

TO: BOARD OF DIRECTORS
FROM: RAY DIENZO, P.E. *R.D*
GENERAL MANAGER
DATE: AUGUST 20, 2024



PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

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

TO: BOARD OF DIRECTORS
FROM: RAY DIENZO, P.E. R.D.
GENERAL MANAGER
DATE: AUGUST 20, 2024



CONSENT AGENDA

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

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

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE AUGUST 14, 2024 BOARD MEETING MINUTES
[RECOMMEND APPROVE MINUTES]
- D-3) BIENNIAL REVIEW AND UPDATE OF LOCAL CONFLICT OF INTEREST CODE
[RECOMMEND CONDUCT REVIEW AND ADOPT RESOLUTION]
- D-4) AUTHORIZE PURCHASE OF REPLACEMENT HACH CHLORINE ANALYZERS IN
THE AMOUNT OF \$98,100 [RECOMMEND AUTHORIZE STAFF TO ISSUE
PURCHASE ORDER IN THE AMOUNT OF \$98,100 TO HACH COMPANY FOR
PURCHASE OF 10 REPLACEMENT CHLORINE ANALYZERS]
- D-5) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE
(INTENT-TO-SERVE LETTER) FOR A 47-UNIT MULTIFAMILY RESIDENTIAL
DEVELOPMENT LOCATED AT 549 HILL STREET, APN 092-579-004
[RECOMMEND ISSUE INTENT-TO-SERVE LETTER WITH CONDITIONS]
- D-6) DECLARE 2009 INTERNATIONAL VACON SURPLUS AND AUTHORIZE SALE
[RECOMMEND DECLARE 2009 INTERNATIONAL VACON SURPLUS AND
AUTHORIZE STAFF TO DISPOSE OF BY SALE]
- D-7) CONSIDER ADOPTING A RESOLUTION TO ESTABLISH REVISED PRE-
QUALIFICATION POLICY AND APPEALS PROCEDURE FOR FRONTAGE ROAD
TRUNK SEWER PROJECT [RECOMMEND ADOPT RESOLUTION ESTABLISHING
REVISED PRE-QUALIFICATION AND APPEALS POLICY FOR FRONTAGE ROAD
TRUNK SEWER PROJECT]

TO: BOARD OF DIRECTORS

REVIEWED: RAY DIENZO, P.E. *R.D.*
GENERAL MANAGER

FROM: JANA ETTEDDGUE *JW*
FINANCE DIRECTOR

DATE: AUGUST 23, 2024

AGENDA ITEM
D-1(A)
AUGUST 28, 2024

WARRANTS

| | |
|--|--------------|
| COMPUTER CHECKS GENERATED – SEE ATTACHED | \$220,172.13 |
| HAND WRITTEN CHECKS | NONE |
| VOIDED CHECKS | NONE |

Item D-1(A) Warrants AUGUST 28, 2024

Nipomo Community Services District

By Payment Number

Payment Dates 08/28/2024 - 08/28/2024

| Vendor Name | Description (Payable) | Payable Number | Payment Date | Amount |
|----------------------------------|---------------------------------|-----------------|--------------|---------------------------------------|
| Payment: 12656 | | | | |
| HPS Mechanical, Inc. | Retention release – SWWTF ILS | 8 - RETENTION | 08/28/2024 | 29,853.00 |
| | | | | Payment 12656 Total: 29,853.00 |
| Payment: 12657 | | | | |
| OEC | Lab tests - Southland | A240821 | 08/28/2024 | 2,908.00 |
| OEC | Lab tests - Blacklake | A240822 | 08/28/2024 | 2,636.00 |
| | | | | Payment 12657 Total: 5,544.00 |
| Payment: 12658 | | | | |
| Achievement House, Inc. | Clean Streets Program - July | 76222 | 08/28/2024 | 4,760.00 |
| | | | | Payment 12658 Total: 4,760.00 |
| Payment: 12659 | | | | |
| Allweather Landscape | LMC | 52042 | 08/28/2024 | 325.00 |
| | | | | Payment 12659 Total: 325.00 |
| Payment: 12660 | | | | |
| Aqua-Metric Sales, Co. | (378) - radio transmitters | INV0103239 | 08/28/2024 | 85,345.86 |
| Aqua-Metric Sales, Co. | (1) - 4" Omni T2 | INV0103238 | 08/28/2024 | 3,540.67 |
| | | | | Payment 12660 Total: 88,886.53 |
| Payment: 12661 | | | | |
| Banda, Raymundo | CSM certification prep | AUG2024 | 08/28/2024 | 295.00 |
| | | | | Payment 12661 Total: 295.00 |
| Payment: 12662 | | | | |
| Brenntag Pacific, Inc. | Sodium hypochlorite | BPI450267 | 08/28/2024 | 714.48 |
| Brenntag Pacific, Inc. | Sodium hypochlorite | BPI450924 | 08/28/2024 | 905.69 |
| Brenntag Pacific, Inc. | Sodium hypochlorite | BPI450269 | 08/28/2024 | 1,016.53 |
| Brenntag Pacific, Inc. | Sodium hypochlorite | BPI450266 | 08/28/2024 | 623.15 |
| Brenntag Pacific, Inc. | Sodium hypochlorite | BPI450268 | 08/28/2024 | 3,013.86 |
| | | | | Payment 12662 Total: 6,273.71 |
| Payment: 12663 | | | | |
| Brown, Kenneth | Training, CSM3 renewal and | AUG2024 | 08/28/2024 | 280.00 |
| | | | | Payment 12663 Total: 280.00 |
| Payment: 12664 | | | | |
| California Municipal Statistics, | ACFR report statistics FY 23-24 | 24080807 | 08/28/2024 | 1,050.00 |
| | | | | Payment 12664 Total: 1,050.00 |
| Payment: 12665 | | | | |
| Cannon Corporation | TO#23-004 2023 Water | 89320 | 08/28/2024 | 4,261.00 |
| Cannon Corporation | TO#23-003 Nipomo CSD | 89232 | 08/28/2024 | 2,047.00 |
| | | | | Payment 12665 Total: 6,308.00 |
| Payment: 12666 | | | | |
| Charter Communications | Dedicated fiber line - Shop | 170591901080124 | 08/28/2024 | 734.20 |
| | | | | Payment 12666 Total: 734.20 |
| Payment: 12667 | | | | |
| Charter Communications | Dedicated fiber line - Shop | 170593201080124 | 08/28/2024 | 734.20 |
| | | | | Payment 12667 Total: 734.20 |
| Payment: 12668 | | | | |
| Dienzo, Ray | Cell phone reimbursement | AUG2024 | 08/28/2024 | 100.00 |
| | | | | Payment 12668 Total: 100.00 |
| Payment: 12669 | | | | |
| Engel & Gray, Inc. | Biosolids collection | 47X00011 | 08/28/2024 | 7,548.55 |
| | | | | Payment 12669 Total: 7,548.55 |

