

# Board of Directors San Simeon Community Services District



## BOARD PACKET

**Thursday, January 14, 2020  
Regular Meeting 3:00 pm**

Virtual Board Meeting via Zoom  
Meeting Room: 927-053-7206  
**Password: 114376**

Prepared by:



**GRACE**  
ENVIRONMENTAL SERVICES

# Board Meeting Brown Act Check Sheet

Does the agenda have the correct:

Meeting location

\_\_\_\_\_

Meeting time

\_\_\_\_\_

Is the agenda posted 72 hours prior to the Regular meeting

Posting 1 District Office

\_\_\_\_\_

Posting 2 Post Office

\_\_\_\_\_

Posting 3 Chamber of Commerce

\_\_\_\_\_

Is the agenda on the website 72 hours prior to the Regular meeting

\_\_\_\_\_

Has the Board Packet been distributed to the Board

At the time of Packet Distribution to the Board has the Packet Been:

Distributed to the individuals / entities on the Distribution List

\_\_\_\_\_

Loaded on the Website

\_\_\_\_\_

## Budget Committee Meeting

Does the agenda have the correct:

Meeting location

\_\_\_\_\_

Meeting time

\_\_\_\_\_

Is the agenda posted 72 hours prior to the Regular meeting

Posting 1 District Office

\_\_\_\_\_

Posting 2 Corner Store

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Posting 3 Chamber of Commerce

\_\_\_\_\_

## Water Committee Meeting

Does the agenda have the correct:

Meeting location

\_\_\_\_\_

Meeting time

\_\_\_\_\_

Is the agenda posted 72 hours prior to the Regular meeting

Posting 1 District Office

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Posting 2 Corner Store

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Posting 3 Chamber of Commerce

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**AGENDA**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR MEETING**  
**Thursday, January 14, 2021**  
**3:00 pm**

Pursuant to Governor Gavin Newsom's Executive Order N-29-20 dated March 17, 2020 and the San Luis Obispo County Local Emergency Order and Regulation regarding COVID-19 dated March 18, 2020, this meeting shall occur as a virtual teleconference using the Zoom app. Members of the public cannot physically attend this meeting.

**Internet Meeting Location**

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/9270537206?pwd=RDNNcTErb2E1TmswRG51WGNEZVJLQT09>**

**Meeting ID:** 927 053 7206

**Password:** 114376

One tap mobile

+1 669 900 9128, 9270537206# US (San Jose)

+1 346 248 7799, 9270537206# US (Houston)

Phone in callers – to speak during Public Comment please use the #8

Time: January 14, 2021 03:00 PM Pacific Time

**NOTE:** On the day of the meeting, the virtual meeting room will be open beginning at 2:30 PM. If you are unable to access the meeting please contact the District office at (805) 927-4778 prior to the 3:00 PM meeting start time and staff can assist you in accessing the meeting. Should you have any questions related to the information on this agenda or if you wish to submit public comment in the written format you can email Cortney Murguia at [admin@sansimeoncsd.org](mailto:admin@sansimeoncsd.org). Members of the public can also contact the District office at (805) 927-4778 with any questions or concerns related to this agenda or accessing the meeting.

**1. REGULAR SESSION: 3:00 PM**

**A. Roll Call**

**2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

**Public Comment** - Any member of the public may address the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda.

Presentations are limited to three (3) minutes or less with additional time at the discretion of the Chair. Your comments should be directed to the Board as a whole and not directed to individual Board members. The Brown Act restricts the Board from taking formal action on matters not published on the agenda.

**3. SPECIAL PRESENTATIONS AND REPORTS:**

**A. STAFF REPORTS:**

- i. **Sheriff's Report** – Report for December.
- ii. **Superintendent's Report** – Summary of December activities.
- iii. **General Manager's Report** – Summary of December Activities.
- iv. **District Financial Summary** – Summary of December Financials.
- v. **District Counsel's Report** – Summary of December Activities.

**B. PUBLIC COMMENTS ON SPECIAL PRESENTATIONS AND REPORTS:**

**Public Comment** - This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Agenda Item #3 – Special Presentations and Reports. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes.

**4. CLOSED SESSION:**

- A. Pursuant to Government Code §54956.9 (d)(2): Conference with District Legal Counsel regarding anticipated litigation. Number of cases: one (1)

**5. CONSENT AGENDA ITEMS:**

**Public Comment** - Members of the public wishing to speak on consent agenda items may do so when recognized by the Presiding Officer. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes.

- A. Review and approval of Minutes for the Regular Meeting on November 10, 2020.
- B. Review and approval of Minutes for the Regular Meeting on December 9, 2020.
- C. Review and approval of Disbursements Journal.
- D. Approval of Resolution 21-428 updating signatures including facsimile signatures for Banking services on behalf of the SSCSD.
- E. Review of authorization of powers to the General Manager awarded under Resolution 20-419.

**6. BUSINESS ACTION ITEMS:**

**Public Comment** – Public comment will be allowed for each individual business item. Members of the public wishing to speak on business items may do so when recognized by the Presiding Officer. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes per person for each business item.

- A. Election of Chairperson and Vice Chairperson for the 2021 Calendar year.

- B. Discussion regarding moving the start time of the regular Board meeting time from 3 pm to a different time.**
  - C. Chair appointment of standing committee members per District policy # 4060.30.**
  - D. Direction to staff regarding the responses from the request for proposal related to the Coastal Hazard Response Plan (CHRP).**
  - E. Discussion regarding designating a Board member to attend public meetings on behalf of the District.**
  - F. Discussion regarding Prop 84 Grant and inquiry from the County of San Luis Obispo.**
  - G. Consideration of request from Robert Hather for an intent to serve letter 013-091-027.**
- 7. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS** – Requests from Board members to Staff to receive feedback, prepare information, and/or place an item on a future agenda(s).

**8. ADJOURNMENT**

All staff reports or other written documentation, including any supplemental material distributed to a majority of the Board within 72 hours of a regular meeting, relating to each item of business on the agenda are available for public inspection during regular business hours in the District office, 111 Pico Avenue, San Simeon. If requested, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. To make a request for a disability-related modification or accommodation, contact the District Administrator at 805-927-4778 as soon as possible and at least 48 hours prior to the meeting date. This agenda was prepared and posted pursuant to Government Code Section 54954.2.

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**3. A. ii. SUPERINTENDENT REPORT**  
**Jerry Copeland**  
**Facilities Update for December 2020**



## SUPERINTENDENT'S REPORT

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### Item 3.A.ii

Prepared by: Jerry Copeland

#### 1. Wastewater Treatment Plant

- All sampling, testing and reporting at the Wastewater Treatment Plant was performed as required by the RWQCB.
- The monthly report was submitted to the SWRCB.
- A new eyewash and shower station was installed next to the chemical site at the wastewater treatment plant.
- One load of sludge was hauled away.

#### 2. Water Treatment and Distribution System

- All routine sampling and testing was performed.
- The monthly report was submitted to the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW).
- A response was made to the Sanitary Survey Report was submitted to the DDW.
- Routine maintenance was performed on the R.O. Unit.
- Monthly water meter reading was performed.

#### 3. District and Equipment Maintenance

- Staff continues with all of the scheduled preventive maintenance for all the equipment at the facilities. We are recording all these activities.



**San Simeon Community Services District**

**Superintendent's Report**

**December 2020**

**MONTHLY DATA REPORT**

Date	Day	Wastewater Influent Daily Flow	Wastewater Effluent Daily Flow	Well 1 Total Daily Produced	Well 2 Total Daily Produced	Total Daily Water Produced	R.O. Daily Influent Flow	R.O. Daily Effluent Flow	R.O. Daily Brine Flow	Distribution Chloride	Chloride Wells 1 2	Recycled Water Distributed	Water Level Well 1	Water Level Well 2	Rainfall in Inches	State Flows	
12/01/20	Tuesday	49,063	51,660	71,434	1,122	72,556	0	0	0	-	-	-	0	13.3	13.1	0.00	1,543
12/02/20	Wednesday	41,291	45,090	0	5,909	5,909	0	0	0	-	-	-	0	13.5	13.2	0.00	1,698
12/03/20	Thursday	41,740	51,110	374	72,032	72,406	0	0	0	<30	<30	<30	0	-	-	0.00	1,116
12/04/20	Friday	40,706	41,370	70,536	0	70,536	0	0	0	-	-	-	0	13.3	13.0	0.00	1,355
12/05/20	Saturday	49,944	53,450	0	73,304	73,304	0	0	0	-	-	-	0	13.3	13.0	0.00	1,336
12/06/20	Sunday	53,876	56,440	69,040	0	69,040	0	0	0	-	-	-	0	13.4	13.1	0.00	1,360
12/07/20	Monday	29,494	34,620	0	23,712	23,712	0	0	0	<30	<30	<30	0	13.5	13.3	0.00	1,881
12/08/20	Tuesday	41,318	45,260	70,985	22,590	93,575	0	0	0	-	-	-	0	13.3	13.0	0.00	733
12/09/20	Wednesday	48,251	42,750	150	49,293	49,443	0	0	0	-	-	-	0	13.4	13.1	0.00	1,086
12/10/20	Thursday	23,000	33,940	74,052	224	74,276	0	0	0	<30	<30	<30	0	-	-	0.00	2,164
12/11/20	Friday	31,219	41,220	0	72,780	72,780	0	0	0	-	-	-	0	13.4	13.2	0.00	100
12/12/20	Saturday	38,305	44,410	10,098	0	10,098	0	0	0	-	-	-	0	13.2	13.0	0.04	896
12/13/20	Sunday	46,969	49,390	60,139	1,047	61,186	0	0	0	-	-	-	0	13.3	13.0	0.04	1,978
12/14/20	Monday	42,218	47,540	69,938	524	70,462	0	0	0	30	30	<30	0	-	-	0.03	1,577
12/15/20	Tuesday	36,107	40,760	48,096	16,232	64,328	0	0	0	30	30	<30	0	11.9	11.7	0.00	1,516
12/16/20	Wednesday	31,370	38,170	449	449	898	0	0	0	30	36	<30	0	11.6	11.5	0.00	972
12/17/20	Thursday	33,349	37,430	374	69,863	70,237	0	0	0	36	42	30	0	11.6	11.4	0.00	1,048
12/18/20	Friday	36,314	41,090	7,704	67,170	74,875	0	0	0	30	42	30	0	11.6	11.3	0.00	2,081
12/19/20	Saturday	58,127	49,940	28,723	374	29,097	4,383	2,757	1,626	30	36	30	0	11.8	11.5	0.00	363
12/20/20	Sunday	40,200	47,120	42,486	748	43,234	0	0	0	36	73	36	0	12.0	11.8	0.00	1,638
12/21/20	Monday	34,163	36,090	673	70,237	70,910	0	0	0	36	73	36	0	-	-	0.00	1,586
12/22/20	Tuesday	29,895	32,510	37,026	524	37,550	0	0	0	42	56	30	0	12.0	11.9	0.00	1,065
12/23/20	Wednesday	43,940	48,810	35,754	524	36,278	0	0	0	42	73	36	0	12.2	12.0	0.00	2,691
12/24/20	Thursday	41,140	47,230	673	73,379	74,052	0	0	0	42	73	36	0	-	-	0.00	400
12/25/20	Friday	27,772	36,190	75,548	673	76,221	0	0	0	49	56	30	0	12.3	12.1	0.08	721
12/26/20	Saturday	48,449	50,470	748	69,190	69,938	0	0	0	42	73	36	0	12.4	12.1	0.00	1,482
12/27/20	Sunday	44,843	49,680	55,502	598	56,100	0	0	0	64	73	30	0	12.5	12.4	0.47	1,897
12/28/20	Monday	48,134	52,520	17,877	748	18,625	0	0	0	64	113	42	0	12.6	12.4	0.00	3,798
12/29/20	Tuesday	64,341	66,900	748	79,886	80,634	0	0	0	92	126	36	0	-	-	0.00	2,899
12/30/20	Wednesday	52,411	51,760	79,961	748	80,709	0	0	0	73	153	42	0	12.0	11.7	0.00	2,569
12/31/20	Thursday	57,608	66,410	748	81,532	82,280	0	0	0	64	167	64	0	12.0	11.9	0.00	2,351
<b>TOTALS</b>		<b>1,305,557</b>	<b>1,431,330</b>	<b>929,839</b>	<b>855,413</b>	<b>1,785,252</b>	<b>4,383</b>	<b>2,757</b>	<b>1,626</b>				<b>0</b>			<b>0.66</b>	<b>47,900</b>
Average		42,115	46,172	29,995	27,594	57,589	141	89	52	46	74	36	0	12.6	12.4	0.02	1,545
Minimum		23,000	32,510	0	0	898	0	0	0	30	30	30	0	11.6	11.3	0.00	100
Maximum		64,341	66,900	79,961	81,532	93,575	4,383	2,757	1,626	92	167	64	0	13.5	13.3	0.47	3,798

