee shall be paid for each dwelling unit or dwelling unit equivalent, at the time of building permit issuance, in the amount then currently imposed by county ordinance, not to exceed \$13,200. If the development resulting from the land division is subject to payment of supplemental water development fees to an entity other than San Luis Obispo County, the amount of these other fees shall be deducted from the County fee.
2. **Landscape standards.** The standards in Chapter 22.16 apply to the following projects within the Nipomo Mesa Water Conservation Area. Only exceptions, as set forth in Subsection 22.16.020.B.2, 4, 6, and 7, are allowed within this area:
- a. **Public projects.** Projects completed by a public agency that require a land use permit.
  - b. **New non-residential projects.** All new projects within the Recreation, Office and Professional, Commercial Retail, Commercial Service, Industrial and Public Facilities land use categories.
  - c. **Developer-installed.**
    - (1) All developer-installed landscaping in all Residential land use categories within urban or village areas.
    - (2) All developer-installed landscaping in all land use categories outside of urban or village areas where the parcel is 5.0 acres or less.
  - d. **Homeowner-installed.** All homeowner-installed landscaping for any project for which a land use permit is required.
  - e. **Drip irrigation.** Drip irrigation systems are required for all landscaped areas (except turf areas). The drip irrigation system shall include the following components: automatic rain shut-off device, soil moisture sensors, a separate meter for outdoor water and an operating manual to instruct the building occupant how to use and maintain the water conservation hardware.

- f. **Turf area limits:** The maximum amount of turf (lawn) area shall not exceed twenty percent of the site's total irrigated landscape area. In all cases, the site's total irrigated landscape area shall be limited to 1,500 square feet.
3. **Building Permits.** Building permits issued for construction in the Nipomo Mesa Water Conservation Area shall comply with Section 19.20.240.d.

SECTION 2. The project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

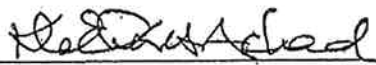
INTRODUCED and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 23rd day of May, 2006, by the following roll call vote, to wit:

AYES: Supervisors James R. Patterson, Harry L. Ovitt, Jerry Lenthall, Chairperson  
K.H. 'Katcho' Achadjian

NOES: None

ABSENT: Supervisor Shirley Bianchi

ABSTAINING: None

  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:  
JULIE L. RODEWALD  
County Clerk and Ex-Officio Clerk of the Board of Supervisors  
County of San Luis Obispo, State of California

By: Christensen Deputy Clerk

☐ [SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.  
County Counsel

By:



Deputy County Counsel

Dated:

May 11, 2006

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO ) ss

I, JULIE L. RODEWALD, County Clerk of the above-entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 9-6-06

**JULIE L. RODEWALD**  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors

By Annette Ramirez  
Deputy Clerk

d

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FILED

MAR 17 2008

SAN LUIS OBISPO SUPERIOR COURT  
BY [Signature]  
D. Rincon, Deputy Clerk

1 John W. Belsher, Esquire (SBN 103088)  
2 BELSHER & BECKER  
3 Attorneys at Law  
4 412 Marsh Street  
5 San Luis Obispo, California 93401  
6 Telephone: (805) 542-9900  
7 Facsimile: (805) 542-9949

8 Attorneys for Defendant Real Parties in Interest,  
9 HENRI DEGROOT, DUANE HERON and BETTY CARROLL

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 IN THE COUNTY OF SAN LUIS OBISPO  
12 UNLIMITED DIVISION

13 NIPOMO COMMUNITY SERVICES  
14 DISTRICT, a California Community  
15 Services District,

16 Petitioner,

17 vs.