Item D-1(A) Warrants AUGUST 28, 2024

Payment Dates: 08/28/2024 - 08/28/2024

| Vendor Name | Description (Payable) | Payable Number | Payment Date | Amount |
|-----------------------------|----------------------------------|----------------|--------------|------------------|
| Payment: 12670 | | | | |
| Environmental Systems | ArcGIS Enterprise Mobile annual | 94776599 | 08/28/2024 | 962.50 |
| Payment 12670 Total: | | | | 962.50 |
| Payment: 12671 | | | | |
| Executive Janitorial | Janitorial services | 89829 | 08/28/2024 | 780.00 |
| Payment 12671 Total: | | | | 780.00 |
| Payment: 12672 | | | | |
| Famcon Pipe and Supply Inc. | Credit for incorrect meter box | S100132498.003 | 08/28/2024 | -643.18 |
| Famcon Pipe and Supply Inc. | Meter couplings, box lids, pack | S100132498.001 | 08/28/2024 | 12,165.21 |
| Payment 12672 Total: | | | | 11,522.03 |
| Payment: 12673 | | | | |
| Farm Supply Company | Copper sulfate | 98573 | 08/28/2024 | 1,885.03 |
| Payment 12673 Total: | | | | 1,885.03 |
| Payment: 12674 | | | | |
| FGL Environmental | Lab tests | 482285A | 08/28/2024 | 885.00 |
| FGL Environmental | Lab tests | 482417A | 08/28/2024 | 533.00 |
| Payment 12674 Total: | | | | 1,418.00 |
| Payment: 12675 | | | | |
| Frontier Communications | BL Telephone | AUG2024 | 08/28/2024 | 77.54 |
| Payment 12675 Total: | | | | 77.54 |
| Payment: 12676 | | | | |
| Haaker Equipment Company | Strainer, gaskets, expansion | C5A1T1 | 08/28/2024 | 146.87 |
| Haaker Equipment Company | 1st bi-annual service for Vactor | W5A0LO | 08/28/2024 | 2,845.64 |
| Payment 12676 Total: | | | | 2,992.51 |
| Payment: 12677 | | | | |
| Iconix Waterworks (US) Inc. | Customer valve with handle | U2416032377 | 08/28/2024 | 297.21 |
| Payment 12677 Total: | | | | 297.21 |
| Payment: 12678 | | | | |
| Ixom Watercare Inc | Submersible mixer for tank | 6845749 | 08/28/2024 | 15,866.01 |
| Payment 12678 Total: | | | | 15,866.01 |
| Payment: 12679 | | | | |
| Miner's Ace Hardware | Supplies | JUL2024 | 08/28/2024 | 819.43 |
| Payment 12679 Total: | | | | 819.43 |
| Payment: 12680 | | | | |
| Mission Uniform Service | Uniforms | 522145102 | 08/28/2024 | 251.45 |
| Mission Uniform Service | Uniforms | 522187132 | 08/28/2024 | 287.35 |
| Payment 12680 Total: | | | | 538.80 |
| Payment: 12681 | | | | |
| Nipomo Area Recreation | Clean Streets Program - July | JULY2024 | 08/28/2024 | 552.71 |
| Payment 12681 Total: | | | | 552.71 |
| Payment: 12682 | | | | |
| No Limit Tire, Inc | Service call and flat repair - | 48744 | 08/28/2024 | 85.00 |
| Payment 12682 Total: | | | | 85.00 |
| Payment: 12683 | | | | |
| Nu-Tech Pest Management | Pest/Rodent Control | 0182778 | 08/28/2024 | 75.00 |
| Nu-Tech Pest Management | Pest/Rodent Control | 0182774 | 08/28/2024 | 265.00 |
| Payment 12683 Total: | | | | 340.00 |
| Payment: 12684 | | | | |
| OEC | Lab tests - Southland | A240823 | 08/28/2024 | 4,255.00 |
| OEC | Lab tests - Water | A240820 | 08/28/2024 | 3,640.00 |
| OEC | Lab tests - Blacklake | A240824 | 08/28/2024 | 4,133.00 |
| Payment 12684 Total: | | | | 12,028.00 |
| Payment: 12685 | | | | |
| Office Depot | Office supplies | 378898440001 | 08/28/2024 | 5.89 |
| Payment 12685 Total: | | | | 5.89 |

Item D-1(A) Warrants AUGUST 28, 2024

Payment Dates: 08/28/2024 - 08/28/2024

| Vendor Name | Description (Payable) | Payable Number | Payment Date | Amount |
|--------------------------------|--------------------------------|----------------|--------------|--------------------------------------|
| Payment: 12686 | | | | |
| Pollard Water | Dechlorination tablets | 0266586 | 08/28/2024 | 4,442.06 |
| | | | | Payment 12686 Total: 4,442.06 |
| Payment: 12687 | | | | |
| Quinn Company | Parts and labor for CAT C4.4 - | WON10023041 | 08/28/2024 | 3,945.49 |
| | | | | Payment 12687 Total: 3,945.49 |
| Payment: 12688 | | | | |
| ReadyRefresh by Nestle | Distilled water | 7994951270 | 08/28/2024 | 65.97 |
| | | | | Payment 12688 Total: 65.97 |
| Payment: 12689 | | | | |
| Riley, Thomas | Travel reimbursement - D2 cert | AUG2024 | 08/28/2024 | 250.90 |
| | | | | Payment 12689 Total: 250.90 |
| Payment: 12690 | | | | |
| Simplot Grower Solutions | CAN 17 | 780171457 | 08/28/2024 | 773.54 |
| | | | | Payment 12690 Total: 773.54 |
| Payment: 12691 | | | | |
| SoCalGas | Heat - shop/office | AUG2024A | 08/28/2024 | 16.35 |
| SoCalGas | Heat - shop/office | AUG2024B | 08/28/2024 | 23.60 |
| | | | | Payment 12691 Total: 39.95 |
| Payment: 12692 | | | | |
| UBEO Business Services fka Ray | B&W/Color copies | 4591932 | 08/28/2024 | 161.96 |
| UBEO Business Services fka Ray | B&W/Color copies | 4589962 | 08/28/2024 | 804.65 |
| | | | | Payment 12692 Total: 966.61 |
| Payment: 12693 | | | | |
| UPS Store #6031 | Package handling | 17 | 08/28/2024 | 15.12 |
| | | | | Payment 12693 Total: 15.12 |
| Payment: 12694 | | | | |
| USA Bluebook | 5-gallon Hach COD recycling | INV00440137 | 08/28/2024 | 856.85 |
| USA Bluebook | Whatman pre-weighed filters | INV00444095 | 08/28/2024 | 208.81 |
| | | | | Payment 12694 Total: 1,065.66 |
| Payment: 12695 | | | | |
| Wallace Group | FOG program | 62905 | 08/28/2024 | 3,933.84 |
| | | | | Payment 12695 Total: 3,933.84 |
| Payment: 12655 | | | | |
| Souza Construction | HYDRANT METER REFUND | 77-0096-04 | 08/28/2024 | 1,677.20 |
| | | | | Payment 12695 Total: 1,677.20 |
| Payment: 12654 | | | | |
| Diane Leiker | UB REFUND | 12-3880-01 | 08/28/2024 | 132.94 |
| | | | | Payment 12695 Total: 132.94 |

TO: BOARD OF DIRECTORS
REVIEWED: RAY DIENZO, P.E. *R.D.*
GENERAL MANAGER
FROM: JANA ETTEDDGUE *Jw*
FINANCE DIRECTOR
DATE: AUGUST 23, 2024

AGENDA ITEM
D-1(B)
AUGUST 28, 2024

WARRANTS – BLACKLAKE ASSESSMENT DISTRICT 2020-1

| | |
|--|------------|
| COMPUTER CHECKS GENERATED – SEE ATTACHED | \$1,439.75 |
| VOIDED CHECKS | NONE |

Item D-1(B) Warrants AUGUST 28, 2024

Nipomo Community Services District

By Payment Number

Payment Dates 08/28/2024 - 08/28/2024

| Vendor Name | Description (Payable) | Payable Number | Payment Date | Amount |
|-----------------------------------|-------------------------------|----------------|---------------------------|-----------------|
| Payment: 155 SWCA, Inc. | Blacklake Sewer Consolidation | 199715 | 08/28/2024 | 1,439.75 |
| | | | Payment 155 Total: | <u>1,439.75</u> |

TO: BOARD OF DIRECTORS
FROM: RAY DIENZO, P.E. *R.D.*
GENERAL MANAGER
DATE: AUGUST 20, 2024



**APPROVE AUGUST 14, 2024
REGULAR BOARD MEETING MINUTES**

ITEM

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

BACKGROUND

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

RECOMMENDATION

Approve Minutes

ATTACHMENT

- A. August 14, 2024 draft Board Meeting Minutes

AUGUST 28, 2024

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

DRAFT REGULAR MEETING MINUTES

AUGUST 14, 2024 AT 9:00 A.M.

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

BOARD of DIRECTORS

ED EBY, PRESIDENT
DAN ALLEN GADDIS, VICE PRESIDENT
GARY HANSEN, DIRECTOR
PHIL HENRY, DIRECTOR
MARIO IGLESIAS, DIRECTOR

PRINCIPAL STAFF

RAY DIENZO, GENERAL MANAGER
JANA ETTEDDGUE, FINANCE DIR/ASST GM
PETER SEVCIK, DIRECTOR OF ENG. & OPS.
CRAIG STEELE, GENERAL COUNSEL

Mission Statement:

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

A. CALL TO ORDER AND FLAG SALUTE

President Eby called the Regular Meeting of August 14, 2024, to order at 9:00 a.m. and led the flag salute.

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

At roll call all directors were present.

Gerald Stover, Nipomo resident, commented on the Dana Reserve development.

Joe Martinez, Nipomo resident, commented on the Dana Reserve development.

Carmen Morales-Board, Nipomo resident, commented on the Dana Reserve development.

John Carson, Nipomo resident, commented on the Dana Reserve development.

Niko Hadden, Nipomo resident, commented on the Dana Reserve development.

John Joyce, Nipomo resident, commented on the Dana Reserve development.

Pam Wilson, Nipomo resident, commented on the Dana Reserve development.

Pat McQuillen, Nipomo resident, commented on the Dana Reserve development.