**DATA SUMMARY SHEET**

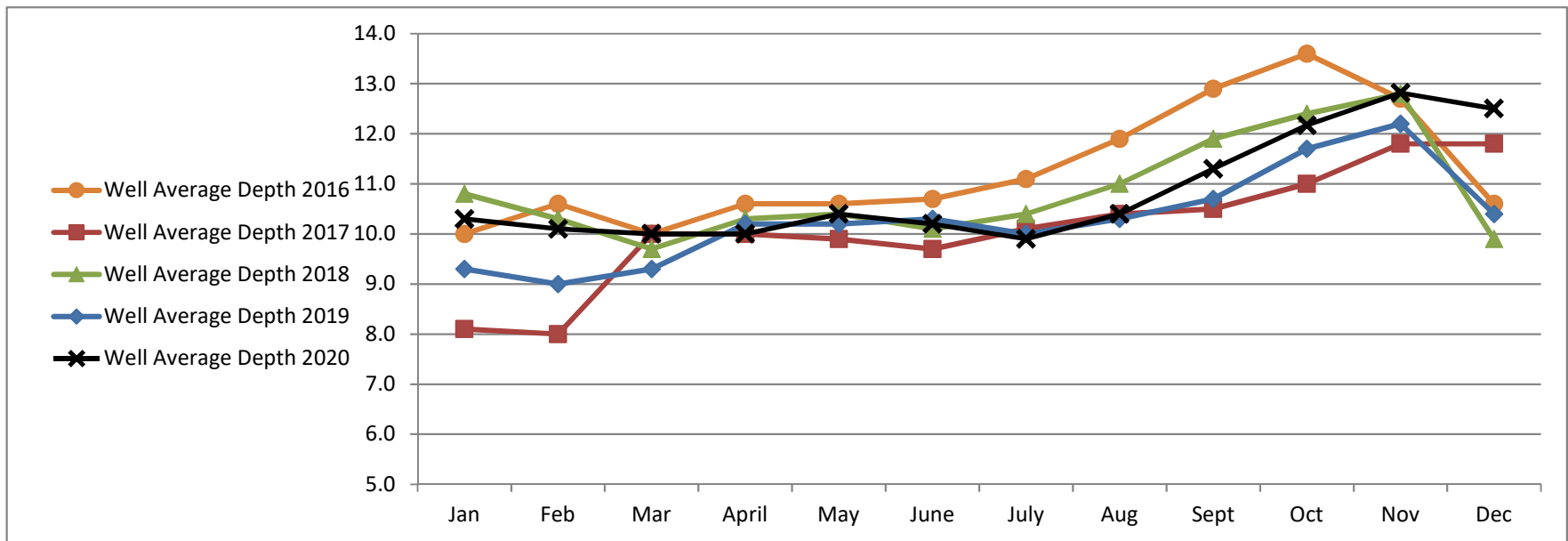
<b>2020</b>													
	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Total for 2020
Wastewater Influent	2,215,755	1,971,958	1,944,913	1,583,618	1,850,716	2,266,319	2,341,110	2,516,424	1,858,385	1,825,386	1,542,483	1,305,557	23,222,624
Wastewater Final Effluent (Month Cycle)	2,168,690	1,922,920	1,846,450	1,555,350	1,707,500	2,045,070	2,304,980	2,397,730	1,907,070	1,915,400	1,661,370	1,431,330	22,863,860
Adjusted Wastewater Influent (- State Flow)	1,958,507	1,780,122	1,818,999	1,500,460	1,748,006	2,201,429	2,262,301	2,440,274	1,798,005	1,763,948	1,490,514	1,257,657	22,020,222
Water Produced (month cycle)	1,843,670	1,872,693	1,514,688	1,215,724	1,962,303	2,261,129	2,673,502	2,726,684	2,321,568	2,242,803	1,894,160	1,785,252	24,314,177
Sewer Influent/Water Produced Ratio	1.20	1.05	1.28	1.31	0.94	1.00	0.88	0.92	0.80	0.81	0.81	0.73	N/A
Adusted Sewer/Water Produced Ratio	0.94	0.95	1.20	1.24	0.89	0.91	0.85	0.90	0.78	0.79	0.79	0.71	N/A
Well 1 Water Production	1,841,426	403,172	3,665	5,685	5,535	1,653,903	2,592,867	2,724,740	1,221,484	1,145,637	939,264	929,839	13,467,216
Well 2 Water Production	2,244	1,469,521	1,511,023	1,210,040	1,956,768	607,226	80,634	1,945	1,100,084	1,097,166	954,897	855,413	10,846,961
Total Well Production	1,843,670	1,872,693	1,514,688	1,215,724	1,962,303	2,261,129	2,673,502	2,726,684	2,321,568	2,242,803	1,894,160	1,785,252	24,314,177
Water Well 1 Avg Depth to Water	10.3	10.1	10.0	10.0	10.4	10.2	9.9	10.5	11.3	12.3	12.9	12.6	N/A
Water Well 2 Avg Depth to Water	10.2	10.0	9.9	9.9	10.3	10.1	9.8	10.3	11.2	12.1	12.7	12.4	N/A
Average Depth to Water of Both Wells	10.3	10.1	10.0	10.0	10.4	10.2	9.9	10.4	11.3	12.2	12.8	12.5	N/A
Change in Average Depth to Water from 2019	+1.0	+1.1	+0.7	-0.2	+0.2	+0.1	+0.1	+0.1	+0.6	+0.5	+0.6	+1.1	N/A
Average Chloride mg/L at the Wells	32	32	32	-	-	-	-	-	-	<30	<30	55	N/A
State Wastewater Treated	257,248	191,836	125,914	83,158	102,710	64,890	78,809	76,150	60,380	61,438	51,969	47,900	1,202,402
State % of Total WW Flow	12%	10%	7%	5%	6%	3%	3%	3%	3%	3%	3%	4%	N/A
Recycled Water Sold (Gallons)	0	0	0	0	0	0	0	0	0	0	0	0	0
Biosolids Removal (Gallons)	4,500	9,000	9,000	0	4,500	4,500	9,000	0	4,500	4,500	4,500	4,500	58,500
<b>WW Permit Limitation Exceeded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>RW Permit Limitation Exceeded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Constituent Exceeded</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>N/A</b>
<b>Sample Limit</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Sample Result</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>2019</b>													
	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Total for 2019
Wastewater Influent	2,974,678	2,978,722	3,279,598	2,517,042	2,622,942	2,407,688	2,798,408	2,948,183	2,466,442	2,409,305	2,067,815	2,722,375	32,193,198
Wastewater Final Effluent (Month Cycle)	2,921,320	2,950,740	3,186,710	2,456,140	2,464,900	2,553,710	3,022,860	2,737,320	2,323,010	2,323,340	1,984,940	2,611,160	31,536,150
Adjusted Wastewater Influent(- State Flow) *	2,599,672	2,540,371	2,840,773	2,267,805	2,227,432	2,089,028	2,339,678	2,543,256	2,152,297	2,116,543	1,802,882	2,355,957	27,875,694
Water Produced (month cycle)	1,849,654	1,643,730	2,013,823	2,212,060	2,175,858	2,456,058	2,832,302	2,609,472	2,373,404	2,390,682	2,001,947	1,865,437	26,424,428
Sewer Influent/Water Produced Ratio	1.61	1.81	1.63	1.14	1.24	0.98	1.09	1.13	1.04	1.01	1.03	1.46	N/A
Adusted Sewer/Water Ratio	1.41	1.55	1.41	1.03	1.06	0.85	0.91	0.98	0.91	0.86	0.90	1.26	N/A
Average Depth of Both Wells	9.3	9.0	9.3	10.2	10.2	10.3	10.0	10.3	10.7	11.7	12.2	10.4	N/A
Change in Average Depth to Water from 2018	-1.5	-1.3	-0.4	-0.1	-0.2	+0.2	-0.4	-0.8	-1.3	-0.7	-0.6	+0.5	N/A
Average Chloride mg/L at the Wells	55	44	44	46	46	38	38	38	38	32	32	32	N/A
State Wastewater Treated	375,006	438,351	438,825	294,237	395,510	318,660	458,730	404,927	314,145	292,762	264,933	366,418	4,362,504
State % of Total WW Flow	13%	15%	13%	12%	15%	13%	16%	14%	13%	12%	13%	14%	N/A
Recycled Water Sold (Gallons)	0	0	0	0	0	0	0	0	0	0	0	0	0
Biosolids Removal (Gallons)	4,500	0	9,000	9,000	4,500	9,000	9,000	4,500	4,500	4,500	0	4,500	63,000
<b>WW Permit Limitation Exceeded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>N/A</b>
<b>RW Permit Limitation Exceeded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>N/A</b>
<b>Constituent Exceeded</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>N/A</b>
<b>Sample Limit</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Sample Result</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

**San Simeon Community Services District**

**Superintendent's Report**

**December 2020**

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Well Average Depth 2016</b>	10.0	10.6	10.0	10.6	10.6	10.7	11.1	11.9	12.9	13.6	12.7	10.6
<b>Well Average Depth 2017</b>	8.1	8.0	10.0	10.0	9.9	9.7	10.1	10.4	10.5	11.0	11.8	11.8
<b>Well Average Depth 2018</b>	10.8	10.3	9.7	10.3	10.4	10.1	10.4	11.0	11.9	12.4	12.8	9.9
<b>Well Average Depth 2019</b>	9.3	9.0	9.3	10.2	10.2	10.3	10.0	10.3	10.7	11.7	12.2	10.4
<b>Well Average Depth 2020</b>	10.3	10.1	10.0	10.0	10.4	10.2	9.9	10.4	11.3	12.2	12.8	12.5



**3. A. iii GENERAL MANAGER'S REPORT**  
**Charles Grace**  
**Update for December 2020**



## GENERAL MANAGER'S REPORT

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### Item 3.A.iii

**Staff Activity** – Report on Staff activities for the month of December 2020. Regular activities performed by District staff include:

Processing of utility payments, customer service duties, answering phone calls, mailing of the regular monthly utility bills. Prepared and distributed the agenda and Board packet.

Staff also attended to the following items:

- Manually waived late fees on forty five (45) accounts for a total credit \$6436.78.
- Responded to twelve (12) public records requests. Three requests are still being assembled and will require additional efforts.
- Assisted Mary Giacoletti with new Board member paperwork.
- Assisted the Board members with enrolling in mandatory training with CSDA.
- Worked with the bookkeeper and auditor to finalize the draft version of the audit.

---

### Update on District Grants:

**OPC Grant** – No reportable information.

**LCP Grant** – Grant is secured and we continue to submit quarterly reports with no billings submitted. SSCSD is able to start billing once the project (CHRP) kicks off.

---

### Update on District Projects:

**Disadvantaged Community Survey (MHI)** – No reportable information.

**LAFCO Solid Waste Power** – The LAFCO protest hearing (prop 218) process associated with the District application to obtain this power will occur on January 22, 2021 at 9 am via zoom. RRM Design who was hired to obtain the power has finalized the work that was included in the award contract in the amount of \$12,000. This power will bring an estimated \$16,000 to our community each year. Any funds obtained by the District will go into a designated account that can be used for items related to solid waste authority. This power brings additional funds and more control to the local community.

**Water Tank Project Update** – The design portion of this project is at 95%. Included with the disbursement journal are two invoices to Phoenix Engineering for their design work. Given the fact that grant funding is being reviewed the project is on hold until funding is secured.

**3. A. iv. DISTRICT FINANCIALS**  
**Cortney Murguia**  
**December 31, 2020**

# SAN SIMEON COMMUNITY SERVICES DISTRICT



## 3.A.iv FINANCIAL SUMMARY

### Billing December 31, 2020

November Billing Revenue	\$	70,671.94
December Billing Revenue	\$	54,644.76
Past Due (60+ days)	\$	3,002.88

### ENDING BANK BALANCES

December 31, 2020

#### PACIFIC PREMIER BANK:

Money Market Account Closing Balance November 30, 2020	\$	1,168,222.30
Interest for December	\$	190.53
Transfer of funds to checking account	\$	(75,000.00)
Money Market Account Closing Balance December 31, 2020	\$	1,093,412.83
Reserve Fund		(250,000.00)
Wait-list Deposits		(70,836.00)
Customer Deposits		(9,250.00)
<b>Available Funds</b>	<b>\$</b>	<b>763,326.83</b>

**General Checking Account December 31, 2020** \$ 136,887.13

**LAIF Closing Balance December 31, 2020** \$ 559.01

**Interest Money Market Account 2019** \$ 22,529.11

**\*Interest Money Market Account 2020** \$ 12,206.44



**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**Balance Sheet**  
As of December 31, 2020

	Dec 31, 20
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
1010 · Petty cash	150.00
1015 · Pac Prem Ckg-6603	135,831.10
1017 · Pacific Premier-Money Market	1,093,412.83
1050 · LAIF - non-restricted cash	557.83
<b>Total Checking/Savings</b>	1,229,951.76
<b>Other Current Assets</b>	
1200 · Accounts receivable	104,923.73
1220 · A/R - Hearst Castle	4,898.26
1300 · Prepaid expenses	6,479.65
<b>Total Other Current Assets</b>	116,301.64
<b>Total Current Assets</b>	1,346,253.40
<b>Fixed Assets</b>	
<b>1400 · Fixed assets</b>	
1420 · Building and structures	279,580.67
1500 · Equipment	12,689.93
1560 · Pipe bridge	29,497.00
1580 · Sewer plant	869,343.61
1600 · Water system	235,615.43
1620 · WWTP expansion	299,565.92
1630 · Tertiary Project	568,063.00
1640 · Wellhead Rehab Project	448,253.95
1650 · Walkway access projects	26,791.00
1660 · RO Unit	944,121.38
1680 · Generator	18,291.00
<b>Total 1400 · Fixed assets</b>	3,731,812.89
<b>1450 · Construction in Progress</b>	
1670 · Reservoir / Water Tanks	243,540.68
<b>Total 1450 · Construction in Progress</b>	243,540.68
<b>1690 · Accumulated depreciation</b>	(1,492,881.18)
<b>Total Fixed Assets</b>	2,482,472.39
<b>TOTAL ASSETS</b>	<b>3,828,725.79</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Other Current Liabilities</b>	
2100 · Payroll liabilities	(30.60)
2500 · Customer security deposits	8,950.00
2510 · Connect hookup wait list	70,944.00
2520 · USDA Loan	442,920.02
<b>Total Other Current Liabilities</b>	522,783.42
<b>Total Current Liabilities</b>	522,783.42
<b>Total Liabilities</b>	522,783.42

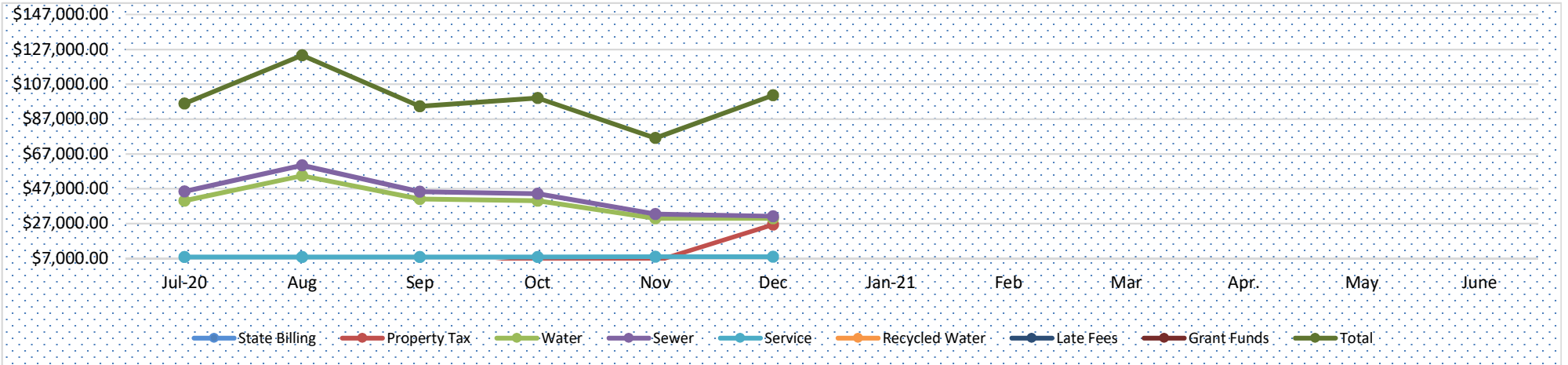
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**Balance Sheet**  
As of December 31, 2020

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	<u>Dec 31, 20</u>
Equity	
3200 · Fund balance	2,329,133.43
3201 · BOD designated - water improve	53,618.00
3202 · BOD designated-WW improvement	53,315.00
3203 · BOD designated-gen fund improve	15,065.00
3204 · BOD designated for reserves	250,000.00
3205 · BOD designated for customer dep	80,140.00
3206 · Unrestricted net equity	576,332.00
Net Income	(51,661.06)
	<hr/>
Total Equity	3,305,942.37
	<hr/>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u><u>3,828,725.79</u></u></b>

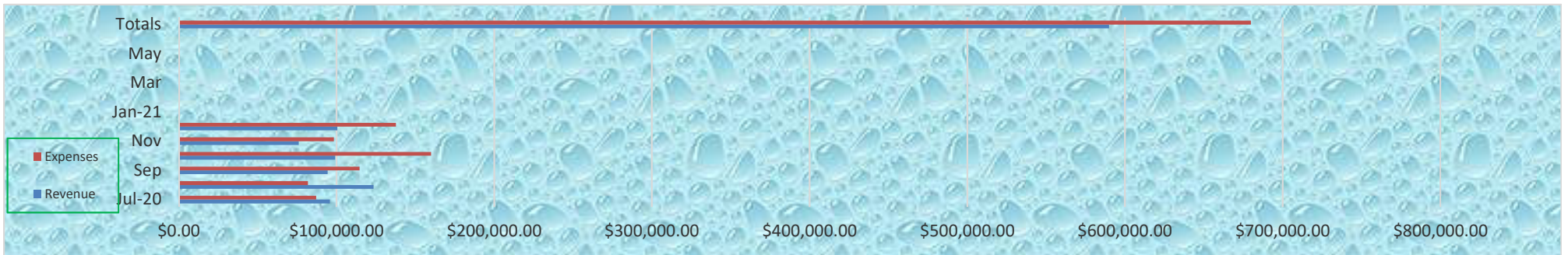
### DISTRICT REVENUE FY 2020/2021

	Jul-20	Aug	Sep	Oct	Nov	Dec	Jan-21	Feb	Mar	Apr.	May	June	Totals
State Billing			\$4,898.26			\$4,898.26							\$9,796.52
Property Tax	\$2,336.92	\$751.11	\$11.88	\$6,945.71	\$5,461.44	\$26,458.17							\$41,965.23
Water	\$40,209.97	\$54,512.44	\$41,179.63	\$40,129.44	\$30,132.26	\$30,099.00							\$236,262.74
Sewer	\$45,546.00	\$60,488.59	\$45,320.14	\$44,227.62	\$32,486.93	\$31,269.68							\$259,338.96
Service	\$7,830.48	\$7,834.18	\$7,910.24	\$7,872.17	\$8,062.36	\$7,948.27							\$47,457.70
Recycled Water													\$0.00
Late Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00							\$0.00
Grant Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00							\$0.00
<b>Total</b>	<b>\$95,923.37</b>	<b>\$123,586.32</b>	<b>\$94,421.89</b>	<b>\$99,174.94</b>	<b>\$76,142.99</b>	<b>\$100,673.38</b>							<b>\$589,922.89</b>
Water Sold Cu Ft	292033	387244	297886	291236	218802	217498							1704699
Water Sold Acre ft	6.70	8.89	6.84	6.69	5.02	4.99							39.13



### REVENUE VS EXPENSES

	Jul-20	Aug	Sep	Oct	Nov	Dec	Jan-21	Feb	Mar	Apr.	May	June	Totals
<b>Revenue</b>	<b>\$95,923.37</b>	<b>\$123,586.32</b>	<b>\$94,421.89</b>	<b>\$99,174.94</b>	<b>\$76,142.99</b>	<b>\$100,673.38</b>							<b>\$589,922.89</b>
<b>Expenses</b>	<b>\$87,144.37</b>	<b>\$81,902.63</b>	<b>\$114,623.38</b>	<b>\$160,041.02</b>	<b>\$98,357.85</b>	<b>\$137,804.21</b>							<b>\$679,873.46</b>
<b>Balance</b>	<b>\$8,779.00</b>	<b>\$41,683.69</b>	<b>(\$20,201.49)</b>	<b>(\$60,866.08)</b>	<b>(\$22,214.86)</b>	<b>(\$37,130.83)</b>							<b>(\$89,950.57)</b>