18 COUNTY OF SAN LUIS OBISPO, a  
19 political subdivision of the State of  
20 California, and DOES 1-10,

21 Respondents.

22 HENRI DEGROOT, DUANE  
23 HERON, RICHARD MONAGHETTI,  
24 A. MICHAEL LEMOS, SAMUEL  
25 FOSSACCECA, BETTY A  
26 CARROLL, and DOES 11-20,

27 Real Parties in Interest.

CASE NO. CV070066  
Assigned for all purposes to:  
Hon. Teresa Estrada-Mullaney, Dept. 3

~~PROPOSED~~ JUDGMENT

28 Petitioner Nipomo Community Services District ("District") filed a Petition for Writ of Mandate and Complaint for Declaratory Relief ("Petition") challenging the adoption on December 19, 2006 by Respondent County of San Luis Obispo of a general plan amendment (LRP 2003-00011) (General Plan Amendment) initiated by the County of San Luis Obispo and Real Party in Interest, Henri DeGroot, rezoning properties owned by the Real Parties in Interest, as set forth below, from Agriculture to Residential Rural. Said

EXHIBIT  
A

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1 Petition is based on alleged inconsistencies with the County's General Plan and Ordinances,  
2 as well as the California Environmental Quality Act. Responding Party, DeGroot, has a  
3 subdivision map application pending, which requires the General Plan Amendment in order  
4 to proceed.

5 County and Real Party DeGroot have answered said Petition. Real Parties Heron and  
6 Carroll have appeared by the filing of Disclaimers of Interest. The remaining parties have  
7 been served and have not appeared. All parties have been provided notice of motion to  
8 have the Court approve and enter this Proposed Judgment and afforded adequate time to  
9 appear and object.

10 Judgment regarding APN 075-241-004 [DeGroot], APN 075-041-008 [Heron], APN  
11 075-041-007 [Monaghetti], APN 075-041-003 [Lemos], APN 075-241-013 [Fossacceca],  
12 and APN 075-241-003 [Carroll] and the County of San Luis Obispo, is hereby granted and  
13 shall be entered as follows:

14 **A. As to Real Party in Interest DeGroot (APN 075-241-004) and Respondent**  
15 **County of San Luis Obispo:**

16 1. DeGroot shall pay a non-refundable "Supplemental Water  
17 Development Fee Deposit" ("Deposit") to the District, or its successor,  
18 prior to the recording a Final Map for the DeGroot property. The  
19 Deposit will be in the amount of Thirteen Thousand Two Hundred  
20 Dollars (\$13,200) for each parcel as shown on the Final Map. The  
21 Deposit will be credited to DeGroot, and his successors and assigns,  
22 who are owners of the parcels within the Final Map, for the purposes  
23 of providing a dedicated source of supplemental water to support the  
24 development referenced in the Final Map. A lien and notice shall be  
25 recorded on each parcel within the subdivision concurrently with the  
26 recordation of the Final Map that:

27 (a) obligates the parcel owner(s) to make a final payment (actual  
28 costs minus Deposit) prior to the County issuing certificates of



1 occupancy for any development on the parcel or at such earlier  
2 date as the District, or its successor, may require to obtain  
3 supplemental water. The Supplemental Water Development  
4 Fee, when combined with the supplemental water final  
5 payment fee, shall not exceed the amount of the then current  
6 Nipomo Community Services District supplemental water  
7 charge or fee; and

8 (b) That provides notice that in addition to the Supplemental  
9 Water Development Fee (referenced above), the future  
10 property owners may be subject to periodic payment for  
11 supplemental water.

12 2. The County of San Luis Obispo shall not approve secondary units or  
13 further land divisions within the DeGroot property boundaries until  
14 such time as supplemental water is purchased, delivered to the  
15 Nipomo Water Conservation Area (as defined in County Land Use  
16 Ordinance Section 22.112.020 E) and is specifically allocated for the  
17 exclusive use of the proposed secondary units and/or additional  
18 parcels, consistent with County Land Use Ordinance Section  
19 22.112.020 E 1 (a).

20 3. DeGroot will pay up to Nineteen Thousand Dollars (\$19,000) toward  
21 the District's attorneys' fees plus the costs to have the Administrative  
22 Record prepared pursuant to a Memorandum of Costs. ✓

23 4. The supplemental water referenced in subparagraph 2, above, will not  
24 be allocated from the first two thousand five hundred (2,500) acre feet  
25 per year ("AFY") delivered to the Nipomo Mesa Management Area  
26 ("NMMA") referenced in Section VI of the Stipulation and Judgment  
27 related to the lawsuit titled *Santa Maria Water Conservation District,*  
28 *et al. v. The City of Santa Maria, et al., CV770214.*

1           5. District retains the right to seek a Court Order amending this  
2 Judgment to designate a successor to its interests referenced in  
3 paragraph A(1) of this Judgment.