Tom Geaslen, Nipomo resident, commented on the Dana Reserve development.

Ray Dienzo, General Manager, answered questions from the Board and public.

SUBJECT TO BOARD APPROVAL

C. PRESENTATIONS AND REPORTS

- C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS. [RECOMMEND RECEIVE AND FILE REPORTS FROM DIRECTORS].

Director Gaddis

- *August 6, attended Board Officers' meeting*

Director Eby

- *July 31, attended NMMA Technical Group meeting*
- *August 7, WRAC meeting was cancelled*
- *August 8, attended meeting with City of Pismo Beach*
- *August 15, there will be a LAFCO meeting*

Director Iglesias

- *August 8, attended meeting with City of Pismo Beach*

- C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS.

John Joyce, Nipomo resident, commented on Directors' announcements.

Pat McQuillen, Nipomo resident, commented on Directors' announcements.

Ray Dienzo, General Manager, answered questions from the public.

Upon the motion of Director Iglesias, and seconded, the Board approved receiving and filing presentations.

Vote 5-0

| YES VOTES | ABSTAIN | ABSENT |
|---|---------|--------|
| <i>Directors Iglesias, Hansen, Henry, Gaddis, and Eby</i> | None | None |

- D. CONSENT AGENDA *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Consent Items. Questions or clarification may be made by the Board members without removal from the Consent Agenda. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.*

- D-1) WARRANTS [RECOMMEND APPROVAL]

- D-2) APPROVE JULY 24, 2024 BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
AGENDA

- D-3) AWARD CONSTRUCTION CONTRACT FOR SUPPLEMENTAL WATER PROJECT INTERCONNECTION IMPROVEMENTS TO W.M. LYLES CO. IMPROVEMENTS [RECOMMEND ADOPT RESOLUTION AWARDDING CONTRACT TO W.M. LYLES CO. IN THE AMOUNT OF \$1,195,200, AUTHORIZING STAFF TO EXECUTE CONTRACT, AUTHORIZING CHANGE ORDER CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$120,000, AND APPROVING FY 24-25 BUDGET AMENDMENT IN THE AMOUNT OF \$448,696]
- D-4) APPROVE TASK ORDER WITH JEGO SYSTEMS FOR SCADA INTEGRATION SERVICES FOR SUPPLEMENTAL WATER PROJECT INTERCONNECTION IMPROVEMENTS [RECOMMEND BY MOTION AND ROLL CALL APPROVE TASK ORDER WITH JEGO SYSTEMS IN THE AMOUNT OF \$31,200 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER]
- D-5) APPROVE TASK ORDER WITH MKN FOR CONSTRUCTION MANAGEMENT SERVICES FOR SUPPLEMENTAL WATER PROJECT INTERCONNECTION IMPROVEMENTS [RECOMMEND BY MOTION AND ROLL CALL APPROVE TASK ORDER WITH MKN IN THE AMOUNT OF \$102,296 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER]
- D-6) AUTHORIZE PURCHASE OF REPLACEMENT UTILITY VEHICLE IN ACCORDANCE WITH APPROVED FY 24-25 BUDGET [RECOMMEND AUTHORIZE STAFF TO PURCHASE UTILITY VEHICLE FROM CAL-COAST MACHINERY AT A COST OF \$29,788]

There were no public comments.

Upon the motion of Director Hansen, and seconded, the Board approved the Consent Agenda and adopted the resolution.

Vote 5-0

| YES VOTES | ABSTAIN | ABSENT |
|---|-------------|-------------|
| <i>Directors Hansen, Iglesias, Henry, Gaddis, and Eby</i> | <i>None</i> | <i>None</i> |

RESOLUTION NO. 2024-1718
 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AWARDDING THE CONSTRUCTION CONTRACT FOR SUPPLEMENTAL WATER PROJECT INTERCONNECTION IMPROVEMENTS TO W.M. LYLES CO. IN THE AMOUNT OF \$1,195,200, AUTHORIZING CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$120,000 AND APPROVING FY 2024-2025 BUDGET AMENDMENT IN THE AMOUNT OF \$448,696

E. ADMINISTRATIVE ITEMS

ADJOURN TO NCSD PUBLIC FACILITIES CORPORATION

President Eby adjourned to the NCSD Public Facilities Corporation Annual Meeting.

ROLL CALL

At roll call all directors were present

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
AGENDA

There were no public comments.

A. APPROVE JULY 12, 2023 PUBLIC FACILITIES CORPORATION MEETING MINUTES

There were no public comments

*Upon the motion of Director Gaddis and seconded, the Board approved the minutes of July 12, 2023. Directors Henry and Iglesias abstained from voting due to not being Board members at the previous annual meeting.
Vote 3-2-0.*

| YES VOTES | ABSTAIN | ABSENT |
|-----------------------------------|-----------------|--------|
| Directors Gaddis, Hansen, and Eby | Henry, Iglesias | None |

President Eby adjourned to the NCSD Regular Board Meeting.

F. GENERAL MANAGER'S REPORT

Ray Dienzo, General Manager, introduced and presented the item.

Gerald Stover, Nipomo resident, commented on the item.

Joe Martinez, Nipomo resident, commented on the item.

John Joyce, Nipomo resident, commented on the item.

Ray Dienzo, General Manager, answered questions from the Board and public.

Director Henry asked if the angle stop issue would be included in future rate studies.

G. COMMITTEE REPORTS

There were no committee reports.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

None

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, General Counsel, announced that there would be closed session on items 1 and 2.

1) CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION
PURSUANT TO GC §54956.9

- a. SMVWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750, AND ALL CONSOLIDATED CASES)

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
AGENDA

2) CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION
PURSUANT TO GC §54956.9(d)(1)

- a. NIPOMO ACTION COMMITTEE, ET AL. V. COUNTY OF SAN LUIS
OBISPO, ET. AL. (SAN LUIS OBISPO COUNTY SUPERIOR COURT
CASE NO. 24CV-0351)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments on closed session.

President Eby called for a 10-minute recess before adjourning to closed session.

K. ADJOURN TO CLOSED SESSION

Craig Steele, District Legal Counsel, announced there were no reportable actions taken in closed session.

President Eby adjourned the meeting at 10:52 a.m.

| MEETING SUMMARY | HOURS & MINUTES | |
|-----------------|-----------------|------------|
| Regular Meeting | 1 hours | 1 minutes |
| Closed Session | 0 hours | 42 minutes |
| TOTAL HOURS | 1 hours | 52 minutes |

Respectfully submitted,

Ray Dienzo, General Manager and Secretary to the Board

Date

TO: BOARD OF DIRECTORS
FROM: RAY DIENZO, P.E. R.D.
GENERAL MANAGER
REVIEWED: CRAIG A. STEELE
DISTRICT COUNSEL
DATE: AUGUST 22, 2024

**AGENDA ITEM
D-3
AUGUST 28, 2024**

BIENNIAL REVIEW AND UPDATE OF LOCAL CONFLICT OF INTEREST CODE

ITEM

Conduct Biennial Review of Local Conflict of Interest Code and Adopt Resolution Updating the Code to Add Two Positions as Designated Filers [RECOMMEND CONDUCT REVIEW AND ADOPT RESOLUTION]

BACKGROUND

California's Political Reform Act requires that the Nipomo Community Services District (District) maintain a local Conflict of Interest Code, which prohibits conflicts of interest and determines which District officials and employees must file Form 700 Statement of Economic Interest. The District must then review the local Code periodically to determine whether any changes or updates are necessary. The District last adopted an updated Conflict of Interest Code in 2018 [Attachment A] and San Luis Obispo County, as the District's "Code Reviewing Body," has notified the District it is due for another review this year. Amendments to the Conflict of Interest Code are typically required if any of the following questions are answered in the affirmative:

- Is the current code more than five years old?
- Have there been any substantial changes to the agency's organizational structure since the last code was approved?
- Have any positions been eliminated or re-named since the last code was approved?
- Have any new positions been added since the last code was approved?
- Have there been any substantial changes in duties or responsibilities for any positions since the last code was approved?

In this case, the District has added or modified two positions since the Code was adopted in 2018 that should be designated for filing. The positions of Operations Manager and Assistant Engineer should be added to the District's list of designated filers. Both positions have responsibilities that could implicate the conflict of interest laws. Regarding the text of the Code, Government Code Section 87312 permits agencies to adopt the Fair Political Practices Commission's "model" conflict code, set forth in 2 California Code of Regulations Section 18730 [Attachment B]. The District has adopted that model in the past, including any amendments, which has kept the District's local Code current, even though it was last formally adopted slightly more than five years ago. The answer to the remaining other questions is no. Following review, staff and Counsel recommend that the Board again adopt the model Code, with the local position designations set forth in Appendix A. The attached Resolution [Attachment C] memorializes those actions.