**SAN SIMEON COMMUNITY SERVICES  
HISTORICAL FISCAL REVIEW**

**FY 2017/2018**

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$24,606.31			\$21,914.14			\$21,542.66			\$23,690.87	\$91,753.98
Property Tax	\$1,282.43		\$121.78	\$3,983.38	\$11,222.22	\$31,099.09	\$7,506.90	\$2,750.02	\$640.94	\$22,168.20	\$1,686.05	\$771.97	\$83,232.98
Water	\$34,880.43	\$36,192.33	\$31,137.52	\$27,999.25	\$26,930.07	\$19,762.53	\$22,551.64	\$25,457.70	\$16,741.07	\$28,408.76	\$27,795.23	\$36,075.95	\$333,932.48
Sewer	\$38,495.46	\$39,770.86	\$33,836.96	\$30,919.58	\$29,421.68	\$21,164.32	\$25,021.12	\$28,652.26	\$19,108.33	\$32,900.73	\$31,492.38	\$40,773.70	\$371,557.38
Service	\$6,820.12	\$6,950.95	\$6,821.63	\$6,659.98	\$6,886.29	\$6,886.29	\$6,789.30	\$6,853.96	\$6,724.64	\$6,724.64	\$6,724.64	\$6,724.64	\$81,567.08
Late Fees	\$628.24	\$379.06	\$292.61	\$241.85	\$221.14	\$159.01	\$113.69	\$197.92	\$487.09	\$284.43	\$202.63	\$179.47	\$3,387.14
Grant Funds	\$332,310.87						\$42,858.00						
Revenue	\$82,106.68	\$83,293.20	\$96,816.81	\$69,804.04	\$74,681.40	\$100,985.38	\$61,982.65	\$63,911.86	\$65,244.73	\$90,486.76	\$67,900.93	\$108,216.60	\$965,431.04
Expense	\$94,660.34	\$87,503.06	\$104,489.98	\$71,763.52	\$62,490.35	\$85,613.60	\$88,196.48	\$73,251.65	\$109,510.66	\$70,856.21	\$80,363.24	\$80,743.66	\$1,009,442.75
Balance	(\$12,553.66)	(\$4,209.86)	(\$7,673.17)	(\$1,959.48)	\$12,191.05	\$15,371.78	(\$26,213.83)	(\$9,339.79)	(\$44,265.93)	\$19,630.55	(\$12,462.31)	\$27,472.94	(\$44,011.71)
Water Sold Cu Ft	299369	310960	266284	241692	232942	169355	194345	217741	144425	244412	237414	308832	2,867,771
Water Sold Acre f	6.87	7.14	6.11	5.55	5.35	3.89	4.46	5.00	3.32	5.61	5.45	7.09	65.84

**FY 2018/2019**

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$26,723.91			\$20,971.00			\$19,858.71			\$19,390.52	\$86,944.14
Property Tax	\$1,288.59		\$169.19	\$7,205.82	\$8,542.19	\$33,187.58	\$1,319.32	\$4,888.55	\$2,227.01	\$22,928.34	\$3,062.24	\$1,057.02	\$85,875.85
Water	\$41,336.59	\$45,279.14	\$41,178.74	\$34,050.67	\$30,760.16	\$24,353.21	\$29,009.60	\$27,745.06	\$24,146.67	\$35,445.24	\$29,158.01	\$38,455.33	\$400,918.42
Sewer	\$47,258.33	\$53,156.35	\$47,379.43	\$39,628.31	\$35,491.84	\$28,149.21	\$34,169.78	\$32,181.86	\$27,850.19	\$41,666.62	\$33,854.74	\$44,856.07	\$465,642.73
Service	\$7,111.73	\$7,113.60	\$7,113.60	\$7,113.60	\$7,079.40	\$7,079.40	\$7,147.80	\$7,079.40	\$7,079.40	\$7,079.40	\$7,045.20	\$7,079.40	\$85,121.93
Late Fees	\$461.43	\$201.49	\$290.08	\$168.71	\$600.53	\$135.60	\$178.43	\$146.51	\$126.87	\$177.46	\$111.54	\$272.66	\$2,871.31
Grant Funds				\$11,367.00		\$18,753.05							
Revenue	\$97,456.67	\$105,750.58	\$122,854.95	\$88,167.11	\$82,474.12	\$113,876.00	\$71,824.93	\$72,041.38	\$81,288.85	\$107,297.06	\$73,231.73	\$111,111.00	\$1,127,374.38
Expense	\$81,495.91	\$74,250.58	\$102,279.81	\$104,990.12	\$111,554.79	\$92,037.25	\$94,850.91	\$94,625.06	\$71,744.58	\$105,016.25	\$89,244.32	\$98,066.81	\$1,120,156.39
Balance	\$15,960.76	\$31,500.00	\$20,575.14	(\$16,823.01)	(\$29,080.67)	\$21,838.75	(\$23,025.98)	(\$22,583.68)	\$9,544.27	\$2,280.81	(\$16,012.59)	\$13,044.19	\$7,217.99
Water Sold Cu Ft	334631	367360	332914	275609	243491	195107	236456	227602	197397	288979	236030	311046	3,246,622
Water Sold Acre f	7.68	8.43	7.64	6.33	5.59	4.48	5.43	5.23	4.53	6.63	5.42	7.14	74.53

**FY 2019/2020**

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$25,528.71			\$22,455.35			\$15,776.54			\$7,016.19	\$70,776.79
Property Tax	\$1,218.61	\$2,752.21	\$3,126.48	\$5,305.64	\$6,019.52	\$23,503.23	\$13,612.60	\$5,282.91	\$2,659.00	\$15,436.18	\$9,385.45	\$916.22	\$89,218.05
Water	\$41,718.97	\$39,623.52	\$40,324.01	\$43,808.36	\$32,208.00	\$23,432.56	\$33,732.14	\$34,067.23	\$24,268.55	\$17,909.86	\$28,582.31	\$36,460.31	\$396,135.82
Sewer	\$48,137.21	\$45,503.27	\$45,161.69	\$48,244.57	\$34,916.02	\$26,527.95	\$39,321.56	\$39,368.21	\$27,637.52	\$19,243.28	\$29,934.22	\$37,683.06	\$441,678.56
Service	\$7,113.60	\$7,045.20	\$7,079.40	\$7,451.10	\$7,489.26	\$7,344.54	\$7,525.44	\$7,453.08	\$7,489.26	\$7,489.26	\$7,489.26	\$7,453.08	\$88,422.48
Recycled Water													\$0.00
Late Fees	\$1,957.04	\$2,399.24	\$1,407.87	\$468.45	\$316.84	\$1,136.41	\$237.28	\$307.96	\$2,793.44	\$5,540.71	\$4,647.78	\$3,802.45	\$25,015.47
Grant Funds			\$8,750.00	\$167,376.61						\$1,485.90		\$8,369.50	\$185,982.01
Revenue	\$100,145.43	\$97,323.44	\$122,628.16	\$105,278.12	\$80,949.64	\$104,400.04	\$94,429.02	\$86,479.39	\$80,624.31	\$65,619.29	\$80,039.02	\$93,331.31	\$1,111,247.17
Expense	\$90,205.84	\$67,705.50	\$94,401.58	\$97,595.50	\$87,822.01	\$86,173.97	\$85,716.44	\$75,643.11	\$62,582.54	\$73,942.83	\$90,232.61	\$79,762.52	\$991,784.45
Balance	\$9,939.59	\$29,617.94	\$28,226.58	\$7,682.62	(\$6,872.37)	\$18,226.07	\$8,712.58	\$10,836.28	\$18,041.77	(\$8,323.54)	(\$10,193.59)	\$13,568.79	\$119,462.72
Water Sold Cu Ft	336845	319458	323518	329822	242893	179311	260006	261505	185972	137196	217871	274085	3,068,482
Water Sold Acre f	7.73	7.33	7.43	7.57	5.58	4.12	5.97	6.00	4.27	3.15	5.00	6.29	70.44

## **5. CONSENT AGENDA**

- A. Review and approval of Minutes for the Regular Meeting on November 10, 2020.**

**MINUTES**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR MEETING**  
**Tuesday, November 10, 2020**  
**3:00 pm**

**Internet Meeting Location**

**1. REGULAR SESSION: 3:01 PM**

- |   |  |
|---|--|
| <p><b>A.</b> Chairperson Kellas – Present<br/>Director Carson – Present<br/>Director Maurer – Present<br/>Director de la Rosa – Present</p> | <p>General Manager, Charlie Grace<br/>District Counsel, Natalie Frye Laacke<br/>District Counsel, Jeff Minnery</p> |
|---|--|

**2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

**Public Comment** – No public comment

**3. SPECIAL PRESENTATIONS AND REPORTS:**

**A. STAFF REPORTS:**

- i. Sheriff's Report** – Sheriff MacDonald provided the report for October.
- ii. Superintendent's Report** – Charlie Grace provided a summary of October activities.
- iii. General Manager's Report** – Charlie Grace provided a summary of October Activities.

Henry Krzciuk commented on the NFWF grant.

Julie Tacker commented on the NFWF grant and requested that the community be reimbursed for costs related to the grant.

Mary Giacoletti requested a reimbursement for the grant related funds.

Michael Donahue requested rate payer compensation for the Reverse Osmosis building encroachment costs.

Mike Hanchett commented on the benefits of previously awarded grant funds.

- iv. District Financial Summary** – Cortney Murguia provided a summary of the monthly financials.
- v. District Counsel's Report** – Natalie Frye Laacke provided a Summary of October Activities.

**B. BOARD OF DIRECTORS AND COMMITTEE REPORTS:**

Director Carson commented on a letter from David Sansone.

**C. SPECIAL PRESENTATION: None**

**4. CONSENT AGENDA ITEMS:**

**Public Comment** – Henry Krzciuk commented on the meeting minutes and requested that his written comments become part of the meeting minutes. He also commented on an agreement between the District and Oliveira Consulting that he referred to as a secret agreement that needed to be brought forward so that the Board and the public could provide feedback.

**A. Review and approval of Minutes for the Regular Meeting on October 14, 2020.**

**B. Review and approval of Minutes for the Special Meeting on October 28, 2020.**

Director Maurer and Cortney Murguia asked to amend the minutes to reflect the proper roll call vote.

Cortney Murguia asked that a change be made on item 3C to reflect a that John Russell was not present and the vote should 3/1.

**C. Review and approval of Disbursements Journal.**

Chairperson Kellas asked that the check to Phoenix Engineering be held for review.

Cortney Murguia requested that check 2107 be voided since John Russell had resigned and was not present at the Board meeting.

Henry Krzciuk commented on the General Manager's contract and fiscal year reconciliation. He also stated that his comments during public comment had been excluded from the meeting minutes.

Julie Tacker commented on the RO building and the Hearst encroachment permit costs.

Mike Hanchett commented that not all of the comments being made by the public were true.

Michael Donahue spoke in response to the comments made by Mike Hanchett and spoke about the drawings that were used to build the RO building showing that the building was knowingly constructed on Hearst property.

Mary Giacoletti commented about the way that the Board meetings are conducted and inquired as to what was happening with the community.

A motion was made to approve the consent agenda items with the changes recommended by Director Maurer, Chairperson Kellas, and Cortney Murguia.

Motion: Kellas

2<sup>nd</sup>: Carson

All in: 4/0

**Roll Call:**

**Kellas: Yes**

**Carson: Yes**

**Maurer: Yes**

**De la Rosa: Yes**

**5. BUSINESS ACTION ITEMS:**

**A. Review of authorization of powers to the General Manager awarded under Resolution 20-419.**

Chairperson Kellas introduced this item.

Julie Tacker requested that any expenditure the General Manager has incurred related to COVID be recorded.

Henry Krzciuk commented on his concern about the extra authority given to the General Manager.

A motion was made to table this matter.

Motion: Kellas

2<sup>nd</sup>: De la Rosa

All in: 4/0

**Roll Call:**

**Kellas: Yes**

**Carson: Yes**

**Maurer: Yes**

**De la Rosa: Yes**

**B. Adoption of Resolution 20-427 regarding the San Luis Obispo County Integrated Regional Water Management Plan and finding the Project Exempt from CEQA.**

Chairperson Kellas introduced this item.

A motion was made to accept resolution 20-427.

Motion: Kellas

2<sup>nd</sup>: De la Rosa

All in: 4/0

**Roll Call:**

**Kellas: Yes**

**Carson: Yes**

**Maurer: Yes**

**De la Rosa: Yes**



**C. Consideration of request from Robert Hather for an intent to serve letter.**

Chairperson Kellas introduced this item.

Director Carson inquired about the timeline.

Robert Hather requested that he be issued an intent to serve letter immediately.  
Chairperson Kellas addressed Mr. Hather's request.

Jeffrey Stolbery spoke on the request being made by his client Robert Hather.

Director Carson, Director de la Rosa and District Counsel discussed the economic hardship clause.

Mike Hanchett requested that the waitlist be followed as it is currently numerically documented.

Henry Krziuck suggested that District Counsel draft a will serve letter to present at the next Board meeting.

Chairperson Kellas replied stating that the will serve letter ad hoc committee is already working on this matter.

Tina Dickason and Director Carson discussed the water moratorium in contrast to Cambria.

A motion was made to create an ad hoc committee consisting of Chairperson Kellas and Director de la Rosa to research the disadvantaged with staff.

Motion: Kellas

2<sup>nd</sup>: Maurer

All in:

**Roll Call:**

**Kellas: Yes**

**Carson: No**

**Maurer: Yes**

**De la Rosa: Yes**

A motion was made directing staff to review Mr. Hather's request so that it be put on the December agenda.

Motion: Kellas

2<sup>nd</sup>: Maurer

All in:

**Roll Call:**

**Kellas: Yes**

**Carson: Yes**

**Maurer: Yes**

**De la Rosa: Yes**

**6. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS –**

Chairperson Kellas thanked the public for their participation and meeting attendance. She requested that a discussion of community discontent be placed on the agenda.

**7. ADJOURNMENT @ 4:46 PM**

DRAFT

## **5. CONSENT AGENDA**

**B. Review and approval of Minutes for the Regular Meeting on December 10, 2020.**

**MEETING MINUTES**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR MEETING**  
**Wednesday, December 9, 2020**  
**3:00 pm**

**Internet Meeting Location**

**1. REGULAR SESSION @ 3:00 PM**

- A.** Chairperson Kellas – Present  
Director Carson – Present  
Director Maurer – Present  
Director de la Rosa – Absent
- District Counsel, Jeffrey Minnery

**2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Julie Tacker commented that she felt the public records requests that she had submitted were not being acted on in a timely manner. She also spoke about the she felt the contractor was not being transparent with the Board members. She reminded the Board of the power that they had, stating that they could conduct performance reviews of the GES. She also mentioned a letter from Michael Donahue to Jeffrey Minnery asking that contractors be held accountable for their work.

Henry Krzciuk commented referencing section 17.02 of the policy and procedures manual that allowed him to make a complaint. He stated that he and a member of the public had met with the General Manager and advised him that the RO building was encroaching on the Hearst property. He asked that this item immediately be agenized and that the contractor write a letter of apology to Hearst Corporation and to the public. He also commented on the sole sourcing that was occurring as part of Charles Grace's management contract and the clear contract violations that had occurred. He stated that the community was being taken advantage of by buddy buddy sole source contracting and asked that the Board review the contract.

April Dury commented. (Part of her comments were inaudible) She complimented the functionality of the webpage and complimented staff on how public records requests were being handled.

**3. SPECIAL PRESENTATIONS AND REPORTS:**

**A. OATH OF OFFICE** – Cortney Murguia issued the oath of office to Chairperson Kellas, Director Maurer, and Director Carson.

**B. STAFF REPORTS:**

- i. Sheriff's Report** – Deputy MacDonald provided the Sheriff's report for November.
- ii. Superintendent's Report** – Jerry Copeland provided a summary of November activities.
- iii. General Manager's Report** – Cortney Murguia provided a summary of November Activities.
- iv. District Financial Summary** – Cortney Murguia provided a summary of the November financials.
- v. District Counsel's Report** – Jeffrey Minnery asked that his report be moved to item 5E.

**C. BOARD OF DIRECTORS AND COMMITTEE REPORTS:** None

**D. SPECIAL PRESENTATION:** None

**E. PUBLIC COMMENTS ON SPECIAL PRESENTATIONS AND REPORTS:**

**Public Comment –**

Julie Tacker commented on the November 10, 2020 meeting minutes stating that the Board Chairperson had pulled the Phoenix Engineering invoice and that this was not reflected in the meeting minutes. She also commented on the time that it was taking for public records requests to be processed. She stated that sometimes the Office Manager would wait for ten (10) days to respond to her requests, only to ask for more time to fill the request. She also asked if Cortney Murguia had stuck her tongue out at her.