4           **B. As to Real Parties in Interest Heron (AN 075-041-008), Monaghetti (APN**  
5 **075-041-007), Lemos (APN 075-041-003), Fossacceca (APN 075-041-013), Carrol (APN**  
6 **075-041-003) and Respondent, the County of San Luis Obispo:**

7           1. The County of San Luis Obispo shall not approve the recording of a  
8 Final Parcel or Subdivision Map related to the Heron, Monaghetti,  
9 Lemos, Fossacceca, and Carroll properties until such time as  
10 supplemental water is purchased, delivered to the Nipomo Water  
11 Conservation Area (defined in County Land Use Ordinance  
12 §22.112.020 E 1(a)) and is specifically allocated for the exclusive use  
13 of the development allowed by the recording of the Final Parcel or  
14 Subdivision Map.

15           2. The supplemental water referenced in subparagraph 1, above, will not  
16 be allocated from the FIRST two thousand five hundred (2,500) acre  
17 feet per year ("AFY") delivered to the Nipomo Mesa Management  
18 Area ("NMMA") referenced in Section VI of the Stipulation and  
19 Judgment related to the lawsuit titled *Santa Maria Valley Water*  
20 *Conservation District, et al. versus the City of Santa Maria et al. CV*  
21 *770214.*

22           **C. As to Petitioner and Plaintiff, District:**

23           1. Upon Court approval of this Judgment the District may record notice  
24 on all parcels within the General Plan Amendment of the terms and  
25 conditions of the Judgment.

26           **D. As to Respondent the County of San Luis Obispo.**

27           Unless and until modified by the County, after compliance with all applicable  
28 state laws and regulations, General Plan amendments within the Nipomo Mesa Water

1 Conservation area shall comply with the requirements of County Code Title 22, section  
2 22.112.020.

3 **E. Retained Jurisdiction.**

- 4 1. Jurisdiction, power and authority are retained by and reserved to the  
5 Court to enforce the terms of this Judgment. Nothing in the Court's  
6 reserved jurisdiction shall authorize it to modify or amend the  
7 Judgment except with the consent of the affected party and the  
8 Nipomo Community Services District.
- 9 2. Any party that seeks the Court's exercise of reserved jurisdiction shall  
10 file a noticed motion with the Court. Said motion need only be served  
11 on the alleged defaulting parties.
- 12 3. Each party retains the right, pursuant to CCP § 1021.5, to request  
13 attorney fees in conjunction with any subsequent action to enforce  
14 the terms and conditions of this Judgment as a continuation of the  
15 underlying litigation
- 16 4. Except as provided in paragraph A (5) of this Judgment, any motion  
17 to modify or amend the Judgment shall be made jointly by the  
18 affected party and the Nipomo Community Services District and shall  
19 include written consent to the modification or amendment executed  
20 by the affected party(s) and the District.

21 **F. Miscellaneous Provisions:**

- 22 1. The terms and conditions of this Judgment may be altered, amended  
23 or modified only by a writing executed by the affected party(s) and the  
24 Nipomo Community Services District that is approved by the Court.  
25 Each party waives its right to claim or assert that the terms and  
26 conditions of this Judgment has been modified, cancelled,  
27 superseded, or changed by any oral agreement, course of conduct,  
28 waiver or estoppel.

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2. The Real Parties in Interest understand and acknowledge that all property owned by them within what is commonly known as the DeGroot General Plan Amendment, County General Plan Amendment No. LRP-2003-000-11 is subject to the terms and conditions of this Judgment and that each of them has received notice and an opportunity to be heard regarding the terms and conditions of this Judgment.
3. The terms and conditions of this Judgment shall be binding upon Respondent, County of San Luis Obispo and each Real Party in Interest and their respective heirs, executors, administrators, trustees, successors, assigns, and agents and shall inure to the benefit of the Nipomo Community Services District.
4. This Judgment shall be effective whether signed by all parties or not, provided notice of entry of said judgment has been duly given.
5. This Stipulation can be signed in Counterparts.