The District is required to submit a report [Attachment D] to the San Luis Obispo County Clerk-Recorder by September 3, 2024, indicating whether the District's Conflict of Interest Code

requires revisions. If the Board concurs with staff and District Counsel and adopts the proposed resolution, the District General Manager will provide the required form and the updated document to the County Clerk-Recorder before the deadline.

FISCAL IMPACT

The District's Conflict of Interest Code does not create additional fiscal impacts to the District.

STRATEGIC PLAN

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

6.A. ACTIVITIES FOR COMPLETION

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

RECOMMENDATION

It is recommended that your Board review the District's Local Conflict of Interest Code and adopt Resolution No. 2024-XXXX to update the Conflict of Interest Code, and direct staff to file the new document with the County.

ATTACHMENTS

- A. Resolution 2018-1484 Conflict of Interest Code
- B. Regulation 18730
- C. Resolution 2024-17XX NCSD Local Conflict of Interest Code
- D. 2024 Local Agency Biennial Notice

AUGUST 28, 2024

ITEM D-3

ATTACHMENT A

RESOLUTION 2018-1484

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AN UPDATED CONFLICT OF INTEREST CODE**

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

WHEREAS, the Political Reform Act, Government Code Sections 81000, et seq., requires the District to adopt a Conflict of Interest Code;

WHEREAS, the Fair Political Practices Commission has adopted a standard model Conflict of Interest Code, codified at 2 California Code of Regulations Section 18730, which can be incorporated by reference as the District's Conflict of Interest Code;

WHEREAS, the District Board of Directors, by prior Resolution 2016-1423, adopted Regulation 18730 by reference as the District's Conflict of Interest Code; and

WHEREAS, the District Board of Directors has reviewed its Conflict of Interest Code and recommends that a new Conflict of Interest Code be adopted, as shown in Exhibit "A" hereto and its Appendix.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District does hereby resolve, declare, determine and order as follows:

1. The District adopts its Conflict of Interest Code attached as Exhibit "A" to this Resolution, including the Appendix attached thereto which designates District officers and employees that are deemed to make, or participate in the making of, decisions which may have a material effect on a financial interest and designates disclosure categories for its designated officers, employees, and consultants.

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

AYES: Directors Gaddis, Blair, Woodson, Armstrong and Eby
NOES: None
ABSENT: None
CONFLICTS: None

The foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Nipomo Community Services District this 8th day of August, 2018.



Ed Eby
President, Board of Directors

ATTEST:



Mario E. Iglesias
General Manager and Secretary to the Board

APPROVED AS TO FORM:



Whitney G. McDonald
District Legal Counsel

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2018-1484

EXHIBIT "A"

CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Nipomo Community Services District (District)

Individuals holding designated positions shall file their statements of economic interests with the District, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). All statements will be retained by the District.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2018 – 1484

APPENDIX TO EXHIBIT "A"
(cont.)

NIPOMO COMMUNITY SERVICES DISTRICT
CONFLICT OF INTEREST CODE

DESIGNATED OFFICERS AND EMPLOYEES
WITH DISCLOSURE CATEGORIES

I. DESIGNATED POSITIONS

The persons occupying the positions listed below are hereby considered designated officers and employees and are deemed to make, or participate in the making of, decisions, which may have a material effect on a financial interest.

| DESIGNATED POSITION | ASSIGNED DISCLOSURE CATEGORIES |
|--|--------------------------------|
| Members of the Board of Directors | 1 |
| General Manager | 1 |
| District Legal Counsel | 1 |
| Assistant General Manager/Finance Director | 1 |
| Director of Engineering and Operations | 1 |
| Consultants* | 2 |
| New Positions | 2 |

The District has determined that all the positions listed above manage public investments within the meaning of Government Code Section 87200 and California Code of Regulations title 2, Section 18720, and those persons holding these positions must file statements of economic interest (FPPC Form 700) pursuant to the state Political Reform Act.

* **Consultants.** "Consultant" has the same meaning as set forth in California Code of Regulations, Title 2, Section 18700.3.

II. DISCLOSURE CATEGORIES

Subject to the definitions set forth in the Political Reform Act and its applicable regulations:

Category 1. All persons in this disclosure category shall disclose the following:

- a) All reportable investments.
- b) All reportable interests in real property.
- c) All reportable income and loans.
- d) All reportable business positions in business entities.
- e) All reportable gifts, travel payments, advances, and reimbursements.

Category 2. All persons in this disclosure category shall disclose everything listed under Category 1, subject to the following limitation:

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2018 – 1484

APPENDIX TO EXHIBIT "A"
(cont.)

- a) The General Manager may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Section 81008.)

AUGUST 28, 2024

ITEM D-3

ATTACHMENT B

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees. The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or

participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies. [FN1]

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in the employee's statement of economic interests those economic interests the employee has which are of the kind described in the disclosure categories to which the employee is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which the employee foreseeably can affect materially through the conduct of the employee's office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code. [FN2]

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following the person's return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that the person is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of the person's military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided the person did not make or participate in the making of, or use the person's position to influence any decision and did not receive or become entitled to receive any form of payment as a result of the person's appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation the person did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12

months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property [FN3] is required to be reported, [FN4] the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported, [FN5] the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, [FN6] the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which the employee is a director, officer, partner, trustee, employee, or in which the employee holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$590.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$590 in a calendar

year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control.

This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while the official holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of the officer's election to office through the date the officer vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

- a. The date the loan was made.
- b. The date the last payment of \$100 or more was made on the loan.
- c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use the employee's official position to influence the making of any governmental decision which the employee knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$590 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent the employee's participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make the employees' participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use the official's position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of the official's immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that the employee should not make a governmental decision because the employee has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of the duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for the employee's agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political

Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes the employee's community property interest in the income of the employee's spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Credits

NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).

8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of NOTE filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding HISTORY 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and NOTE filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).

17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).

18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of NOTE filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).

19. Editorial correction of subsection (a) (Register 98, No. 47).

20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003.
Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of*

Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of HISTORY 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations.

Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to

OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

35. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-12-2018; operative 1-11-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2018, No. 50).

36. Amendment of subsections (b)(8.1)-(8.1)(A) filed 12-23-2020; operative 1-1-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2020, No. 52).

37. Amendment of subsections (b)(3)(C), (b)(5)(C), (b)(5.5), (b)(5.5)(A)(2), (b)(7)(D), (b)(8)(A), (b)(8.1)(A), (b)(8.2)(A), (b)(8.2)(C)-(D), (b)(8.3)(A), (b)(9), (b)(9.3), (b)(9.5), (b)(10) and (b)(11) and footnote 5 filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate

District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).

38. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-20-2022; operative 1-19-2023 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2022, No. 51).

AUGUST 28, 2024

ITEM D-3

ATTACHMENT C

RESOLUTION 2024-XXXX
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AN UPDATED CONFLICT OF INTEREST CODE

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

WHEREAS, the Political Reform Act, Government Code Sections 81000, et seq., requires the District to periodically review and adopt a Conflict of Interest Code;

WHEREAS, the Fair Political Practices Commission has adopted a standard model Conflict of Interest Code, codified at 2 California Code of Regulations Section 18730, which can be incorporated by reference as the District's Conflict of Interest Code;

WHEREAS, the District Board of Directors, by prior Resolution 2018-1484, adopted Regulation 18730 by reference as the District's Conflict of Interest Code and designated positions for filing; and

WHEREAS, District staff and Legal Counsel have reviewed the District's current Conflict of Interest Code at the request of San Luis Obispo County, the District's filing Officer, and recommend that the Conflict of Interest Code be updated to include positions created since the last update, as shown in Exhibit "A" hereto and its Appendix.

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

1. The Board hereby adopts the District's Conflict of Interest Code attached as Exhibit "A" to this Resolution, including the Appendix attached thereto which designates District officers and employees that are deemed to make, or participate in the making of, decisions which may have a material effect on a financial interest and designates disclosure categories for its designated officers, employees, and consultants.
2. Resolution 2018-1484 is hereby repealed.
3. The General Manager is authorized to file this Resolution and any other necessary documents with the County of San Luis Obispo.

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

AYES:

NOES:

ABSENT:

CONFLICTS:

The foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Nipomo Community Services District this 28th day of August, 2024.