Henry Krzcuik remarked on the water tank project and the Phoenix Engineering invoices. He spoke on Crosno Construction and the easement issues that still existed. He stated that because Crosno Construction had worked on the design of the tanks that they could not participate in bidding out the work. He asked that the Chairperson please provide a clear update on what the status of this project was at the next Board meeting.

Mike Hanchett spoke about the people that were participating in the meetings and the costs that the residents were occurring from public record requests.

April Dury commented that the Board Chairperson addressed certain members of the public by their first name and others by their last name.

**4. CONSENT AGENDA ITEMS:**

**Public Comment –**

**A. Review and approval of Minutes for the Regular Meeting on November 10, 2020.**

Cortney Murguia asked that staff be allowed to edit the November 10, 2020 minutes to reflect the pulling of the Phoenix Engineering invoice. She stated that these minutes would be brought back to the Board during the January Board meeting.

Julie Tacker commented that the Disbursement Journal should have been edited to reflect that Phoenix Engineering had not been paid.

April Dury spoke and asked to speak on Item 4C.

Director Carson spoke that it was difficult to respond to members of the public when requests were received late at night the day before the Board meeting.

Director Maurer asked about the policy and procedures manual and inquired about language related to requesting items on the agenda.

**B. Review and approval of Minutes for the Special Meeting on November 19, 2020.**

**C. Review and approval of Disbursements Journal.**

Hank Krzcuik responded to Director Carson that the Board packet had been released late which delayed the publics ability to make comments. He also commented on Charlie Grace stating the he was double billing the community and that the contract required a reconciliation of the maintenance account reimbursement. He asked about the invoices from the County Health Department and Woods, LLC.

April Dury spoke and asked why the Directors were being paid as employees rather than as independent contractors. She stated that changing current practices would save the community money and asked that the Board look into this.

Julie Tacker responded to Director Carson and mentioned green sheets and timing of these items. She also spoke about the invoice to Phoenix Engineering.

A motion was made to approve items B & C on the consent agenda.

Motion: Chairperson Kellas

2<sup>nd</sup>: Director Carson

Vote: 3/0

Absent: Director de la Rosa

Roll Call:

Kellas: Yes

Carson: Yes

Maurer: Yes

**5. BUSINESS ACTION ITEMS:**

**A. Review of authorization of powers to the General Manager awarded under Resolution 20-419.**

Hank Krzciuk spoke and requested that the Board direct legal counsel to provide a legal basis for this resolution because the resolution is illegal.

A motion was made to table this item.

Motion: Chairperson Kellas

2<sup>nd</sup>: Director Maurer

Vote: 3/0

Absent: Director de la Rosa

Roll Call:

Kellas: Yes

Carson: Yes

Maurer: Yes

**B. Consideration of candidates to replace the Board of Director Vacancy created by the Resignation of John Russell and Board Appointment of the new Director.**

Chairperson Kellas introduced this item. She asked if Mary Giacoletti was still present at the meeting. Staff responded that she was not but had tried to call in. Jeffrey Minnery suggested that the Board come back to this item.

This item was discussed at the end of the Board meeting after BAI E.

Hank Krzciuk commented that someone who was willing to review contracts or lack thereof, review the invoices and the sole sourcing of contracts being on the Board was a welcome addition.

A motion was made to appoint Mary Giacoletti to the Board.

Motion: Chairperson Kellas  
2<sup>nd</sup>: Director Maurer  
Vote: 3/0  
Absent: Director de la Rosa  
Roll Call:

Kellas: Yes

Carson: Yes

Maurer: Yes

**C. Discussion related to scheduling Regular Board meetings for 2021.**

Chairperson Kellas introduced this item.

Julie Tacker commented about the need to move the meeting time so that the Hispanic and Latino community members would be able to attend the meetings.

Henry Krzciuk commented stating that three members of the community had asked that the meeting time be moved to a later hour. He also inquired as to who the meeting day was being moved for.

A motion was made to move the Regular Board meetings from Wednesday to Thursday. Chairperson Kellas also asked that an item be added to the January meeting agenda for discussion about the meeting time.

Motion: Chairperson Kellas  
2<sup>nd</sup>: Director Carson  
Vote: 3/0  
Absent: Director de la Rosa  
Roll Call:

Kellas: Yes

Carson: Yes

Maurer: Yes

**D. Consideration of request from Robert Hather for an intent to serve letter.**

Chairperson Kellas introduced the item.

Mr. Stolberg (attorney for Hather) spoke stating that they believed that this would be a formal hearing. He requested that this item be an up and down vote by the Board on Mr. Hather's request for a will serve request.

Henry Krzciuk and Chairperson Kellas spoke about commenting on items that were not on the agenda.

Robert Hather asked that the he be issued a conditional will serve for his property. He stated that he would be test case for the Coastal Commission and the County.

Jeffrey Minnery spoke about the hardship application request and that no formal timeline associated with the District having to respond to this request. He addressed ministerial actions and the need to coordinate with the County and the Coastal Commission.

Director Carson asked about the issuance of a will serve letter and that the language stated that this decision was to be made by the Board of Directors. He referenced the law and said that he was concerned that by not issuing the letter he was breaking the law. He stated that Mr. Hather's request met all of the requirements of the hardship requirement.

Jeffrey Minnery commented that this item was not agenzized as a public hearing on this matter so a vote would not be appropriate.

Chairperson Kellas and Director Carson spoke about the District not having a formal will serve letter template. Director Carson stated that this should not influence the issuance of a will serve letter.

Director Maurer and Jeffrey Minnery discussed the timeline related to issuance of a letter, the District's legal liability, and the overall process of issuance of a letter under the hardship clause.

A motion was made to table this item until the January Board meeting.

Motion: Chairperson Kellas  
2<sup>nd</sup>: Director Maurer  
Vote: 2/1  
Absent: Director de la Rosa  
Roll Call:

Kellas: Yes

Carson: No

Maurer: Yes

The motion failed. The Chairperson tabled this item until the January Board meeting.

**E. Consider authorizing Board President to send a letter to the County Board of Supervisors related to the potential amendments of the Resource Summary Report as they relate to ongoing District efforts.**

Chairperson Kellas introduced this item.



Hank Krzcuik commented that he was pleased that the Resource Summary Report issue was finally being addressed. He commented that someone had tried to change this report in the past. He stated that the General Manager had been adamant about the need for 800,000 gallons of water storage needed before any development could occur. He stated this letter was premature and more consideration needed to be given before changing the severity level.

Jeffrey Minnery explained that they were still gathering information related to the water supply and the groundwater basin.

Motion: Chairperson Kellas

2<sup>nd</sup>: Director Maurer

Vote: 3/0

Absent: Director de la Rosa

Roll Call:

Kellas: Yes

Carson: Yes

Maurer: Yes

**6. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS –**

**7. ADJOURNMENT @ 4:33 PM**

## **5. CONSENT AGENDA**

- C. Review and approval of Disbursements Journal.**

**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**Disbursements Journal**  
 January 2021

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Paid Amount</u>
<b>Additional Disbursements made in December 2020 after BOD Meeting</b>					
Bill Pmt -Check	12/09/2020	2497	Sentinel Security Solutions, Inc.	Outdoor security cameras - new installation. Inv 9843 . 2nd payment of 2 pymts.	-10,484.00
<b>January 2021 Disbursements</b>					
Paycheck	01/14/2021	2151	GWEN KELLAS	Board Service Dec 2, 2020 through Jan 1, 2021.	-92.35
Paycheck	01/14/2021	2152	WILLIAM E MAURER	Board Service Dec 2, 2020 through Jan 1, 2021.	-92.35
Paycheck	01/14/2021	2153	WILLIAM J CARSON	Board Service Dec 2, 2020 through Jan 1, 2021.	-92.35
Bill Pmt -Check	01/14/2021	2154	Shirley Rice	Refund Acct #272 - Security Deposit and Overpayment on Bill	-61.80
Bill Pmt -Check	01/14/2021	2155	Adamski Moroski Madden Cumberland & Green	General legal fees through 11/30/2020. Inv 52686 dated 112/29/2020.	-6,450.84
Bill Pmt -Check	01/14/2021	2156	Kathleen Fry Bookkeeping Services	Bookkeeping services Dec 2020. Inv CSD-2020-12 dated 12/31/2020.	-1,320.00
Bill Pmt -Check	01/14/2021	2157	Phoenix Civil Engineering, Inc	Prof Svcs on Water Tank (Reservoir) Project through Nov 25, 2020. Inv 19484 dated 12/02/2020.	-12,850.50
Bill Pmt -Check	01/14/2021	2158	Phoenix Civil Engineering, Inc	Prof Svcs on Water Tank (Reservoir) Project through Oct 23, 2020. Inv 19459 dated 10/30/2020.	-29,604.38
Bill Pmt -Check	01/14/2021	2159	rrm design group	Solid waste authority planning services, coordinate with LAFCO. Inv 0440-02-1120 dated 12/08/2020.	-647.50
Bill Pmt -Check	01/14/2021	2160	San Simeon Ranch/Hearst Corp	Water Supply January - December 2021. Inv # Water Supply dated 1/1/2021.	-10,000.00
Bill Pmt -Check	01/14/2021	2161	Simply Clear Marketing & Media	Monthly Website Service and Mgt fee service period Jan 21 - Feb 20, 2021. Inv 31094 dated 12/18/2020.	-400.00
Bill Pmt -Check	01/14/2021	2162	SLO County APCD (Air Poll Ctrl Dist)	Annual permit fee for backup generators for water system and wastewater system. Inv 21041 dated 12/10/2020.	-1,900.70
Bill Pmt -Check	01/14/2021	2163	SWRCB-DWP-State Water Resource Cntrl Bd	Annual Fees for Community Water System for 7/1/2020 - 6/30/2021. System # 4000568. Inv #SM-1030011 dated 12/18/2020.	-1,359.60
Bill Pmt -Check	01/14/2021	2164	Grace Environmental Services - GES	Reimb for GoDaddy Invoice date 11/20/2020. Renewal for GoDaddy, Microsoft 365, BOD email accounts.	-1,150.02
Bill Pmt -Check	01/14/2021	2165	Grace Environmental Services - GES	Reimb for San Luis Powerhouse Invoice #43684. WWTP Generator Repair. GES Inv #1419 Dated 12/10/2020.	-5,384.91
Bill Pmt -Check	01/14/2021	2166	Grace Environmental Services - GES	Operations Management, Electrical and Maintenance Fees Jan 2021. Inv # 1425 dated 1/1/2021.	-54,197.39
Check	01/25/2021	Elec Pymt	CalPERS Fiscal Services Division	Retiree Health monthly premium for Feb 2021.	-351.65
Check	01/25/2021	Elec Pymt	CalPERS Fiscal Services Division	Unfunded Accrued Liability only - prepayment for February 2021. Cust. ID # 7226734344.	-1,317.97
Liability Check	01/25/2021	Elec Pymt	United States Treasury (US Treasury)	Payroll tax payment for paychecks dated 01/14/2021.	-45.90
<b>TOTAL</b>					<b><u>-137,804.21</u></b>

## **5. CONSENT AGENDA**

- D. Approval of Resolution 21-428 updating signatures including facsimile signatures for Banking services on behalf of the SSCSD.**



## CONSENT AGENDA ITEM STAFF REPORT

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### **Item 5.D. Approval of Resolution 21-428 updating signatures including facsimile signatures for Banking services on behalf of the SSCSD.**

#### Summary:

Any time a new Board member is elected or appointed the District must update this information with their bank. This action will allow for our newest Board member Daniel de la Rosa, to be added as a signer to the District bank account.

#### Recommendation:

Staff recommends that the Board adopt Resolution 21-428 through the Consent Agenda. Since a Resolution is included on the Consent Agenda, the vote should be taken as a Roll Call Vote.

Enc: Resolution 21-428

**RESOLUTION NO. 21-428**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT AUTHORIZING SIGNATURES, INCLUDING FACSIMILE SIGNATURES, FOR BANKING SERVICES ON BEHALF OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT AT PACIFIC PREMIERE BANK**

**WHEREAS**, the San Simeon Community Services District's ("District") priorities as to its investments are, in the following order, preservation of principal, liquidity of principal and return on investment; and

**WHEREAS**, the establishment of a general checking account and a money market account is consistent with these priorities; and

**WHEREAS**, based upon changes to the composition of the District Board of Directors, a change in authorized signatories is being requested by Pacific Premiere Bank, and

**NOW THEREFORE, BE IT RESOLVED** by the Board of Directors of the San Simeon Community Services District as follows:

**Section 1:** The following persons are authorized to sign on behalf of the District, orders for payment or withdrawal of money: **Charles Grace, Daniel de la Rosa, Mary Giacoletti, Gwen Kellas, William Carson, and William Maurer** with further powers as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

**Section 2:** Any such authority shall remain in force until revoked by written notice to the affected bank of the action taken by the Board of Directors of the District. All prior authorizations are superseded.

**Section 3:** Any designated depository ("Bank") of the District is authorized and directed to honor and pay any checks, drafts, or other orders for the payment of money withdrawing funds from any account of the District when bearing or purporting to bear the signatures of TWO persons listed in the attached Resolution as having signatory authority. The Bank is authorized and directed to honor and to charge the District whom such actual or purported signatures were made, provided they resemble the signatures duly certified to and filed with the Bank by the District.

Passed and adopted this 14th day of January 2021, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, and on the following roll call vote to wit:

Chairperson Kellas:                      Director de la Rosa:                      Director Maurer:  
Director Carson:                      Director Giacoletti:

The foregoing Resolution is hereby adopted this 14<sup>th</sup> day of January 2021.

\_\_\_\_\_  
Gwen Kellas, Chairperson  
Board of Directors

ATTEST:

\_\_\_\_\_  
Charles Grace  
Secretary/General Manager

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Jeffrey Minnery  
District Counsel

**EXHIBIT A  
POWERS & AUTHORITY  
RESOLUTION 21-428**

<b>NAME</b>	<b>TITLE</b>	<b>POWERS</b>
Daniel de la Rosa	Director	Signatory
William Carson	Director	Signatory
William Maurer	Director	Signatory
Gwen Kellas	Director	Signatory
Mary Giacoletti	Director	Signatory
Kathy Fry	Bookkeeper	Web Access Deposit of Funds
Charles Grace	General Manager	Signatory Web Access Exercise instructions to bank
Cortney Murguia	Office Manager	Web Access Deposit of Funds

## **5. CONSENT AGENDA**

- E. Review of authorization of powers to the General Manager awarded under Resolution 20-419.**





## CONSENT AGENDA ITEM STAFF REPORT

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### **Item 5.E. Review of authorization of powers to the General Manager awarded under Resolution 20-419.**

#### Summary:

On April 22, 2020, District Resolution 20-419 was adopted by the Board. A copy of this resolution is included with this staff report. Within this resolution item number six (6) requires that the authority vested in the General Manager by this resolution will be reviewed during each regularly scheduled Board meeting.

Enc: Resolution 20-419

**RESOLUTION NO. 20-419**

**RESOLUTION OF THE SAN SIMEON COMMUNITY SERVICES  
DISTRICT TO TEMPORARILY AUTHORIZE INCREASED  
AUTHORITY OF THE GENERAL MANAGER AND TEMPORARY  
RELIEF FOR NONPAYMENT OF WATER/SEWER BILLS**

**Recitals**

WHEREAS, on March 4, 2020, the Governor of the State of California declared a State of Emergency to exist in California as a result of the threat of Novel Coronavirus 2019 (“COVID-19”); and

WHEREAS, on March 12, 2020, the Governor issued Executive Order N-25-20 in further response to the spread of COVID-19, mandating compliance with state and local public health officials as pertains to measures to control the spread of COVID-19; and

WHEREAS, on March 13, 2020, the San Luis Obispo County Health Officer declared a public health emergency and the County Emergency Services Director also proclaimed a local emergency due to the COVID-19 pandemic; and

WHEREAS, on March 14, 2020, the San Luis Obispo County Public Health Department announced the first confirmed case of COVID-19 in San Luis Obispo County, and additional cases have since been confirmed; and

WHEREAS, the health, safety and welfare of San Simeon Community Services District (“District”) residents, businesses, visitors and staff are of utmost importance to the Board of Directors (“Board”), and additional future measures may be needed to protect the community; and

WHEREAS, preparing for, responding to, mitigating, and recovering from the spread of COVID-19 may require the District to divert resources from normal day-to-day operations and it may impose extraordinary requirements on and expenses to the District; and

WHEREAS, the District General Manager (“General Manager”) currently has spending authority up to \$5,000.00, without prior Board approval in addition to limited authority related to personnel matters; and

WHEREAS, in the absence of Board action, strict compliance with certain District rules and ordinances could prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of COVID-19; and

WHEREAS, after consideration of all the facts reasonably available for review at the present time, the Board of Directors finds it in the best interest of the District to authorize the increase in General Manager spending authority to \$10,000, and up to \$15,000 upon authorization

from the President of the Board, and approves all acts necessary and appropriate to ensure the operation of the District.