Dated: Jan 4, 2008      Nipomo Community Services District  
 Plaintiff and Petitioner

Michael Winn  
 By: Michael Winn, President

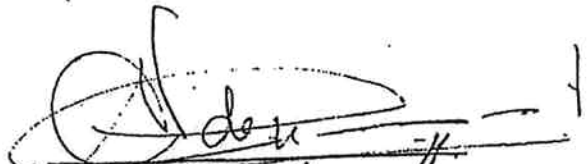
Dated: Jan 15, 2008      County of San Luis Obispo,  
 Defendant and Respondent

James R. Patterson  
 By: Name and Title

Real Parties in Interest

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Dated: JAN-18, 2008

  
By: Henri DeGroot

Dated: \_\_\_\_\_, 2008

By: Duane Heron

Dated: \_\_\_\_\_, 2008

By: Betty A. Carroll

Dated: \_\_\_\_\_, 2008

By: Richard Monaghatti

Dated: \_\_\_\_\_, 2008

By: A. Michael Lemos

Dated: \_\_\_\_\_, 2008

By: Samuel Fossacceca

Approved as to Form  
MCDONOUGH HOLLAND & ALLEN PC

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From: Belsher & Becker

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Dated: \_\_\_\_\_, 2008

By: Henri DeGroot

Dated: 1-18-, 2008

By: *Duane Heron*  
Duane Heron

Dated: 1-24-, 2008

By: *Betty A. Carroll*  
Betty A. Carroll

Dated: \_\_\_\_\_, 2008

By: Richard Monaghatti

Dated: \_\_\_\_\_, 2008

By: A. Michael Lemos

Dated: \_\_\_\_\_, 2008

By: Samuel Fossacceca

Approved as to Form  
MCDONOUGH HOLLAND & ALLEN PC

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Dated: 2/19, 2008

Harriet A. Steiner, Esquire  
Kimberly E. Hood, Esquire  
Special Counsel for Petitioner/Plaintiff  
Nipomo Community Services District

SHIPSEY & SEITZ, INC.

Dated: Jan 8, 2008

JON S. SEITZ, District Legal Counsel  
Nipomo Community Services District

BELSHER & BECKER

Dated: Jan 15, 2008

John W. Belsher, Esquire  
Attorneys for Defendant/Real Parties in  
Interest Hans DeGroot, Diane Haron and  
Betty Carroll

COUNTY OF SAN LUIS OBISPO

Dated: Jan. 15, 2008

James B. Lindholm, County Counsel  
By: Timothy McNulty, Deputy County Counsel  
Attorneys for Respondent and Defendant  
County of San Luis Obispo

The Court hereby approves and enters judgment as provided herein.

Dated: JAN. 16, 2008

Hon. Teresa Estrada-Mullaney, Judge  
Superior Court of San Luis Obispo County

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Dated: \_\_\_\_\_, 2008

\_\_\_\_\_  
Harriet A. Steiner, Esquire  
Kimberly E. Hood, Esquire  
Special Counsel for Petitioner/Plaintiff  
Nipomo Community Services District  
  
SHIPSEY & SEITZ, INC.

Dated: Jan 8, 2008

\_\_\_\_\_  
JON S. SEITZ, District Legal Counsel  
Nipomo Community Services District  
  
BELSHER & BECKER

Dated: Jan 15, 2008

\_\_\_\_\_  
John W. Belsher, Esquire  
Attorneys for Defendant/Real Parties in  
Interest Henri DeGroot, Duane Heron and  
Betty Carroll

Dated: Jan. 15, 2008

COUNTY OF SAN LUIS OBISPO  
\_\_\_\_\_  
James B. Lindholm, County Counsel  
By: Timothy McNulty, Deputy County Counsel  
Attorneys for Respondent and Defendant  
County of San Luis Obispo

The Court hereby approves and enters judgment as provided herein.