Ed Eby

President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

Ray Dienzo

General Manager and Secretary to the Board

Craig A. Steele

District Legal Counsel

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2024-XXXX

EXHIBIT "A"

CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes, and to periodically review and update those codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a model conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission from time to time to conform to amendments in the Political Reform Act. The provisions of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Nipomo Community Services District (District)

Individuals holding designated positions shall file their statements of economic interests with the District, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). All statements will be retained by the District.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2024 – XXXX

APPENDIX TO EXHIBIT “A”
(cont.)

NIPOMO COMMUNITY SERVICES DISTRICT
CONFLICT OF INTEREST CODE

DESIGNATED OFFICERS AND EMPLOYEES
WITH DISCLOSURE CATEGORIES

I. DESIGNATED POSITIONS

The persons occupying the positions listed below are hereby considered designated officers and employees and are deemed to make, or participate in the making of, decisions, which may have a material effect on a financial interest.

| DESIGNATED POSITION | ASSIGNED DISCLOSURE CATEGORIES |
|--|--------------------------------|
| Members of the Board of Directors | 1 |
| General Manager | 1 |
| District Legal Counsel | 1 |
| Assistant General Manager/Finance Director | 1 |
| Director of Engineering and Operations | 1 |
| Operations Manager | 1 |
| Assistant Engineer | 2 |
| Consultant* | 2 |

The District has determined that all the positions listed above are public officials within the meaning of Government Code Section 87200, and/or Designated Employees within the meaning of Government Code Section 87200 and California Code of Regulations title 2, Section 18720(b)(2), and those persons holding these positions must file statements of economic interest (FPPC Form 700) pursuant to the California Political Reform Act.

* **Consultants.** “Consultant” has the same meaning as set forth in California Code of Regulations, Title 2, Section 18700.3.

II. DISCLOSURE CATEGORIES

Subject to the definitions set forth in the Political Reform Act and its applicable regulations:

Category 1. All persons in this disclosure category shall disclose the following:

- a) All reportable investments.
- b) All reportable interests in real property.
- c) All reportable income and loans.
- d) All reportable business positions in business entities.
- e) All reportable gifts, travel payments, advances, and reimbursements.

Category 2. All persons in this disclosure category shall disclose everything listed under Category 1, subject to the following limitation:

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2024 – XXXX

APPENDIX TO EXHIBIT “A”
(cont.)

- a) The General Manager may determine in writing that a particular consultant or position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Section 81008.)

AUGUST 28, 2024

ITEM D-3

ATTACHMENT D

2024 Local Agency Biennial Notice

Name of Agency: _____

Mailing Address: _____

Contact Person: _____ Phone No. _____

Email: _____ Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

An amendment is required. The following amendments are necessary:

(*Check all that apply.*)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice via email or mail no later than **September 3, 2024** to:

E-MAIL ADDRESS:

ad_form700@co.slo.ca.us

MAILING ADDRESS:

Clerk of the Board of Supervisors - County Administrative Office
1055 Monterey Street, Suite D430
San Luis Obispo, CA 93408

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

www.fppc.ca.gov

FPPC Advice: advice@fppc.ca.gov (866.275.3772)

Page 1 of 1

TO: BOARD OF DIRECTORS
REVIEWED: RAY DIENZO, P.E. R.D.
GENERAL MANAGER
FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF ENGINEERING
AND OPERATIONS
DATE: AUGUST 21, 2024

**AGENDA ITEM
D-4
AUGUST 28, 2024**

**AUTHORIZE PURCHASE OF REPLACEMENT HACH CHLORINE
ANALYZERS IN THE AMOUNT OF \$98,100**

ITEM

Authorize purchase of 10 replacement chlorine analyzers from Hach Company in the amount of \$98,100 [RECOMMEND AUTHORIZE STAFF TO ISSUE PURCHASE ORDER IN THE AMOUNT OF \$98,100 TO HACH COMPANY FOR PURCHASE OF 10 REPLACEMENT CHLORINE ANALYZERS].

BACKGROUND

The District utilizes Hach chlorine analyzers at the Joshua Road Pump Station, all of its well sites, and at all water storage tank sites. The analyzers continuously monitor the chlorine residual that is in the drinking water delivered by the District to its customers. Proper chlorine residual ensures the safety of the District's drinking water and is required by the District's Water System Permit issued by the State Water Resources Control Board Division of Drinking Water.

The District currently utilizes 17 Hach analyzers to continuously monitor disinfectant levels in the water system at 9 separate locations. The analyzers were installed in 2015 and have provided consistent and reliable readings for the last 9+ years. Hach is phasing out the current model over the next few years. The new model Hach chlorine analyzers can be retrofitted into the same space occupied by the current model analyzers, require minimal plumbing modifications, and even fit the same bolt pattern to attach to the wall. They will also work with the District's Supervisory Control and Data Acquisition System (SCADA) system without requiring additional programming. The District replaced the existing chlorine analyzers at the Sundale Well with the new model analyzers as a proof of concept at the same time a nitrate analyzer was installed at the well site.

Staff obtained a proposal from Hach in the amount of \$98,100 for the purchase and instrument startup of 10 chlorine analyzers. The remaining old model analyzers will be replaced in the next fiscal year. District staff will install the replacement units.

The Hach Chlorine Analyzers are being purchased through a non-competitive process. This purchase meets the District's Purchasing Policies and Procedures for the following reasons:

- Reasonable purchase price
- Product is unique and is designed to match others used in or furnished to a particular installation, program, facility or location

As previously noted, the new model analyzers are designed to be a direct replacement for the old model and require minimal effort/expense to install. Furthermore, the District has extensive experience (17+ years) with Hach instruments and has found them to be reliable and cost-effective over the long term.

FISCAL IMPACT

The FY 24/25 budget includes \$100,000 for replacing chlorine analyzers. Funding for the remaining analyzers is planned for the FY 25/26 fiscal year.

STRATEGIC PLAN

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

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

RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote, authorize staff to issue a purchase order in the amount of \$98,100 to Hach Company for the purchase and startup of 10 replacement chlorine analyzers.

ATTACHMENTS

None

TO: BOARD OF DIRECTORS
REVIEWED: RAY DIENZO, P.E. R.D.
GENERAL MANAGER
FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF ENGINEERING
AND OPERATIONS
DATE: AUGUST 21, 2024

**AGENDA ITEM
D-5
AUGUST 28, 2024**

**CONSIDER REQUEST FOR WATER, SEWER AND
SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR
A 47-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT
LOCATED AT 549 HILL STREET, APN 092-579-004**

ITEM

Consider request for water, sewer, and solid waste service (Intent-to-Serve Letter) for a 47-unit multifamily residential development located at 549 Hill Street in Nipomo, APN 092-579-004 [RECOMMEND ISSUE INTENT-TO-SERVE LETTER WITH CONDITIONS].

BACKGROUND

The District received an application for water, sewer and solid waste service for a project located at 549 Hill Street, APN 092-579-004, on May 20, 2024. The applicant, Marinai-Stallard Trust, is requesting water, sewer and solid waste service for a 47-unit multifamily residential unit.

The District previously issued an Intent-to-Serve letter for the parcel in 2014 for an 83-room hotel. The Intent-to-Serve letter expired in 2018. The current project will consist of 47 multifamily units. The District does not currently provide water, sewer or solid waste service for the parcel.

All parcels, existing and planned, will be required to obtain water, sewer and solid waste service in compliance with current District standards. Any existing well(s) on the property will not be utilized to provide domestic water service to any part of the project.

The District's 2020 Urban Water Management Plan Update includes estimated water demands for infill development within the District. Based on the preliminary information provided, total water demand for the project is estimated at 5.3 acre-feet per year (AFY). Sufficient supplemental water for the project is available.

Sufficient wastewater treatment capacity for the project is available in the District's Southland WWTF.

FISCAL IMPACT

Water and sewer capacity fees will be based on the domestic and irrigation meter sizes required for the final County approved project as well as CAL FIRE's fire service requirements.

Based on the information provided, the following services are proposed:

- Domestic: 1 @ 3-inch
- Irrigation: 1 @ 1-inch
- Fire: 1 @ 6-inch
- Sewer: 1 service

The estimated fee deposit for the project is \$310,000 based on the current FY 2024-2025 District fee schedule. Fees for Connection will be calculated and owing as of the date the District accepts the public water and sewer improvements for the project and sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.