WHEREAS, the Board understands that the closures of schools and other businesses due to COVID-19 is causing or may cause a financial hardship for many of its ratepayers and therefore will suspend discontinuation of services and make other accommodations for ratepayers experiencing a hardship during this emergency.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the San Simeon Community Services District, as follows:

1. The Board of Directors authorizes an increase in the General Manager's spending authority to \$10,000, and up to \$15,000 upon authorization from the President of the Board.
2. The Board of Directors orders that the process to discontinue water or sewer service for nonpayment shall be suspended. Ratepayers experiencing a financial hardship should contact the District office.
3. The Board of Directors orders that all late fees for nonpayment of water or sewer service shall be waived. Ratepayers experiencing a financial hardship should contact the District office.
4. The Board of Directors orders that for ratepayers experiencing a financial hardship due to COVID-19, the General Manager is authorized to work with the ratepayer on an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges.
5. The General Manager may take all actions necessary, proper, and appropriate in his/her reasonable discretion to ensure the operation of the District, the safety of employees, and the safety of the public, including, but not limited to reasonable deviations from Board adopted Ordinances, Resolutions, Policies, and Procedures.
6. The authority vested in the General Manager by this resolution will be reviewed during each regularly scheduled Board meeting and otherwise terminate upon a declaration by the Governor that the State of Emergency has ended and the County Health Officer that the Public Health Emergency has ended and the County Emergency Services Director that the Local Emergency has ended.

**ADOPTED** by the Board of Directors of the San Simeon Community Services District on April 22, 2020, by the following roll call votes:

AYES: Carson, Kellas, Maurer

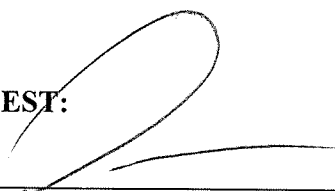
NOES: Russell  
ABSENT:  $\emptyset$   
ABSTAINED:  $\emptyset$

The foregoing Resolution is hereby adopted this 22 day of April, 2020.



\_\_\_\_\_  
Gwen Kellas, acting Chairperson of the  
Board of Directors

**ATTEST:**



\_\_\_\_\_  
Charles Grace, General Manager and  
Secretary for the Board of Directors

**APPROVED AS TO FORM  
AND LEGAL EFFECT:**



\_\_\_\_\_  
Natalie F. Laacke, District Counsel

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## **6. A. Business Items**



## BUSINESS ACTION ITEM STAFF REPORT

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### **Item 6.A. Election of Chairperson and Vice Chairperson for the 2021 Calendar year.**

As of January 1, 2021, the Chairpersons term will have expired. The Vice-Chairperson position has been vacant since October 2020. Staff is requesting nominations and acceptance from the SSCSD Board for the position of Chairperson and Vice-Chairperson for the 2021 calendar year. A section of the Policy & Procedures manual pertaining to the Chair and Vice-Chairperson duties has been included in the report.

#### **SECTION 3.00 Duties of the Board of Directors**

**3.01 Presiding Officer.** The Chairperson shall preside at all meetings of the Board. The Vice-Chairperson shall preside at all meetings of the Board in the absence of the Chairperson. If both the Chairperson and Vice-Chairperson are absent, the Directors in attendance shall select a Director to preside over the meeting.

**3.02 Duties of the Chairperson.** The Chairperson of the Board shall preserve order and decorum and shall decide questions of order subject to appeal to the Board of Directors. The Chairperson from the chair may place a motion before the Board, second a motion, and vote irrespective of the existence of an otherwise tie vote.

The Chairperson shall act as spokesperson for the Board with respect to its actions and policies and those of the District. This provision, however, shall not preclude any other member of the Board from making appropriate comments within the scope of his or her position.

The Chairperson, or any member of the Board or staff person so designated, shall represent the Board where it is appropriate or desirable for the District to appear at meetings of other public agencies, private entities, before public or private groups, or on other public or private occasions. However, this provision shall not limit the attendance of any Director or authorized officer or staff member of the District at other public gatherings or meetings. Prior to attending such a gathering or meeting, Directors are encouraged to review Government Code Section 54952.2(c) and ensure their attendance is in conformance with the requirements of the Brown Act. (Please refer to Section 3.04)

To obtain such information as may be necessary and appropriate to assist the Board in its deliberations, the Chairperson shall work with the General Manager, District Counsel, or other staff member of the District. The Chairperson may also direct staff to implement the policies and

decisions of the Board. Individual members of the Board shall not act independently to direct staff in the performance of their duties unless specifically provided for in these policies or as approved by the Board.

**3.03 Duties of the Vice-Chairperson.** The Vice-Chairperson shall act if the Chairperson is absent or unable to act and shall exercise all of the powers of the Chairperson on such occasions.



## **6. B. Business Items**



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **Item 6.B. Discussion regarding moving the start time of the regular Board meeting time from 3 pm to a different time.**

This item has been placed on the agenda at the request of Chairperson Kellas. Two community members have contacted the District office and asked that the Board meetings be moved to a later start time. Staff is looking for direction from the Board regarding this matter.

Enc; Correspondence from constituents

**Re: BOARD MEETINGS**

San Simeon CSD <admin@sansimeoncsd.org>

Mon 12/14/2020 10:01 AM

To: marco bini <marco@nexxtpack.com>; gkellas@sansimeoncsd.com <gkellas@sansimeoncsd.com>; cgrace@graceenviro.com <cgrace@graceenviro.com>

Good morning Marco,

This matter will be discussed during the January 2021 meeting.

Please let me know if you have any additional questions.

Thank you,

*Cortney Murguía*

Office Manager

San Simeon Community Services District

(805) 927-4778

---

**From:** marco bini <marco@nexxtpack.com>

**Sent:** Monday, December 14, 2020 7:14 AM

**To:** gkellas@sansimeoncsd.com <gkellas@sansimeoncsd.com>; cgrace@graceenviro.com <cgrace@graceenviro.com>

**Cc:** San Simeon CSD <admin@sansimeoncsd.org>

**Subject:** BOARD MEETINGS

Good morning,

I respectfully ask that meetings are moved to 6pm in order to have better participation in the District affairs.

Best regards and thank you,

Marco Bini

Marco Bini

c. 818 235 3314

Skype: marcobinioffice

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## Board meeting times

Michael Donahue <mcdon1122@gmail.com>

Tue 12/15/2020 11:01 AM

To: San Simeon CSD <admin@sansimeoncsd.org>

Hi Courtney,

Please express my thanks and wishes to all Board members.

Thank you for changing the day of Board meetings from Wednesday to Thursday.

Please change the meeting time from 3:00 PM to 6:00 PM so more San Simeon residents can attend.

Thank you.

Michael Donahue

## **6. C. Business Items**



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **Item 6.C. Chair appointment of standing committee members per District policy # 4060.30.**

#### **Summary:**

The Board Chairperson appoints members to the Budget and Water Committees, subject to approval by the Board. The COVID19 pandemic has resulted in the suspension of in person meetings. The Water Committee did not meet in 2020 and the Budget Committee met once via Zoom and once in person in 2020.

The Board Chairperson may request public comment from any person interested in being on the either the Water or Budget Committee (3 minute max). Following public comment and any discussion from the Board, the Board Chairperson shall appoint committee members.

#### **Recommendation:**

After the Board Chairperson makes appointments to the standing committees, Staff recommends a motion to approve the appointments. A section of the Policy & Procedures manual pertaining to the standing committees has been included in the report.

**13.01 Standing Committees.** The District has the following standing committees:

- Budget/Finances – This committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.
- Water/Facility – This committee shall be concerned with the formulation of plans for arranging, realizing, and/or achieving the District’s goals in regard to alternative water sources and facility maintenance and upgrades.

**13.02 General Rules Governing Committees.** The Chairperson of the Board of Directors shall appoint one (1) or two (2) Board members and three (3) to five (5) members of the public to serve on the Standing Committees subject to Board approval. The Chairperson of the Board of Directors shall publicly announce the members of the standing committees for the ensuing year at the next

regular Board meeting following the appointment of the Chairperson of the Board of Directors. Committees shall be governed by the following policies and rules.

- At its first meeting, each Standing Committee shall select a Chairperson, who shall be one of the Board members on the committee.
- No more than two Directors of the Board shall serve on any one Committee. Other Directors may attend Committee meetings as *observers* in accordance with the Brown Act. As observers the Board members may not ask questions or make statements while attending the meeting, nor may they sit in the special chairs on the dais while attending the meeting. As observers the Board members have no authority to participate in any way in Committee discussions.
- Committees should focus on matters that typically require extensive research and review.
- A Committee may take no action. Recommendations for formal action by the Board of Directors are made in the Committee reports.
- Any Committee that is appointed by action of the Board of Directors and/or has members of the public serving on the Committee shall then come under the posting requirements of the Brown Act and shall be open to the public.
- The meetings of Standing Committees shall be held when called by the Chairperson of the Standing Committee, other Director member, or the Board Chairperson.
- Duties and Functions: At the time the Chairperson of the Board of Directors forms the Standing Committee, he/she shall give instructions as to the duties for each Committee. Additional duties and functions may be delegated by the Chairperson, as need arises, subject to Board approval.
- The Committee shall give a report at the regular meeting of the Board of Directors and if a need to take action should arise, the Committee shall bring a recommendation to the Board of Directors at any duly noticed meeting. The Committee Chairperson shall notify the General Manager of items to be placed on the agenda where action is needed one week prior to the meeting if possible.

Enc: Existing committee members list

## WATER COMMITTEE MEMBERS

- John Russell
- Mike Hanchett
- Daniel de la Rosa
- Leroy Price

## BUDGET COMMITTEE MEMBERS

- Kathy Fry
- Daniel de la Rosa
- Bill Maurer
- Mike Hanchett



## **6. D. Business Items**



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **Item 6.D. Discussion regarding the responses from the request for proposal related to the Coastal Hazard Response Plan (CHRP).**

#### **Summary:**

As part of the District's after-the-fact Coastal Development Permit (CDP) related to the Waste Water Treatment Plant, the District is required to prepare a Coastal Hazards Response Plan (CHRP).

The Coastal Hazards Response Plan (CHRP) must be completed by no later than February 1, 2022. The Response Plan shall provide a clear long-term plan for providing necessary wastewater treatment functions at an inland location or locations that are not subject to the significant coastal hazards threatening the existing WWTP as identified in the Commission adopted findings for this CDP.

In November, staff mailed a request for proposal (RFP) related to the Coastal Hazard Response Plan. The RFP was sent to a list of 30 qualified contractors. The District received two responses. These responses are included with the Board packet.

Based on the Policy and Procedures manual, staff is going to ask both firms to be interviewed. Staff is suggesting that the interview process be conducted by the Board of Directors.

#### **1. Selection Procedures for Professional Services in Excess of \$50,000**

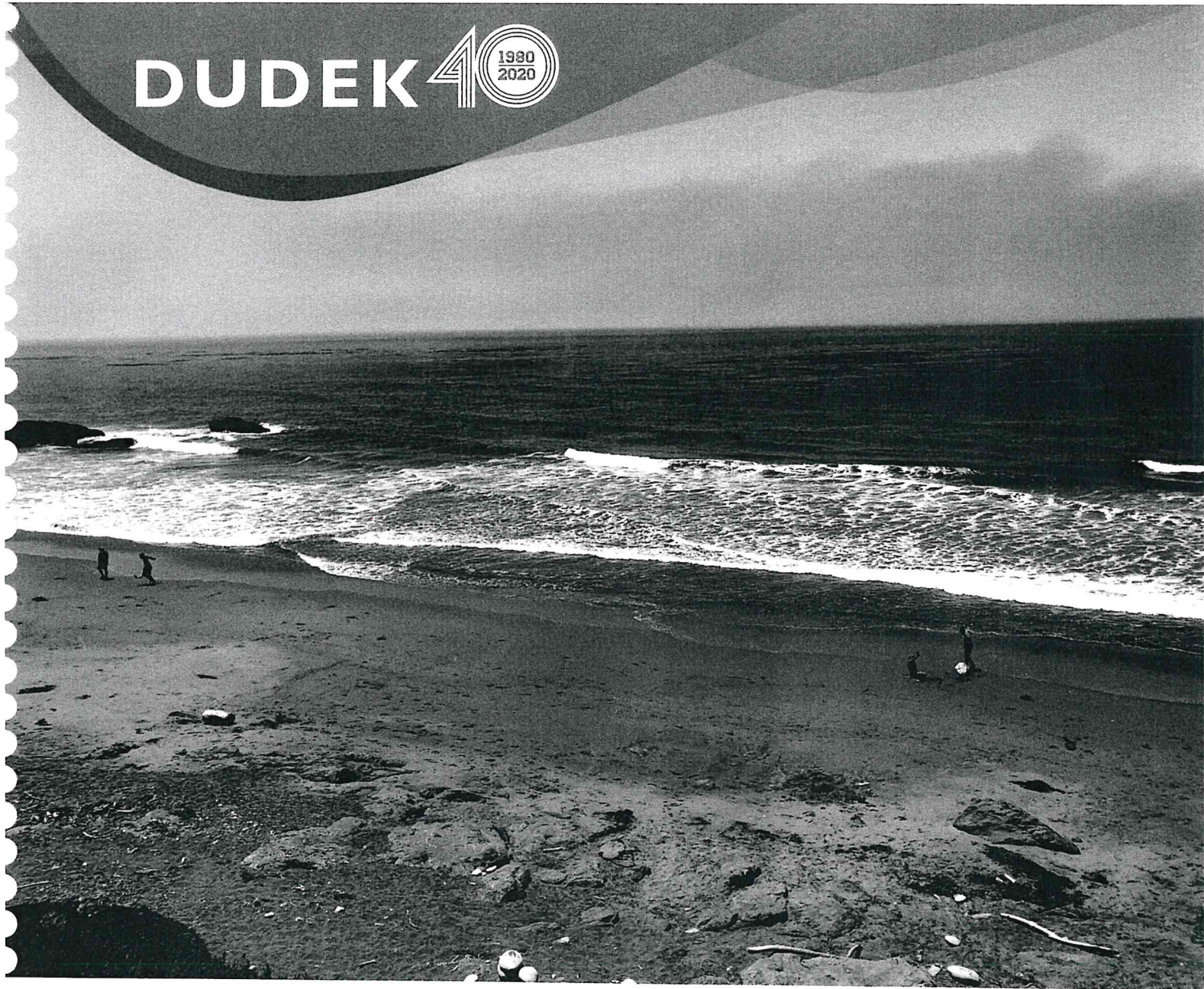
When the cost for professional services is expected to be in excess of \$50,000, the District shall prepare a Request for Proposal (RFP) which should request the professional's qualifications, relevant experience, described approach, staffing, and support. The proposal should outline the terms, conditions, and specifications of the services required by the District. District staff will review the proposals received, rank the consultants based upon the following criteria, and invite the most qualified firms for interviews:

- a. ability of the consultants to perform the specific tasks outlined in the RFP,
- b. qualifications of the specific individuals who will work on the project,

- c. quantity and quality of time key personnel will be involved in their respective portions of the project,
- d. reasonableness of the fee requested to do the work; comparability of fee to similar services offered by other qualified consultants (except where fee is to be negotiated later),
- e. demonstrated record of success by the consultant on work previously performed for the District or for other public agencies or enterprises,
- f. the specific method and techniques to be employed by the consultant on the project or problem,
- g. ability of the consultant to provide appropriate insurance in adequate amounts, including errors and omissions if applicable, and
- h. responsiveness to the RFP.

The report to the Board shall summarize the basis for staff's consultant selection recommendation and the ranking of the consultants based upon these criteria. Following Board approval, the General Manager and one Board member shall then execute the contract.