Dated: Nov. 17, 2008

\_\_\_\_\_  
Hon. Teresa Estrada-Mullaney, Judge  
Superior Court of San Luis Obispo County



**PROOF OF SERVICE**

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

I, HENRI DEGROOT, declare as follows:

I am a citizen of the United States and an employee in the County of San Luis Obispo. I am over the age of 18 and not a party to the above-entitled action. My business address is 412 Marsh Street, San Luis Obispo, California 93401.

On January 29, 2008, I caused the document(s) described below to be served:

**PROPOSED JUDGMENT**

on the interested parties in this action addressed as follows:

Duane Heron  
2531 Los Berros Road  
Arroyo Grande, CA 93420

Michael Lemos  
2527 Los Berros Road  
Arroyo Grande, CA 93420

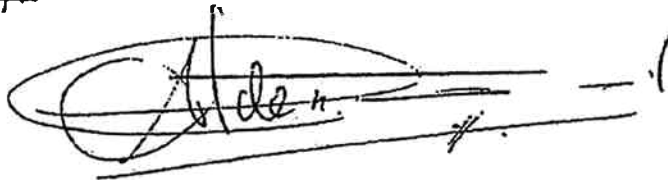
Richard Monagheti  
130 Painted Sky Way  
Arroyo Grande, CA 93420

Samuel Fossacceca  
117 W El Campo Road  
Arroyo Grande, CA 93420

**BY HAND DELIVERY:** I personally delivered such envelope to the addressee(s), following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 14, 2007, at San Luis Obispo, California.

HENRI DEGROOT





PROOF OF SERVICE

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

I, ANGELA M. BREZDEN, declare as follows:

I am a citizen of the United States and an employee in the County of San Luis Obispo. I am over the age of 18 and not a party to the above-entitled action. My business address is 412 Marsh Street, San Luis Obispo, California 93401.

On March 28, 2008, I caused the document(s) described below to be served:

Notice of Entry of Judgment

on the interested parties in this action addressed as follows:

John S. Seitz, Esq.  
Shipsey & Seitz, Inc.  
1066 Palm Street / P.O. Box 953  
San Luis Obispo, CA 93406  
805-543-7272  
805-543-7281 - fax

Attorney for Petitioner/Plaintiff Nipomo  
Community Services District

Duane Heron  
2531 Los Berros Road  
Arroyo Grande, CA 93420

Real Party in Interest

Betty Carroll  
1591 Farroll Road  
Grover Beach, CA 93433

Real Party in Interest

BY UNITED STATES MAIL: I am readily familiar with the firm's practice of collection and processing documents for mailing. Under that practice, the envelopes are sealed and, with postage thereon fully prepaid, deposited with the United States Postal Service on that same day at San Luis Obispo, California, in the ordinary course of business. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this affidavit.

BY FACSIMILE: On the above-date at \_\_\_\_ p.m. I sent the above-described document(s) via facsimile transmission to the offices of \_\_\_\_\_, following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 28, 2008, at San Luis Obispo, California.

ANGELA M. BREZDEN



TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER

DATE: DECEMBER 7, 2013

**AGENDA ITEM**

**E-7**

**DECEMBER 11, 2013**

**ELECTION OF 2014 BOARD PRESIDENT AND VICE PRESIDENT**

**ITEM**

Election of Board President and Vice President for 2014 [RECOMMEND DIRECTORS ELECT BOARD OFFICERS FOR 2014 CALENDAR YEAR]

**BACKGROUND**

Section 1.4 of the Board By-Laws requires the Board of Directors elect a President and a Vice President for the upcoming year at the last regular meeting of the calendar year. The term of office for the President and Vice President shall commence on January 1 and end on December 31, annually.

**RECOMMENDATION**

Staff recommends that the General Manager administer the election of officers of the Board of Directors.

The following is the recommended procedure:

- Nominations taken for the President of the Board
- Public Comment is taken
- Voice vote taken for the President, if by acclamation
- If there are two or more candidates, Staff will distribute ballots
- Staff will announce the results of the ballots (ballots become part of the public record)
- Nominations taken for the Vice President of the Board
- Public Comment is taken
- Voice vote taken for the Vice President, if by acclamation
- If there are two or more candidates, Staff will distribute ballots
- Staff will announce the results of the ballots (Ballots become part of the public record)