RECOMMENDATION

Staff recommends that the Board approve the Applicant's request for an Intent-to-Serve letter for the project with the following conditions:

PROJECT-SPECIFIC CONDITIONS

- A sewer and water system master plan/hydraulic model review of project impacts shall be required. Applicant shall mitigate any off-site water and sewer system impacts.
- One (1) new 3-inch domestic water meter and appropriate backflow assembly shall be provided for indoor water use. Water capacity charges are applicable.
- One (1) new separate 1-inch irrigation water meter and appropriate backflow assembly shall be provided for outdoor irrigation use. Water capacity charges are applicable.
- One (1) new separate 6-inch fire sprinkler service, including appropriate backflow device, as required and approved by CAL FIRE of SLO County, shall be provided for fire sprinkler service. Fire capacity charges are applicable.
- One (1) new manhole at connection point to District sewer main shall be provided. Sewer lateral and on-site sewer shall be private.

STANDARD CONDITIONS

- Project shall obtain water, sewer and solid waste service for all parcels.
- CAL FIRE of SLO County must approve the development plans prior to District approval. Fire capacity charges are applicable if dedicated fire service laterals are required.
- Record a restriction, subject to District approval, on the property prohibiting the use of well(s) to provide water service to any parcel within the Project.
- Properly abandon any existing groundwater wells and provide documentation to District.
- Record a restriction, subject to District approval, on all parcels prohibiting use of self-regenerating water softeners.
- Comply with District water conservation program.
- Pay all appropriate District fees associated with this development.
- Applicant shall provide the District with a copy of County application approval and County project conditions of approval.
- Enter into a Plan Check and Inspection Agreement and provide a deposit.

- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. Applicant shall provide plans consistent with current District Standards and based on the proposed lot configuration.
- Any easements required for water and sewer improvements that will be dedicated to the District shall be offered to the District prior to final improvement plan approval.
- Any easements required for private water and sewer laterals shall be recorded prior to final improvement plan approval and shall be subject to District approval.
- All water and sewer improvements to be dedicated to the District shall be bonded for or otherwise secured in the District's name prior to issuance of Will Serve letter.
- A Will-Serve letter for the Project will be issued after improvement plans are approved and signed by the District.
- Applicant shall make a non-refundable deposit ("Deposit") at the time the District issues a Will Serve Letter in an amount equal to the then calculated Fees for Connection.
- Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.
- Construct the improvements required and submit the following:
 - Reproducible "As Builts" - A mylar copy and digital format disk (PDF) which includes engineer, developer, tract number and water and sewer improvements
 - Offer of Dedication
 - Engineer's Certification
 - Summary of all water and sewer improvement costs
- Solid waste collection services are mandatory. Applicant shall provide proof that the Project is provided with solid waste removal services in accordance with District regulations.
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo, the District's acceptance of improvements to be dedicated to the District, if applicable, and the final payment of all charges and fees owed to the District.
- This letter is void if land use is other than multi-residential use as defined by the District.
- Intent-to-Serve letters shall automatically terminate three (3) years from date of issuance. However, Applicant shall be entitled to a one-year extension upon the following conditions:
 - Applicant makes written application for the extension prior to the expiration of the Intent-to-Serve Letter and pays applicable fees.
 - Applicant provides proof of reasonable due diligence in processing the Project.
 - Applicant agrees to revisions of the conditions contained in the Intent-to-Serve letter consistent with then existing District policies.
- This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.
- This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.
- District service is conditioned on the applicant complying with all terms, conditions, rules, and regulations of other agencies that have jurisdiction over the project.
- This Intent-to-Serve letter shall not be interpreted as the District's Board of Directors endorsement of the project.
- The District reserves the right to revoke this Intent-to-Serve letter at any time.
- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

ATTACHMENTS

- A. Application
- B. Site Plan

AUGUST 28, 2024

ITEM D-5

ATTACHMENT A



NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET
POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932
Website: ncsd.ca.gov

Office use only:
Date and Time
Complete
Application and
Fees received:

RECEIVED

MAY 20 2024

NIPOMO COMMUNITY SERVICES DISTRICT

INTENT-TO-SERVE APPLICATION

1. This is an application for: Sewer and Water Service Water Service Only
2. SLO County Planning Department/Tract or Development No.: NA
3. Project location: 549 Hill St, Nipomo, CA 93444
4. Assessor's Parcel Number (APN) of parcel(s) to be served: 092-579-004
5. Owner Name: Marinal-Stallard Trust
6. Mailing Address: 337 17th Street, Suite 200, Oakland, CA 94612
7. Email: robm@restorcap.com
8. Phone: 510-326-7131 FAX: _____
9. Agent's Information (Architect or Engineer):
 Name: HAB Design Group
 Address: 330 S. Halcyon Rd., Arroyo Grande, CA 93420
 Email: c.tarcon@habgroup.net
 Phone: 805-544-4334 ex.110 FAX: _____

10. Type of Project: (check box) (see Page 3 for definitions)

| | |
|---|---|
| <input type="checkbox"/> Single-family dwelling units | <input checked="" type="checkbox"/> Multi-family dwelling units |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Mixed Use (Commercial and Residential) |

11. Does this project require a sub-division? Yes No
 If yes, number of new lots created _____

12. Site Plan:
For all projects, submit three (3) standard size (24" x 36") and one reduced copy (8½" x 11") of site plans.

Show parcel layout, water and sewer laterals, and general off-site improvements, as applicable. **Note that the District only provides one domestic meter per parcel.**

13. Board Approval:
 Board approval is required for the following type of projects:
 - more than four dwelling units
 - property requiring sub-divisions
 - higher than currently permitted housing density
 - commercial developments

14. RESIDENTIAL SERVICE

Single Family Residential (SFR)

| | | | |
|----------------------------|----|------------------------|----|
| Number of Parcel's created | NA | Proposed number of SFR | NA |
|----------------------------|----|------------------------|----|

Multi-Family Residential (MFR)

| | | | |
|------------------------------|------|-------------------------|----|
| Number of Parcel's created | 1(e) | Proposed number of MFR | 47 |
| Number of Domestic Meter(s) | 1 | Estimated Meter Size(s) | 3" |
| Number of Landscape Meter(s) | 1 | Estimated Meter Size(s) | 1" |
| Number of Fire System(s) | 1 | Estimated Meter Size(s) | 2" |

15. COMMERCIAL AND/OR MIXED USE SERVICE DEMAND ESTIMATES:

Commercial and Mixed Use

| | | | |
|------------------------------|--|--|--|
| Number of Parcel's created | | Proposed number of residential dwellings | |
| Number of Domestic Meter(s) | | Estimated Meter Size(s) | |
| Number of Landscape Meter(s) | | Estimated Meter Size(s) | |
| Number of Fire System(s) | | Estimated Meter Size(s) | |

16. Provide an estimate of yearly water (AFY) and sewer (gallons) demand for the project prepared by a licensed Engineer/Architect.

Agreement:

The Applicant agrees that in accordance with generally accepted construction practices, Applicant shall assume sole and complete responsibility for the condition of the job site during the course of the project, including the safety of persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and the Applicant shall defend, indemnify, and hold the District and District's agents, employees and consultants harmless from any and all claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities arising out of the performance or attempted performance of the work on this project; except those claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities resulting from the negligence or willful misconduct of the District.

Nothing in the foregoing indemnity provision shall be construed to require Applicant to indemnify District against any responsibility or liability or contravention of Civil Code §2782

Application Processing Fee.....See Attached Fee Schedule on Page 3

The District will only accept cashier's check or bank wire for the payment of Water Capacity, Sewer Capacity and other related development fees.

Date 7/31/2024 Signed 
(Must be signed by owner or owner's agent)

Print Name MARY WONG

DEFINITIONS

(Please note – these definitions do NOT reconcile with standard SLO County Planning Department definitions)

Single-family dwelling unit – means a building designed for or used to house not more than one family.

Accessory (Secondary) dwelling units – means an attached or detached secondary residential dwelling unit on the same parcel as an existing single-family (primary) dwelling. A secondary unit provides for complete independent living facilities for one or more persons.

Multi-family dwelling unit – means a building or portion thereof designed and used as a residence for three or more families living independently of each other under a common roof, including apartment houses, apartment hotels and flats, but not including automobile courts, or boardinghouses.

Two-family dwelling units (duplex) – means a building with a common roof containing not more than two kitchens, designed and/or used to house not more than two families living independently of each other.

Commercial – all non-residential and mixed-use projects.