Enc: Proposal from Dudek  
Proposal from Hasan Consultants  
Review Sheets Grace



PROPOSAL

# Professional Services for a Coastal Hazard Plan

PREPARED FOR

San Simeon Community Services District

December 17, 2020

RECEIVED

DEC 17 2020

BY: CIAM



# Letter of Transmittal

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December 17, 2020

Charles Grace, General Manager  
San Simeon Community Services District  
District Office  
111 Pico Avenue  
San Simeon, California 93452

**Subject: Proposal to Provide Professional Services for a Coastal Hazards Response Plan**

Dear Mr. Grace,

On July 18, 2019, the California Coastal Commission (CCC) awarded the San Simeon Community Services District (SSCSD) an After the Fact Coastal Development Permit (CDP; CDP No. 3-09-0020), which requires that SSCSD prepares a Coastal Hazard Response Plan (CHRP) before February 1, 2022. Dudek has the experience and expertise to build upon existing analyses of a new and/or relocated wastewater treatment plant (WWTP) and associated wastewater functions to develop a long-term plan for the provision of wastewater treatment functions at a new WWTP that can avoid damage or disruption of service by coastal hazards, including those that are intensified by sea level rise (SLR), that threaten the existing SSCSD WWTP. To address SSCSD needs, the Dudek team offers the following advantages.

**WWTP Experience and Expertise.** Dudek specializes in planning, design, permitting, construction, operation, and management of water and wastewater treatment facilities. Our treatment experience ranges from planning, risk assessment, and operations support services to preparation of plans, specifications, and estimates for individual unit processes to full-scale treatment facilities. We have provided municipalities and agencies with environmental planning, engineering, and compliance services for new and existing WWTP facilities throughout California, including the Central Coast.

**Regional Presence and Experience.** Dudek has worked with coastal municipalities and agencies to assist with infrastructure planning and engineering, California Environmental Quality Act (CEQA), natural resources management and habitat restoration, and urban forestry projects. We have operated out of our Santa Barbara office for more than 25 years, understand the local and regional issues facing cities throughout the Central Coast and have built strong relationships with stakeholders.

**Coastal Planning Experts.** The Dudek team includes coastal planners who served as previous CCC staff and are familiar with applying California Coastal Act (CCA) resource protection policies and developing CCC-approved environmental documents. Dudek coastal planners are currently managing CDP efforts throughout the state as well as long-term, SLR and coastal hazard planning projects funded by CCC grants for the Cities of Pismo Beach, Los Angeles, and Dana Point. The Dudek coastal team's extensive experience processing development applications and long-range planning documents through the various CCC district offices will allow us to assist SSCSD in satisfying CCC requirements in the most efficient and effective manner possible, while understanding the unique needs of SSCSD.


**Comprehensive Services.** Our team includes experts that provide all of the services and expertise required to develop a CHRP for SSCSD. Dudek has environmental planners, engineers, coastal planners, regulatory permitting specialists, hydrogeology and wastewater experts, and biological and cultural resources specialists in-house and have a depth and breadth of services that few firms can offer. In addition, we are including subconsultant GHD to provide maritime engineering and SLR modeling expertise to supplement our comprehensive team.

Our proposal includes a narrative with information regarding Dudek's Principal In Charge for this project (Michael Metts, P.E.) and description of the services that we will provide SSCSD. We appreciate the opportunity to submit this proposal and look forward to discussing this project with you in greater detail. Please feel free to contact Project Manager John Davis IV at 805.308.8524 or jdavis@dudek.com if you have any questions about our qualifications. We wish you success with this important process!

Sincerely,



Michael Metts, P.E.  
Principal in Charge



John Davis IV, MS, CE  
Project Manager

*Michael Metts is authorized to sign on behalf of Dudek.*



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# Qualifications

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The Dudek team to prepare a Coastal Hazard Response Plan (CHRP) for the San Simeon Community Services District (SSCSD) is comprised of Dudek as the prime consultant and GHD as a subconsultant. Dudek will provide project management; California Environmental Quality Act (CEQA) documentation; environmental and coastal planning; regulatory permitting; water and wastewater resources; biological and cultural resources; hydrogeology; and grant writing and financing support. GHD will lead sea-level rise (SLR) analyses and maritime engineering services related to the CHRP. Brief profiles of both firms are provided followed by the qualifications of proposed key personnel and descriptions of the services to be provided.

## Dudek

Dudek is a California-based environmental and engineering consultant with nationwide offices and more than 600 planners, scientists, civil engineers, contractors, and support staff. We have had a presence on the central coast since 1994 and our staff live, work, and play in the region. As professionals, we take pride in our commitment to our clients, but more importantly, as friends, neighbors, and community partners, we are personally invested in the successful outcome of our clients' projects.

Dudek has built a reputation for providing high-quality, broad environmental, planning, and regulatory services that offer clients a cost-effective way to meet project implementation objectives. Our team focuses on:

**Community Planning** We enhance community livability and development with cost effective and sustainable planning. Our planners, designers, and specialists in climate adaptation, forestry, wildfire, and mobility bring holistic problem solving and science into each plan and project.

**Natural Resource Management** We provide science-based analysis for preserve design and species survey methodologies, coupled with habitat planning, permitting, design, and installation expertise.

**Infrastructure Development** We have in-depth experience managing projects where science, regulatory requirements, and community and stakeholder interests converge. We guide clients through analysis, permitting, and implementing private development and public infrastructure projects.

**Regulatory Compliance** Our scientists and planners have established strong working relationships with the local staffs of California and federal regulatory agencies. Our knowledge of agency expectations, inter-agency agreements, and local regulations involving your project are vital for keeping projects moving forward and obtaining final approvals.

### *Dudek at a Glance*

- *Multidisciplinary environmental and engineering services*
- *600+ employees*
- *16 offices, including Santa Barbara*
- *Founded in 1980; employee-owned*
- *Top 125 U.S. Environmental Firms (Engineering News-Record)*
- *92% rating for reliability, timeliness, and responsiveness (Dun & Bradstreet, 2016)*

## Local Presence and Familiarity

Dudek has worked with municipalities and agencies throughout the Central Coast region for more than 20 years. We have an established office in Santa Barbara and staff that live throughout Santa Barbara, San Luis Obispo and Ventura Counties. Dudek staff have been working in the area for more than two decades and are connected to the issues of local concern. The Dudek team has extensive experience working with agencies in the Central Coast region, including the California Regional Water Quality Control Board (RWQCB, Central Coast office), California Coastal Commission (CCC), California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), and the U.S. Army Corps of Engineers (ACOE). Because of our extensive work in the area, we are extremely familiar with the diverse community makeup, infrastructure, natural resources, and land use environments of the area.

## GHD

Established in 1928, GHD employs more than 10,000 people across five continents and serves clients in the global markets of water, energy and resources, environment, and transportation. Wholly owned by its people, GHD is focused on client success; its global network of engineers, architects, landscape architects, planners, scientists, project managers, and economists collaborate to deliver sustainable outcomes for its clients and the community.

For over 65 years, the professionals at GHD have improved, protected, and enhanced the communities and environment along the California coast. Through its long history serving clients along the California coast the firm has developed strong working relationships with many regulatory agencies. GHD's coastal engineers and scientists understand the coastal environment at San Simeon and the specific needs of the CHRP.

## Key Personnel

Dudek's project team has direct experience working in the region and key personnel live in the County and throughout the central coast region. John Davis IV will serve as the project manager and primary point of contact for SSCSD. Mr. Davis is a senior coastal ecologist with expertise in identification and risk management of potential constraints for a diversity of land use projects, including infrastructure, energy, residential, commercial, and restoration projects. Mr. Davis manages several projects for the City of Santa Barbara's El Estero Water Resource Center (formally El Estero Waste Water Treatment Plant) and sewer and water infrastructure network including wastewater treatment plant (WWTP) secondary, tertiary, and electrical upgrades and habitat restoration and rehabilitation of lift stations and sewer and water lines. He has experience specializing in biological resource assessments; special-status plant and wildlife species surveys; habitat restoration; and environmental regulations, permitting, and compliance for complex projects in the central coast region.

Mr. Davis will be supported by Principal in Charge Michael Metts, PE, and key staff with environmental documentation, coastal planning, wastewater resources, regulatory permitting, hydrogeology, and sea-level rise expertise. Mr. Metts is principal engineer with experience in water, wastewater and recycled water engineering design, permitting, water resources planning, facility design, and construction management and assistance. Mr. Davis and Mr. Metts will oversee the proposed Dudek team, which includes subconsultant GHD, that will provide the required services to prepare a CHRP for SSCSD.

**Figure 1** presents the proposed team organization and lines of communication. Brief biographies highlighting the qualifications and experience of the Principal in Charge and key personnel assigned to the project are provided following the organization chart.

Figure 1. Team Organization



<sup>1</sup>GHD

Principal-in-Charge

**Michael Metts, PE**

Michael Metts is a principal engineer and manager of Dudek’s engineering services with 36 years’ experience in civil engineering and is a registered engineer in the State of California. Mr. Metts’ engineering experience encompasses water, wastewater and recycled water engineering design, permitting, water resources planning, facility design, and construction management and assistance. He has provided project management and principal in charge services throughout the southwestern United States. Mr. Metts’ project experience encompasses the evaluation and expansion of existing facilities as well as the design of new facilities, allowing him to anticipate project challenges, to the benefit of his clients. He is committed to maintaining clear and open communication with the client, while maintaining control of the project budget and schedule, as well as proactively delivering cost-effective and innovative project solutions.

**Education**

University of Kentucky  
BS, Civil Engineering

**Certifications**

PE, CA No. 42586

**Professional Affiliations**

- American Public Works Association
- American Society of Civil Engineers
- American Water Works Association
- California Water Environment Association
- National Society of Professional Engineers

## Project Manager

### John Davis IV, MS, CE

John H. Davis IV is a project manager and senior ecologist biologist in the Santa Barbara office with over 23 years' experience, specializing in biological assessments; eelgrass and special-status marine wildlife species surveys; habitat restoration; and environmental regulations, permitting, and compliance for marine and coastal environments. Mr. Davis IV's expertise is in identification and risk management of potential biological constraints for a diversity of land use projects, including desalination, wastewater, coastal power plants, aquaculture, shark detection, beach protection and processes, open space management, infrastructure, residential, commercial, and habitat restoration projects. He effectively assists clients with project design and agency negotiations, produces defensible biological technical reports, and manages and prepares the biological resources section of CEQA and National Environmental Policy Act (NEPA) documents. Mr. Davis IV also prepares technical biological reports and applications for the Endangered Species Act (ESA), Magnuson-Stevens Fishery Conservation and Management Act, California Coastal Act (CCA), Clean Water Act (CWA), Fish and Game Code, and other regulatory permitting. Additionally, Mr. Davis IV manages and coordinates compliance monitoring, conducts third party peer reviews of biological technical reports and monitoring for local agencies, and addresses requests for technical information during the environmental permitting process. He also represents clients in project meetings, on-site visits with agency personnel, and during public hearings.

Locally, he serves as managing biologist to seven biologists and is the primary contact in the region for biological services. Mr. Davis IV is very familiar with the County of San Luis Obispo and has been project manager and lead biologist on a variety of projects over the years. Mr. Davis IV has also worked extensively on desalination and WWTP projects including the City of Santa Barbara's Charles E. Meyer Desalination Plant where he assisted with obtaining regulatory permits; assembled the Mitigation and Monitoring Reporting Plan; and worked with the City, Contractor, and Monitors to ensure permit compliance through the duration of the project. He has continued working on the desalination plant from the transition to and during the operations phase including the east beach weir box, marine surveys for outfall pieces, and the temporary gravel bag placement for the stabilization of intake or platform B. He has also served as Dudek project manager on a variety of other City of Santa Barbara projects, including the El Estero Water Resource Center (formally El Estero Wastewater Treatment Plant) Secondary and Tertiary Upgrades, the Police Station Project, and several Santa Barbara Airport projects, amongst others. Mr. Davis IV previously worked for the Central Coast Regional Quality Water Control Board and local consulting firms covering land use and public works projects throughout the County including the Los Osos sewer, Dukes' Morro Bay power plant, Unocal Tank Farm, and Morro Bay National Monitoring Program.

Mr. Davis IV represents Dudek on several qualified biologist lists, including the Counties of San Luis Obispo, Santa Barbara, Ventura, and Los Angeles. He is also recognized as a qualified biologist by the Significant Ecological Area Technical Advisory Committee (SEATAC) for Los Angeles County.

### Education

*California Polytechnic State University, San Luis Obispo  
MS, Biology*

*San Diego State University  
BS, Ecology*

### Certifications

*PADI Dive Master*

*AAUS Scientific Diver*

*NAUI Reef Check CA Ecodiver*

*NOAA/CDFW Caulerpa Surveyor*

*Marine Mammal Observer /  
Protective Species Observer*

*CPR/First Aid – Health Care  
Professional*

*Emergency Oxygen Provider*

*CDFW Scientific Collecting Permit*

*ESA Certified Ecologist*

### Professional Affiliations

*Ecological Society of America*

*Pacific Coast Shellfish Growers  
Association*

*The Wildlife Society*

*American Fisheries Society*

*Salmonid Restoration Federation*

## CEQA/Environmental Planning

### David Ortega, QISP

David Ortega is an environmental technical analyst with 4 years' experience in areas including stormwater quality, noise, and transportation. As a stormwater technician, Mr. Ortega specialized in collection of stormwater samples, submittal for lab analysis, interpretation of lab results, Industrial General Permit (IGP) compliance and Level 1/Level 2 Exceedance Response Action (ERA) reports. As a noise technician, he conducts noise- and vibration-level measurements, as well as models construction and mechanical equipment noise. His transportation technician duties include traffic circulation network analysis using standard models. Mr. Ortega is also bilingual in English and Spanish.

#### Education

University of California,  
Santa Barbara  
BA, Environmental Studies

#### Certifications

Qualified Industrial Storm Water  
Practitioner (QISP), CA No. 647  
Roadway Worker Protection,  
CA No. 4502

## Biological Resources

### Dave Compton

Dave Compton is a wildlife biologist with 21 years' experience working in a variety of California environments. Mr. Compton has provided natural resources planning expertise through habitat assessments, constraints analyses, impact analyses, mitigation strategies, managing projects related to biological resources, agency coordination, permitting services, and designing and leading biological surveys. He has worked extensively on projects involving coastal marshes, riparian systems, San Joaquin Valley environments, and California desert environments. Mr. Compton's technical expertise is in the field of ornithology, and he has provided biological resources planning expertise relating to a variety of federally and state-listed species, as well as other special-status wildlife species.

#### Education

Marquette University  
MA, U.S. History  
Christian Brothers College  
BA, History

#### Certifications

Scientific Collecting Permit  
SC-7918

## Water/Wastewater Resources

### Phil Giori, PE

Phil Giori is a civil engineer with 5 years' experience, specializing in water and wastewater treatment facilities, with additional experience with collection systems, pipelines, wells, and other facilities. Mr. Giori is an industry leader in improving planning and design mechanisms to construct more reliable facilities with integrated risk-based operations and maintenance support. Mr. Giori's experience in planning, design, and construction provide him with unique insight and knowledge, which he employs to drive projects toward successful completion.

#### Education

San Diego State University  
BS, Civil Engineering

#### Certifications

PE, CA No. 87516

#### Professional Affiliations

California Water Environment  
Association

## Hydrogeology

### Ronald Schnabel, PG, CHG

Ronald Schnabel is a senior hydrogeologist with 40 years' experience as a geologist, and more than 15 years as a hydrogeologist. Mr. Schnabel has used his thorough understanding of geology and hydrogeology to develop clients who require planning, permitting, design and operational expertise with water banking and artificial groundwater recharge. He has served as project manager and key team member on over twenty groundwater banking and recharge projects in California, and for numerous other types of projects. His regulatory experience includes environmental permitting, plans of operation, CEQA, environmental impact reports, and NEPA compliance and permitting. He aims to use his experience to help further develop clients needing surface water and groundwater related investigations, artificial recharge projects for aquifer storage and recovery, well design, construction and testing. Mr. Schnabel's experience includes groundwater modeling, geographic information systems (GIS), statistics, surface-water-measurement methods, and geophysics.

#### Education

California State University (CSU),  
Sacramento  
BS, Geology

#### Certifications

PG, CA No. 7836; OR No. 2020;  
WA No. 463  
Certified Hydrogeologist (CHG),  
No. 867

### Kipp Vilker, PE, QSD/QSP

Kipp Vilker is a California-registered civil engineer with 7 years' experience as a civil and environmental engineer specializing in site/civil design and environmental remediation. Mr. Vilker has assisted in all phases of design of site development projects including site demolition, site planning, utility design, stormwater management and drainage, grading and earthwork, and erosion and sediment control. His contributions to environmental remediation projects include assisting in all phases of investigation, design, construction implementation, and report writing. Mr. Vilker has experience with subconsultant oversight, soil logging, and soil/groundwater sampling and screening.