APPLICATION FEES AND CHARGES
EFFECTIVE July 1, 2023

| PROJECT SIZE/TYPE | TOTAL AMOUNT DUE AT TIME OF APPLICATION** |
|--|---|
| Residential <4 units | \$1,437.40 |
| Residential 4-20 units | \$1,974.39 |
| Residential > 20 units | \$2,324.61 |
| Commercial <1 acre | \$1,974.39 |
| Commercial 1-3 acres | \$2,324.61 |
| Commercial > 3 acres | \$3,211.79 |
| Mixed Use with less than 4 Dwelling Units | \$2,324.61 |
| Mixed Use with four or more Dwelling Units | \$3,211.79 |
| *Outside Consulting and Legal fees will be billed to the Applicant at direct rate. | |

**Commencing on July 1, 2008 and each year thereafter the Application Fees shall be adjusted by a Consumer Price Index formula.

AUGUST 28, 2024

ITEM D-5

ATTACHMENT B

PARKING CALCULATIONS

BUILDING A

| STORIES (3) | UNITS | ROOMS | PARKING REQ'D |
|------------------|-------------|--------|--------------------|
| FIRST FLOOR (7) | | 1B/1BA | 7 SPACES |
| SECOND FLOOR (7) | | 2B/2B | 10.5 SPACES |
| THIRD FLOOR (6) | | 2B/2B | 9 SPACES |
| 3 STORIES | (20) | | 31.5 SPACES |

BUILDING B

| STORIES (3) | UNITS | ROOMS | PARKING REQ'D |
|------------------|-------------|--------|--------------------|
| FIRST FLOOR (6) | | 1B/1BA | 6 SPACES |
| SECOND FLOOR (6) | | 2B/2B | 9 SPACES |
| THIRD FLOOR (6) | | 2B/2B | 9 SPACES |
| 3 STORIES | (18) | | 28.5 SPACES |

TOTAL (38) **60 SPACES (60 PROVIDED)**

ADUs

| STORIES (1) | UNITS | ROOMS | PARKING REQ'D |
|-----------------|-------|--------|---------------|
| FIRST FLOOR (9) | | 1B/1BA | 0 SPACES |

AREA CALCULATIONS

TOTAL AREA: 52,042 SF 100%

OPEN SPACE

REQ'D OPEN SPACE: 20,816 SF 40.0%
 PROPOSED OPEN SPACE: 20,900 SF 40.2%

COMMON COMMUNITY GATHERING

REQ'D AREA: 4,700 SF 9.1%
 PROPOSED AREA: 5,035 SF 9.7%

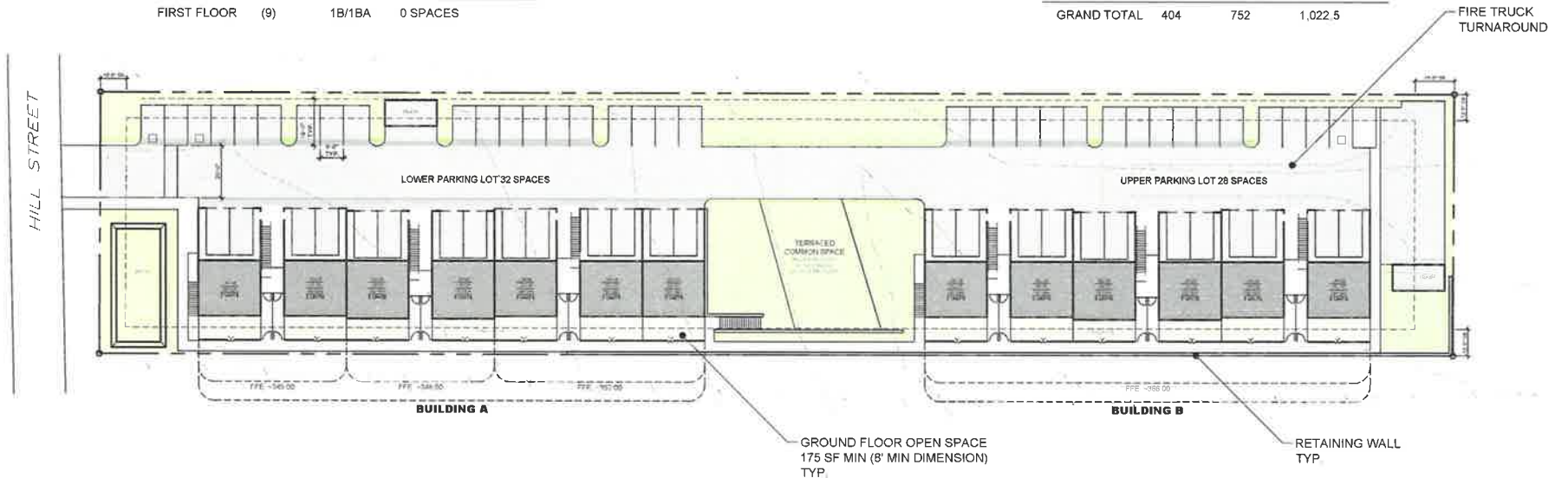
FIXTURE NOTES

ESTIMATED FIXTURES PER UNIT

| | QTY | WSFU | TOTAL WSFU |
|--------------------|----------|-----------|-------------|
| ONE BEDROOM | | | |
| TOILET | 1 | 2.5 | 2.5 |
| SINK (B) | 2 | 1.5 | 3 |
| SHOWER/TUB | 1 | 4 | 4 |
| D/WASHER | 1 | 1.5 | 1.5 |
| L/WASHER | 1 | 4 | 4 |
| HOSE BIBS | 1 | 2.5 | 2.5 |
| TOTAL (x22) | 7 | 16 | 17.5 |

| | | | |
|--------------------|-----------|-----------|-------------|
| TWO BEDROOM | | | |
| TOILET | 2 | 2.5 | 5 |
| SINK (B) | 3 | 1.5 | 4.5 |
| SHOWER/TUB | 2 | 4 | 8 |
| D/WASHER | 1 | 1.5 | 1.5 |
| L/WASHER | 1 | 4 | 4 |
| HOSE BIBS | 1 | 2.5 | 2.5 |
| TOTAL (x25) | 10 | 16 | 25.5 |

| | | | |
|--------------------|------------|------------|----------------|
| GRAND TOTAL | 404 | 752 | 1,022.5 |
|--------------------|------------|------------|----------------|



SITE PLAN

SCALE: 1" = 40'

HAB DESIGN GROUP
 ARCHITECTS | DESIGNERS | CREATIVE SOLUTION HUNTERS

C. J. HORSTMAN, MIKE PEACHEY & WAYNE STUART
 330 S. HALCYON ROAD, ARROYO GRANDE, CA 93420
 805.544.4334 habdesign.net

HILL ST. MULTIFAMILY
 549 HILL STREET, NIPOMO, CA APN: 092-579-004

JOB#
 DATE 11/15/2023

TO: BOARD OF DIRECTOR
REVIEWED: RAY DIENZO, P.E. R.D.
GENERAL MANAGER
FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF
ENGINEERING & OPERATIONS
DATE: AUGUST 21, 2024

**AGENDA ITEM
D-6
AUGUST 28, 2024**

**DECLARE 2009 INTERNATIONAL VACON
SURPLUS AND AUTHORIZE SALE**

ITEM

Consider request to declare 2009 International Vacon sewer vacuum truck surplus and authorize disposal by sale [RECOMMEND DECLARE 2009 INTERNATIONAL VACON SURPLUS AND AUTHORIZE STAFF TO DISPOSE OF BY SALE].

BACKGROUND

Government agencies that wish to dispose of obsolete equipment need to have their governing board declare that the items are surplus prior to disposal of these items. The District's 2009 International Vacon, a sewer cleaning vacuum truck, is obsolete based on a 2008 California Air Resources Board (CARB) requirement that regulates emissions from diesel powered trucks. The District has replaced the 2009 truck with a 2024 Freightliner Vactor sewer vacuum truck that meets current emissions standards. Staff requests that the Board declare the 2009 truck surplus and authorize disposal by sale.

FISCAL IMPACT

Development of the staff report required budgeted staff time. Proceeds from the sale will be credited to the Town Sewer Fund.

RECOMMENDATION

Staff recommends that the Board declare the 2009 International Vacon as surplus and authorize staff to dispose of the vehicle by sale.