#### Education

University of Wisconsin, Madison  
BS, Civil and Environmental  
Engineering

#### Certifications

PE, CA No. 90011;  
VA No. 0402057970  
QSD/QSP No. 27048

#### Professional Affiliations

American Society of Civil Engineers

## Cultural Resources

### Heather McDaniel McDevitt, RPA

Heather McDevitt is an archaeologist and cultural resources lead with 13 years' cultural resource management (CRM) experience throughout California and Baja California. Ms. McDevitt has served as a field supervisor, lab director, principal investigator and project manager on Phase I, Extended Phase I, Phase II, and Phase III projects conducting surveys, testing, site significance evaluations and recordation, data recovery and laboratory analysis. Her education encompasses archaeology, biological anthropology, and GIS. Ms. McDevitt has worked on projects for the National Park Service, U.S. Environmental Protection Agency (EPA), National Aeronautics and Space Administration, U.S. Bureau of Land Management, the Smithsonian Institute, California State Parks, California Department of Transportation, and various private CRM and environmental firms. Ms. McDevitt's professional experience provides significant knowledge and practical experience with state and federal regulations such as NEPA, Section 106 of the National Historic Preservation Act, and CEQA.

#### Education

California State University,  
Northridge  
MA, Public Archaeology  
BA, Anthropology

#### Certifications

Registered Professional  
Archaeologist (RPA)  
HAZWOPER Training,  
Hydrogeologic

#### Professional Affiliations

American Anthropological  
Association  
American Institute of Archaeology  
California Geographical Society  
Pacific Coast Archaeological  
Association  
Society for California Archaeology

## Grant Writing and Financing

### Jane Gray

Jane Gray is a regional planner, environmental specialist, and project manager with 23 years' project management and environmental planning experience, specializing in water/wastewater planning and permitting, agricultural resource and policy planning, policy analysis, land use planning, project development and entitlement services, and grant writing and management. Ms. Gray has a diverse and nuanced planning background, having worked as a project manager, analyst, and environmental planner for non-governmental entities, public agencies, and private firms and corporations. She has been responsible for projects varying from small-scale development and infrastructure planning in developing economies to private residential and commercial developments throughout California. Ms. Gray brings an effective and customized approach to efficiently deliver services. Her ability to skillfully negotiate the often-disparate interests involved in projects and bring about consensus is an asset in any situation. Ms. Gray has organizational expertise, technical aptitude, planning proficiency, and competency facilitating projects through contentious issues and fractious communities.

#### Education

*Universität Dortmund, Germany  
MS, Regional Planning and Management*

*State University of New York,  
Buffalo  
BS, Social Work*

#### Professional Affiliations

*Vice Chair, Central Coast RWQCB  
2nd District Appointee to the  
County Agricultural Advisory  
Committee*

### Madelyn Murray

Madelyn Murray is an environmental analyst with experience in environmental research and grant support. Ms. Murray provides diligent support on numerous grant applications and plan updates. She also helps agencies identify appropriate grant opportunities for their projects.

#### Education

*University of California,  
Santa Barbara  
BA, Environmental Studies  
(Ecology emphasis),*

## Maritime Engineering and Sea Level Rise Lead

### Aaron Holloway, PE

Aaron Holloway is a senior coastal engineer with 16 years' experience in coastal and water resources engineering with a focus on coastal, riverine, and civil infrastructure projects. This experience has included vulnerability assessments and resiliency planning ranging from project level to regional scale studies to help clients understand and plan for impacts from rising sea levels. Mr. Holloway's experience has included design and modeling of beach nourishment projects, shore protection infrastructure, environmental restorations, and sand retention structures. Having led projects from initial planning through permitting, detailed design and construction he knows how to navigate the challenging regulatory process for projects in the coastal zone.

#### Education

*CSU, Long Beach  
MS, Civil Engineering  
BS, Civil Engineering*

#### Certifications

*PE, CA No. C71640*

### Brian Leslie

Brian Leslie is a coastal scientist and project manager for a variety of projects that involve shoreline protection, dredging, beach nourishment, wetland restoration and resilience to coastal hazards. Mr. Leslie specializes in front-end project planning that leads to securing project permits in the California coastal zone. He leads teams of engineers, scientists and environmental practitioners to develop feasibility studies that end with a viable option for all parties.. Mr. Leslie has over 15 years of professional work experience within both the public and private sectors in the field coastal science and engineering.

#### Education

*Florida Institute of Technology  
BS, Oceanography*

*Old Dominion University  
Coastal Engineering Certificate*

#### Professional Affiliations

*Coasts, Oceans, Ports, and Rivers  
Institute*

*American Shore and Beach  
Preservation Association*



## Available Services

The Dudek team has provided similar services to municipalities, agencies, and districts for complex water and wastewater facilities projects. Following are qualifications and summaries for the services required to prepare a CHRP for SSCSD.

### CEQA

Dudek has one of California's largest, most experienced team for CEQA and NEPA document preparation. Our environmental planners have prepared and processed more than 2,800 documents pursuant to CEQA/NEPA, including many complex, controversial projects in environmentally constrained areas. Dudek planners have expertise in the preparation of a wide range of environmental documents, including initial studies (ISs), negative declarations, mitigated negative declarations (MNDs), and categorical exemptions, as well as complex environmental impact reports, environmental assessments, and environmental impact statements.

*Dudek has prepared more than 2,800 CEQA/NEPA documents, none of which have been successfully legally challenged.*

From permitting California's first large seawater desalination plant to environmental planning for desert wind/solar energy farms, Dudek planners and CEQA/NEPA experts have successfully tackled the most challenging projects associated with public works, land development, transportation, urban campuses, energy, and hospitals. Dudek team members have an extensive knowledge of CEQA and NEPA regulations and guidelines and regularly attend workshops and seminars to understand the latest in case law and application of these statutes. The Dudek team is highly skilled at crafting legally defensible CEQA/NEPA documentation by collecting thorough data; applying in-depth project analysis; carefully and proactively addressing challenges; and producing clear, objective, and accurate documents. For this reason, no legal challenge to a Dudek-prepared CEQA/NEPA document has ever been successful.

### Regulatory Permitting

Our knowledge of the applicable regulations combined with our specific experience with the standards and processes of each particular agency and its staff enable us to prepare comprehensive and easily accessible submittals. Our job is to know what information needs to be provided, verify the information is complete and accessible, and foresee potential issues so we can help project owners prepare for unforeseen potentialities.

Dudek project managers have worked extensively with federal and state resource agencies, including the USFWS, ACOE, National Marine Fisheries Service, U.S. Geological Survey, U.S. Bureau of Land Management, RWQCB, and CDFW.

Our team has particular expertise with the various state and federal laws and regulations governing natural resources throughout California, including both state and federal Endangered Species Acts, the California Native Plant Act, the Migratory Bird Treaty Act, the Bald Eagle and Golden Eagle Protection Act, the California Fish and Game Code, the CWA, the Porter-Cologne Act, and city/county Per tree ordinances.

Dudek consistently secures development permits, agreements, and approvals from state, federal, regional, and local agencies and other relevant agencies, groups, and entities that have jurisdiction in a project region. Our success stems directly from the relationships and reputation we have fostered with these agencies. Dudek provides reliable, scientifically based information tailored to address the specific requirements and standards of the relevant agency for permit application packages.

## Coastal Planning

Dudek's coastal planners bring an unmatched level of institutional knowledge regarding all aspects of California coastal laws, regulations, procedures, and policy interpretation, including the most recent CCC SLR Policy Guidance. As former CCC staff, we have direct working experience reviewing coastal development permit (CDP) submittals for completeness and filing, analyzing projects' consistency with relevant CCA and/or LCP policies, developing CDP special conditions, preparing staff recommendations, presenting at CCC hearings, and performing CDP condition compliance. Today, we help clients with projects involving a wide array of coastal policy issues, such as coastal hazards and SLR, public access, wetlands and environmentally sensitive habitat protection, visual resources, and water quality. As full-time coastal planners, our team tracks ongoing CCC action to glean best practices and provide the most current recommendations to our clients, which is especially important given the CCC's evolving coastal hazards and SLR planning efforts. Dudek's coastal planners anticipate key coastal resource issues and leverage our positive working relationships with CCC staff to resolve issues early in the process and streamline CCC review.

With this understanding of Coastal Act requirements and ability to anticipate coastal resource constraints, Dudek's coastal planners will support the project's technical staff in preparation of the CHRP and ensure that the information and analysis meets the requirements of the Special Condition #3 of CDP No. 3-19-0020. Our team's ability to translate complex coastal processes and technical strategies into policy and permitting solutions will make sure the CHRP is actionable. We will combine our background and skills to effectively communicate and represent SSCSD's goals in negotiations with CCC staff.

## Water Resources Planning

California's water resources are increasingly considered an integrated resource to serve a variety of potable and reclaimed uses. Dudek's engineers, hydrologists, and environmental professionals have helped California's water managers develop, expand, and manage water resources and their associated storage, conveyance, and treatment for thousands of projects.

Addressing California's complex water and wastewater needs requires a holistic engineering approach to planning, designing, building, and managing resources that will fulfill long-term needs. Dudek's civil engineers, hydrogeologists, and scientists work together to approach and resolve infrastructure, supply, and delivery questions for California's municipalities and land developers.

Dudek's environmental scientists and engineers work together to analyze and manage the complete life cycle of water. From planning water supply and usage, to facility design and regulatory permitting, to infrastructure construction and management, we meet clients' long-term water and wastewater goals.

## Wastewater Planning

Dudek engineers specialize in the planning, design, and construction management of conveyance, pumping, storage, and treatment facilities for the entire water cycle. Our diversely talented team offers a broad range of infrastructure experience to provide guidance in defining and delivering sustainable projects. Our goal is to identify creative solutions that maximize the capital investment of our clients.

Dudek's planners and technical experts have surveyed and managed components of WWTPs from siting of WWTPs, secondary and tertiary upgrades, electrical, chemical storage, coastal hazards including sea-level rise, habitat restoration, and incorporation of desalination facilities into the WWTP. Dudek experts have also assisted local agencies with technical and permitting services for sewer and water infrastructure, including lift stations, and desalination plants on the coast and in the marine environment.

## Hazards and Hazardous Waste

Successful reuse/redevelopment of contaminated property requires a team of engineering, geology, chemistry and toxicology professionals; an understanding of local, state, and federal regulations; and familiarity with the nuances of regulatory agencies. Our experts have extensive experience conducting environmental site assessments, as well as evaluating and implementing remedial alternatives that are cost-effective, time-sensitive, and consider all aspects of risk. We have successfully performed investigation and remediation on commercial and industrial properties, including manufacturing facilities, dry cleaners, automotive shops, oil fields, schools, universities, agricultural sites, hotels, casinos, and renewable energy facilities, as well as residential project sites.

Dudek's team of environmental engineers, hydrogeologists, and scientists evaluate and manage all aspects of environmental due diligence, cost-benefit analysis, data collection, remediation, and environmental program management. We work with private and public property owners to identify and manage environmental liabilities, mitigate risks, and make the best use of capital expenditures related to environmental projects.

## Due Diligence and Site Assessment

Our professionals have conducted hundreds of Phase I Environmental Site Assessments in accordance with the appropriate ASTM standard. We are thorough in our research to determine recognized environmental conditions and/or environmental concerns that can impact the cost, risk, and schedule of a project. Dudek scientists and engineers expertly design and implement Phase II Environmental Site Assessments to collect a comprehensive data set for use in planning, site development, and/or remediation, as well as to satisfy regulatory requirements. We understand that most projects are subject to schedule and/or budgetary constraints, and we take those into consideration when specifying data objectives.

## Investigation and Remediation

We prepare remedial investigation/feasibility studies, sampling and analysis work plans, site health and safety plans, hazardous materials contingency plans, as well as hazardous waste facility permits. Our team specifies and conducts sampling programs, including subsurface investigations using geophysical methods, soil gas surveys, and a variety of soil and groundwater sampling techniques. We have expertise in groundwater modeling and have designed remedial wellfields and installed groundwater wells. We are well versed in remediation technologies. Each site presents unique hydrogeological and chemical challenges, which demands a unique solution. We consider immediate and long-term impacts when determining suitable technologies. Dudek has designed, permitted, and implemented remedial actions ranging from simple dig-and-haul and vapor extraction to complex groundwater pump and treat systems, in-situ chemical oxidation, and multiphase extraction systems. With our hands-on approach, we maintain the treatment technology and continually evaluate its effectiveness.

## Human Health/Ecological Risk Assessment

Dudek's scientists prepare site-specific risk assessments to evaluate potential risks for current and future land use. These studies may be used to obtain risk-based closure for contaminated sites or to support change-of-use applications, such as from industrial to commercial or residential.

## Cultural Resources

Our experienced registered professional archaeologists can cost-effectively respond to the smallest cultural resource survey or assemble a crew of a dozen or more seasoned field technicians to address a large-scale surface reconnaissance, significance assessment excavation, or a mitigation data recovery program.

The Dudek cultural resources team has prehistoric and historic archaeologists with a variety of specialties, including bio-archaeological and forensic archaeological experts. Our specialists complete in-house analyses of food remains collected from archaeological excavations. They also can immediately determine if bone encountered during archaeological excavations or construction activities is human or animal. This expertise is critical for efficient compliance with state and federal regulations.

Our team also has a strong background in Native American consultation, including expert testimony experience regarding the adequacy of tribal consultation and outreach, as well as the appropriate treatment of resources regarded as sensitive or sacred by Native Californian tribes and individuals. Dudek cultural resource managers focus on early and ongoing outreach strategies to capture meaningful consultation as stipulated by federal law under Section 106 of the National Historic Preservation Act and recently codified in Assembly Bill 52. Our cultural resources team will coordinate with native Californian groups to collect data from the Native American Heritage Commission Sacred Lands File, gather archaeological site information, and identify traditional cultural properties and plant-gathering locations through outreach with tribal representatives and individuals identified by the Native American Heritage Commission. We complete ethnographic research using primary sources, such as individual interviews and oral histories, as well as respected secondary sources. Our team is expert at researching and recording prehistoric sites considered sacred to local Native American tribes. Our team also has extensive experience guiding lead agencies through the Assembly Bill 52 and Senate Bill 18 tribal consultation processes.

## Sea Level Rise and Coastal Resilience

GHD staff have worked with dozens of municipalities and utility managers throughout the state to understand the potential impacts of SLR on infrastructure and other coastal resources. They are experienced in balancing the uses and investments of today, while planning for the uncertainties associated with SLR and coastal hazards over longer time horizons.

GHD will work with SSCSD to develop a forward-looking CHRP that will improve the resilience of wastewater infrastructure while balancing the SSCSD tolerance for risk with requirements of the State SLR Guidance (OPC, 2018) and California Coastal Commission SLR Policy Guidance (CCC, 2018). Their team is experienced in developing adaptation strategies and pathways that integrate future coastal hazards and triggers into Capital Improvement Program planning for infrastructure upgrades, maintenance, repair projects. They understand the importance of integrating the local planning efforts with regional hazard mitigation planning to leverage opportunities for state and federal grant funding opportunities.

# Project Understanding and Scope of Work

## Project Understanding

In response to coastal hazards to the San Simeon WWTP associated with severe winter storm surge and creek flooding, SSCSD retrofitted the short bluff with a riprap revetment in 1983, replaced the ocean outfall pipeline in 1984, and made other repairs and replacements related to the outfall (2010-2013). Additionally, improvements to a pipe support structure in 1995 across Arroyo del Padre Creek, which is located along the northern boundary of the WWTP, was also installed amongst other upgrades needed to protect the WWTP after suffering damage during extreme winter conditions. The CCC has encouraged SSCSD to relocate the WWTP to a more inland site. In 2008, Rincon Consultants, Inc. prepared an alternative analysis for 10 candidate sites to relocation the WWTP. The CCC also required preparation and submittal of a Coastal Hazard Response Plan. The alternative analysis for WWTP siting will be assessed against the Coastal Hazard Response Plan to ensure consistency and a path forward for potential relocation of the SSCSD's WWTP.

## Scope of Work

Dudek's scope of work is based on our understanding of the project, including schedule, based on the Request for Proposals and other publicly available documents. Our scope may change based on further discussion with SSCSD, should Dudek be selected for the project.

## General Project Assumptions

- In light of COVID19, meetings are assumed to be virtual via Dudek's Zoom platform (or other District virtual platform). Meeting costs associated with a particular task are included in the total task hours.
- Deliverables will be provided in electronic format, either via a shared file server or via email. It is assumed that SSCSD will address document reproduction and distribution.
- Dudek's schedule assumptions are based on receipt of engineering design plans sufficient for environmental review and entitlements.
- Dudek has assumed preparation of a CEQA MND and NEPA Categorical Exclusion; however, we have included an optional task for the preparation of a CEQA Addendum to the 1991/1994 Environmental Impact Report (similar to the work completed by the City with Dudek's support in 2015).
- SSCSD will provide the following services:
  - Provide record drawings, previous studies, video, and field records
  - Review comment on the Dudek team's recommendations
  - Provide supervised access to the sites
  - Provide SSCSD facilities for hosting meetings
  - Provide general direction to the Dudek team through the City Planner.