ATTACHMENTS

None

TO: BOARD OF DIRECTORS
REVIEWED: RAY DIENZO, P.E. *R.D.*
GENERAL MANAGER
FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF
ENGINEERING & OPERATIONS
DATE: AUGUST 21, 2024

**AGENDA ITEM
D-7
AUGUST 28, 2024**

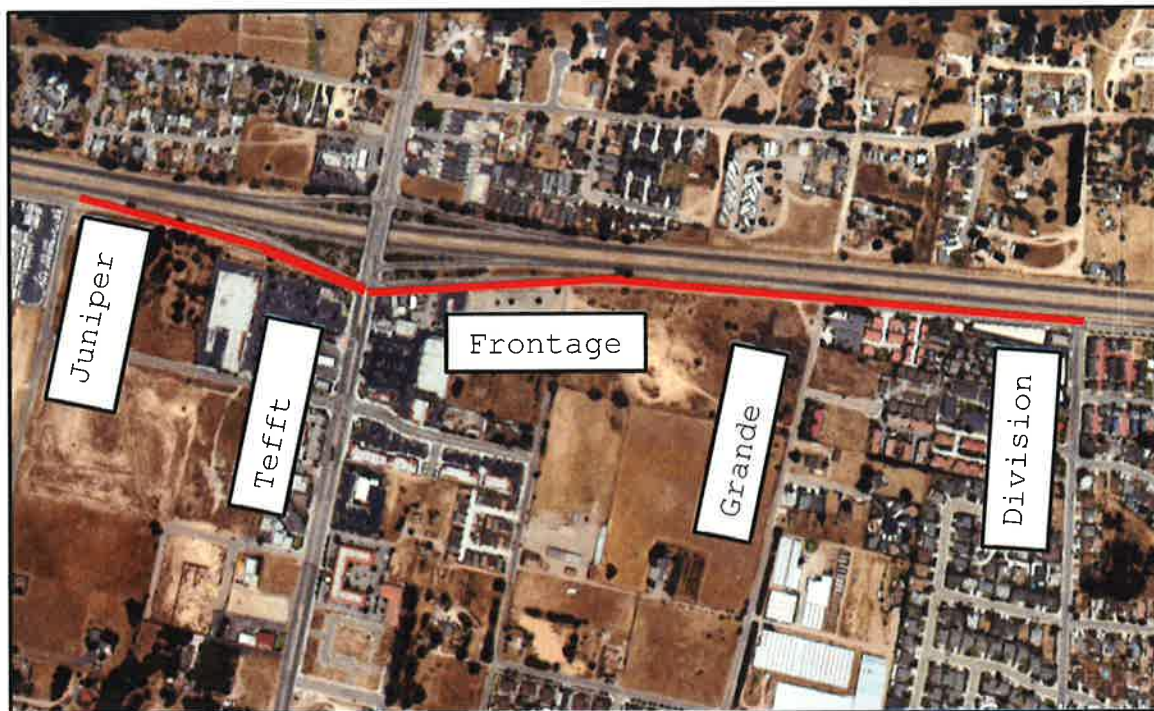
**CONSIDER ADOPTING A RESOLUTION TO ESTABLISH REVISED
PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE FOR
FRONTAGE ROAD TRUNK SEWER PROJECT**

ITEM

Establish Revised Pre-Qualification Policy and Appeals Procedure for the Frontage Road Trunk Sewer Project [RECOMMEND ADOPT RESOLUTION ESTABLISHING REVISED PRE-QUALIFICATION AND APPEALS POLICY FOR FRONTAGE ROAD TRUNK SEWER PROJECT].

BACKGROUND

The Frontage Road Trunk Sewer Replacement Project involves the replacement of approximately 4700 linear feet of sewer line and 17 manholes in Frontage Road, between Juniper Street and Division Street. The existing trunk sewer is in poor condition and is surcharging during high flow conditions. Replacing the existing sewer line with a new sewer line will help avoid the need for emergency repairs to the existing sewer line, as well as provide capacity for the Blacklake Sewer System Consolidation Project and other potential future connections located upstream of the project alignment.



The California Public Contract Code (“PCC”) Section 20101 permits the District to pre-qualify contractors who wish to bid on the District’s public works contracts, such as the Frontage Road Trunk Sewer Project. PCC Section 20101 requires the District to establish pre-qualification policies and the method by which decisions regarding the Contractor’s qualifications may be appealed. Pre-qualification of Contractors will help ensure that the Project is constructed by reputable, experienced, and qualified contractors. The District Board adopted Resolution 2024-1691 on January 24, 2024, which established the pre-qualification and appeals policy for the project. The design of the project has changed since that time due to discussions with CalTrans as well as SLO County and thus the District needs to adopt a revised pre-qualification policy for the project.

Design of the project is currently being finalized. Staff would like to pre-qualify contractors so that the project can be bid once the District acquires the necessary CalTrans and San Luis Obispo County Encroachment Permits within the next two to three months.

FISCAL IMPACT

The total Project budget is \$3,470,000 and is included in the FY 2024-2025 budget.

STRATEGIC PLAN

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT.

Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

Goal 4. FINANCE.

Maintain conservative, long-term financial management to minimize rate impacts on customers while meeting program financial needs.

RECOMMENDATION

By motion and roll call vote, adopt the attached resolution establishing the Revised Pre-Qualification and Appeals Policy for the Frontage Road Trunk Sewer Project.

ATTACHMENTS

- A. Resolution 2024-17XX REVISED FRONTAGE ROAD TRUNK SEWER PROJECT PRE-QUALIFICATION

AUGUST 28, 2024

ITEM D-7

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2024-17XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A REVISED PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE
FOR THE FRONTAGE ROAD TRUNK SEWER PROJECT**

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

WHEREAS, it is in the public interest for the District to adopt policies and procedures that will help ensure that the Frontage Road Trunk Sewer Project (the “Project”) is constructed by reputable and qualified contractors at the best possible price; and

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

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

WHEREAS, the District previously adopted Resolution 2024-1691 establishing pre-qualification policies and the method by which decisions regarding Contractor’s qualifications may be appealed; and

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

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

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

1. EVALUATION OF CONTRACTORS REQUESTING PRE-QUALIFICATION

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

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

a) The Contractor Evaluation Team will determine which Contractors are responsive to the material terms and conditions of the invitation to submit pre-qualification packages. The Contractor Evaluation Team will then determine which of the responsive Contractors are technically, financially, and otherwise qualified and responsible to perform the

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2024-17XX

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FOR THE FRONTAGE ROAD TRUNK SEWER PROJECT

Project satisfactorily and who have demonstrated the capacity to meet all other requirements of the Project.

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

2. ESSENTIAL REQUIREMENTS

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

A. In addition to the essential requirements in Part 1 of the Pre-qualification Questionnaire, in order to be prequalified to bid, **General Contractors** shall submit recent project experience documenting **ALL** of the following essential experience requirements (self- or subcontractor-performed):

- At least two (2) sewer projects with a total length of 2,000 linear feet or more
- At least two (2) pipeline projects with installation of fusion-welded HDPE pipe
- At least two (2) sewer projects including wastewater bypassing with a flow of at least 400 gallons per minute (gpm)
- At least one (1) pipeline project involving engineered shoring systems greater than 10 feet in depth
- At least one (1) pipeline project that included a trenchless construction component (i.e., pipe bursting, jack-and-bore, or HDD)

B. In addition to the essential experience requirements listed in Part A above, **General Contractors** will also be scored on their experience in the following areas:

- Public sewer construction
- Traffic control including full-lane closures & flaggers
- Pipeline replacement with asphalt restoration
- Manhole replacement
- Coordination with other utility owners and protection of adjacent utility infrastructure
- Work requiring CalTrans encroachment permit

Experience in all areas is not necessary to prequalify, but the Contractor should demonstrate experience in as many areas as possible.

C. In addition to the essential requirements in Part 1 of the Pre-qualification Questionnaire, **General Contractors** shall identify two prospective project managers and two superintendents who are currently employed by the contractor and have held similar positions on at least two

NIPOMO COMMUNITY SERVICES DISTRICT
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FOR THE FRONTAGE ROAD TRUNK SEWER PROJECT

other sewer projects of similar type as the Project (length, diameter, trenchless component, such as pipe bursting, jack-and-bore, or horizontal directional drilling) in the past five (5) years.

D. Provide general liability insurance covering Contractor and Subcontractors with policy limit of at least 4 million dollars per occurrence and 8 million dollars aggregate.

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

3. APPEAL PROCESS

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

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

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

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

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

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2024-17XX

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FOR THE FRONTAGE ROAD TRUNK SEWER PROJECT

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

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

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

4. AUTHORITY OF GENERAL MANAGER

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

5. MISCELLANEOUS

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

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

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

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

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2024-17XX

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A REVISED PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE
FOR THE FRONTAGE ROAD TRUNK SEWER PROJECT

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

(f) This Resolution supersedes Resolution 2024-1691 previously adopted by the Board on January 24, 2024.

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

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

On the motion 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 28th day of August 2024.

ED EBY
President, Board of Directors

ATTEST:

APPROVED AS TO FORM AND
LEGAL EFFECT:

RAY DIENZO
General Manager and
Secretary to the Board

CRAIG A. STEELE
District Legal Counsel