The Dudek team will follow the outlined approach to prepare a CHRP for SSCSD, if selected.

## Task 1: Coastal Hazard Response Plan

One of the first tasks will be to perform a project-specific coastal hazard analysis to evaluate the current and future coastal hazards at the existing WWTP location. This memorandum will define the primary hazards of concern (shoreline erosion, coastal flooding or bluff erosion) and the likelihood of these hazards impacting the WWTP site at several planning horizons (i.e. 2050, 2070 and 2100). These results will help establish the natural hazard constraints to consider when evaluating alternatives for WWTP infrastructure.

Coastal hazards will be evaluated for a range of sea level rise (SLR) scenarios representative of the range in projections at each planning horizon. For budgeting purposes we plan to evaluate up to 5 SLR scenarios using hazard data published by the USGS as part of their Coastal Storm Modeling Program. Coastal hazard data will be compiled on an ArcGIS platform to develop maps that depict both hazards and WWTP infrastructure.

The analysis will be prepared in accordance with the CCC Sea Level Rise Policy Guidance (2018) and sea level rise projections released by the State Ocean Protection Council Sea Level Rise Guidance (2018). These documents provide a framework for evaluating potential impacts to a project from coastal hazards associated with sea level rise and identifying adaptation strategies to mitigate these impacts.

### Deliverables

- Draft and Final Coastal Hazards Memorandum

In their approval of CDP No. 3-19-0020, the CCC main concern was that the existing WWTP is located in a low-lying area adjacent to the beach and a low bluff adjacent to Arroyo del Padre Juan Creek. Therefore, the WWTP is subject to coastal hazards from ocean and creek flooding, and it is anticipated that these hazards will be exacerbated as SLRs. Therefore, as part of CCC's approval, CDP No. 3-19-0020 requires that SSCSD prepare a CHRP that identifies a new, inland location for the WWTP. Consistent with CCC's SLR Policy Guidance (2018) and Coastal Act policies, this relocation will ensure that critical infrastructure is located out of harm's way and will ensure that SSCSD can continue to provide essential services in a manner that does not lead to significant adverse coastal resource impacts (e.g., on shoreline resources when armoring and other hazard responses are considered), and will ensure that public dollars are invested wisely in an era of SLR. With this understanding of the project as well as the potential coastal resource concerns associated with a new, relocated WWTP, Dudek's coastal planners are prepared to support SSCSD with the following key tasks:

### Task 1.1: Coastal Hazard Response Plan Advising and Coastal Act/LCP Consistency

Dudek coastal planners will work closely with the technical engineers and wastewater experts preparing the CHRP and provide advice and recommendations regarding Coastal Act/LCP consistency, as well as consistency with the CDP No. 3-19-0020, throughout the project. Depending on where an alternative for relocation of the WWTP is located, it is likely that the San Luis Obispo County's LCP will serve as the standard of review. Dudek coastal planners will first identify the standard of review for the proposed project alternatives (either Coastal Act or San Luis Obispo County LCP) and then prepare a Coastal Act/LCP consistency analysis for the proposed project alternatives which will be included as a section of the CHRP. The analysis will identify any coastal resource concerns and/or policy constraints for a particular alternative. In addition, this consistency analysis will inform CCC coordination (Task 1.1) and help SSCSD staff and the Project Team determine the preferred project alternative.

In addition, Dudek coastal planners will leverage their extensive working knowledge of CCC regulatory requirements and procedures to prepare an assessment of the required permitting pathways for the preferred project alternative, including identification of whether an LCP amendment will be required. A project alternative would require an LCP amendment if a WWTP is not an allowed use on a particular inland site and could involve either the County of San Luis Obispo's Coastal Zone Land Use Ordinance, the North Coast Plan Area, or both. It is assumed that if an LCP amendment is required, it will be initiated and conducted by County staff and is not part of this scope. This permitting pathway analysis will support the preparation of a conceptual timeline for potential major relocation events to be included in the Report.

Together, the consistency analysis and the permitting pathway evaluation will help SSCSD determine which project alternative meets the goals of the project, is consistent with Coastal Act/LCP requirements, and utilizes the most efficient process.

#### Deliverables

- Guidance and advisement for SSCSD staff and technical consultants through preparation of the CHRP, including discussions with the professional engineers/wastewater experts developing the project alternatives and sites
- Detailed Coastal Act/LCP policy consistency analysis of proposed project alternatives
- Evaluation of potential CCC processing pathway

#### Task 1.2: Alternative Analysis Consistency

GHD's coastal engineers and scientists will also support the Project team by analyzing potential alternatives under consideration including sites considered for relocation of WWTP infrastructure. We will perform a qualitative analysis of each alternative with respect to coastal hazards such as shoreline erosion, bluff erosion and flooding. Alternatives will be analyzed for their ability to accommodate future coastal hazards without adverse impacts to the function of WWTP infrastructure.

#### Deliverables

- Support in preparation of written deliverables describing the alternatives considered and their vulnerability to coastal hazards

### Task 1.3: CCC Coordination

Coordination with CCC staff is an important component to gain support for the CHRP and the preferred alternative or site, as well as to demonstrate that the District is making significant and diligent progress towards meeting the terms of the CDP. While this project will be completed before the formal check-in with CCC Executive Director in July 2024 (Special Condition #2 “Duration of Authorization”), coordination with CCC staff as part of the CHRP process will build the District’s record for progress and ensure that by the time of the formal check-in, the CCC Executive Director will be able to determine that significant and diligent progress is being made towards CDP compliance, and the District’s remaining five-year authorization will continue until at least 2029. Our positive working relationship with CCC staff will serve to advance communication, information exchange, and CCC review of the CHRP. Addressing CCC’s comments early in the process will ultimately lead to successful review and acceptance by CCC, streamlining the CDP condition compliance process.

Based on our understanding of the key coastal issues and processing regulations, Dudek coastal planners will coordinate with CCC staff to ensure that the CHRP satisfies the requirements of the CDP. Dudek coastal planners will prepare for and attend up to three (3) meetings with the District and CCC staff to discuss the CHRP, including the alternatives it evaluates and their consistency with applicable Coastal Act/LCP policies. This will provide an opportunity for CCC staff to provide direction and feedback on the alternatives, as well as identify any potential coastal resource issues or concerns prior to formal submittal of the CHRP. We suggest that one of these meetings occur after CCC staff has had a chance to review and provide comments on a draft of the CHRP. In addition, to the extent feasible, we suggest encouraging CCC staff’s geologist and/or engineer based in San Francisco, as well as members of the CCC’s Sea Level Rise planning unit, to participate in the meeting to provide technical feedback, in addition to local District CCC staff who will provide planning and procedural comments. Dudek will coordinate with the technical consultants and District to respond to CCC staff comments and questions on the CHRP and will provide strategic counseling regarding how best to address CCC feedback in the document (Task 1.2). This coordination prior to preparation and formal submittal of the Response Plan will streamline CCC review and minimize any comments or requested changes after formal submittal.

#### Deliverables

- Preparation of meeting agenda, presentation, and written materials for three (3) meetings with CCC staff and attendance at meetings (either in-person or virtually due to COVID-19).
- Meeting minutes from CCC meetings.

### Task 2: Submittal to CCC for Condition Compliance

Dudek’s coastal planners have extensive experience packaging and preparing submittals to CCC staff and coordinating and responding to their comments and requests for additional information. Dudek will assemble the CHRP and any supporting documents and will prepare a submittal letter that summarizes the environmental information and technical studies to demonstrate compliance with Special Condition No. 3 of CDP No. 3-19-0020. Because there are no regulatory deadlines regarding condition compliance review, it is important to make all efforts to streamline and simplify this process for CCC staff. The submittal letter will direct CCC staff to the relevant information that satisfies each of the requirements of the Special Condition, with the goal of reducing CCC staff’s review time. Following CCC staff’s review of the condition compliance submittal, Dudek coastal planners will review any requests for additional information and will coordinate with CCC staff, as necessary, to oversee acceptance of the CHRP by the CCC Executive Director.



Given the level of uncertainty that exists in matters involving the CCC, including unanticipated data needs and technical study following review of submittal materials and the level of support required to respond to additional requests for information, additional work authorization may be required and would be subject to separate scope and fees.

#### Deliverables

- Preparation of a CDP Condition Compliance package with detailed submittal letter demonstrating compliance with Special Condition #3 “CHRP” of CDP No. 3-19-0020
- Coordination with CCC staff to facilitate acceptance of the CHRP, as necessary

### Task 3: Grant Opportunities – Optional Task

Dudek understands that grants are an integral part of funding infrastructure and programs in California. Our team has experience and expertise in the development of technically competent, and competitive grant applications for the successful award of monies. We are well versed in the various grant programs at the state and federal level, and we work with our clients to strategize in advance of the release of grant solicitations so that projects are ready and competitive. We also work with jurisdictions to be responsive and competitive with regard to unexpected grant opportunities. We support our clients in the management of grants, which is important to build up a solid and successful record of accomplishment, implementation, and responsible grant administration.

Understating the District’s needs, Dudek will conduct thorough grant research prior to identifying a course for funding. This research entails discussions with the funding agencies, as well as District staff. Moreover, Dudek will work to identify project aspects, project partners, and funding streams that may be new to the District. Once a project and a grant funding source has been identified, Dudek’s key priorities in completing any application are to maximize the competitiveness of the application. We will do this by working with the District to ensure project description alignment with funding opportunities and develop work plans, associated budgets, and schedules that position the District for successful completion of the any identified projects. Specifically, Dudek will ensure that the grant application fully satisfies the evaluation criteria used to score the application by conducting an audit of the scoring rubric, building an outline of salient project features around the rubric, and then having a team member score the application. Dudek will also attend any funding workshops in preparation for application development and submittal and reach out to the funding agency as necessary and appropriate to get clarification on elements of a grant submittal.

## Standard Rates

**Table 1** presents the standard hourly rates for the proposed staff and support staff that may be utilized during the preparation of a CHRP for SSCSD.

**Table 1. Fee Schedule**

Staff Member	Role/Classification	Hourly Rate
<b>Dudek</b>		
John Davis IV	Project Manager/Senior Specialist	\$220
Michael Metts, PE	Principal in Charge/Principal Engineer	\$270
David Ortega, QISP	CEQA-Environmental Planning/Analyst III	\$100
Dave Compton	Biological Resources/Senior Specialist I	\$190
Phil Giori, PE	Water-Wastewater Resources/Senior Engineer II	\$215
Ronald Schnabel, PG, CHG	Hydrogeology/Principal Hydrogeologist	\$250
Kipp Vilker, PE, QSD/QSP	Hydrogeology/Hydrogeologist VI - Engineer VI	\$175
Heather McDaniel McDevitt, RPA	Cultural Resources/Specialist III	\$160
Jane Gray	Grant Writing and Financing/Senior Specialist IV	\$230
Madelyn Murray	Grant Writing and Financing/Analyst IV	\$110
CEQA Analyst	Analyst II	\$90
Grant Specialist	Analyst IV	\$100
Technical Editor	Technical Editor I	\$115
Publications/Production	Publications Specialist I	\$85
<b>GHD</b>		
Aaron Holloway, PE	SLR Analysis/Senior Coastal Engineer	\$200
Brian Leslie	SLR Analysis/Senior Coastal Scientist	\$185
Coastal Scientist/GIS Analyst	Staff Engineer	\$130

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# References

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The Dudek team has assisted municipalities and agencies with complex projects involving wastewater treatment, engineering, CEQA and environmental planning, coastal planning and SLR resilience, biological and cultural resources, regulatory permitting, and grant writing and financing. Following are references and similar projects that demonstrate our ability to complete challenging projects on time and within budget.

## City of Santa Barbara

**Contact:** Sara Iza, Senior Planner; 805.897.2685; SIza@SantaBarbaraCA.gov

### El Estero Wastewater Treatment Plant's Tertiary Filtration Replacement and Secondary Treatment Projects

Dudek provided support for CEQA/NEPA permitting of a City project. The City sought to make internal non-structural improvements to existing wastewater treatment plant reactor basins and demolish and rebuild a microfiltration/ultrafiltration tertiary treatment building. The plant is located near the Santa Barbara waterfront and along the Laguna Channel, placing it near sensitive riparian habitat and habitat for the tidewater goby (*Eucyclogobius newberryi*), federally listed as endangered. Dudek biologists provided a biological assessment for the site to assess sensitive biological resources potentially occurring and developed mitigation measures to avoid impacts to these sensitive biological resources, as well as performing other tasks under requirements of an existing California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement. Relevant biological resources tasks included the assessment of habitat for special-status wildlife species (including birds) and pre-construction surveys (including nesting bird surveys). Dudek also prepared an Essential Fish Habitat Assessment and a memo regarding the tidewater goby. In addition, Dudek conducted weekly site visits to monitor construction activities compliance with biological mitigation measures and best management practices.



### Braemar Forcemain No. 2 Project – Biological Services

The Braemar sewer lift station is the City's largest lift station, rated at a capacity of 1,000 gallons per minute and with a current influent maximum daily flow of approximately 500 gallons per minute. The original 3,100-foot 10-inch cast iron forcemain was constructed in 1956, but was later abandoned and replaced by a 3,164-foot 10-inch PVC C-900 pipe in 1997.

Dudek prepared a biological assessment report on behalf of the City to identify the potential for biological resources to occur within and adjacent to the proposed Braemar Forcemain No. 2 Project. The project involved the addition of a second forcemain to provide redundancy if pipe failures occurs. The report was completed in support of the City's CEQA and LCP reporting and review process and for the project. The report also provided recent observations and analyses for consultation and/or permit application review, as determined to be necessary, by applicable regulatory resource agencies, including the CDFW, USACE, RWQCB, USFWS, National Marine Fisheries Service, and CCC.



### East Beach Weir Box, Coastal and Environmental Services

The City is making permanent repairs to the intake pipe for the Charles E. Meyer Desalination Plant near the Santa Barbara waterfront and to the associated weir box and dunes fitting locations on East Beach in Santa Barbara. The City previously conducted repairs to the intake pipe and weir box under CDP 9-14-1781. During construction, repair and maintenance activities resulted in leaks that damaged intake pipeline flanges and newly installed “transition fittings” at the weir box and dunes fitting locations. Following consultation with the CCC staff between August 7 and August 25, 2017, temporary repairs were implemented. However, as a result of the damage to the intake pipeline, it was understood that the repairs made were temporary in nature and a permanent repair was required to achieve the minimum design service life of the City’s Desalination Plant project of 20 years. Discussion between CCC and City staff in 2017 concluded that a permanent repair would fall under a material amendment to CDP 9-14-1781, or a new repair and maintenance permit altogether.



As part of the repair activities, Dudek prepared a Habitat Restoration Plan that included the demolition, removal, and relocation of the East Beach weir box. New activities proposed as part of the permanent repairs and demolition and replacement of the weir box included: cutting the outfall pipeline at the existing weir box, demolition of the existing weir box, structural preparation of subgrade at the weir box replacement site, weir box and dunes fitting replacement, and re-arrangement of existing weir box rip-rap. The project also included temporary impacts associated with mobilizing construction equipment and construction activities within the limits of work and access to the site by construction personnel and equipment through Chase Palm Park and across the bike path. The CCC had no comments on the coastal dune habitat restoration plan or other supporting biological information provided to the City as part of the project review under the existing CDP. The City is expecting the project to go to the CCC for public hearing in May 2020.

### Grunion Surveys for the Santa Barbara East Beach Weir Box

California grunion (*Leuresthes tenuis*) populations have declined broadly across Southern California. As such, there is a seasonal closure and limits on recreational fishing. In order to protect the grunion and this fishery, pre-maintenance grunion surveys were conducted by Dudek marine biologists during the nearest high tide for three nights prior to the onset of on-shore maintenance during the spawning period for grunion (March through August). As part of avoidance measures, Surveys were conducted at night along the surf zone and wet sand east of Santa Barbara Stearns Wharf during spawning events which correlates with the highest tide associate with each new and full moon. The survey area included the beach directly around the weir box and a survey buffer of 100 feet to the north and south of the weir box. Grunion spawning locations were documented and incorporated into figures for the City of Santa Barbara, as part of the Intake Pipeline Repair Services for the Charles E. Meyer Desalination Plant.



**Contact:** Linda Sumansky, Principal Civil Engineer; 805.564.5361; 5361 LSumansky@SantaBarbaraCA.gov

## Marine Biological Surveys for the El Estero Wastewater Treatment Plant Outfall Bulkhead Maintenance Project

Dudek marine biologists conducted pre-construction eelgrass and Caulerpa surveys at the outfall for bulkhead maintenance for the El Estero Wastewater Treatment Plant as part of the El Estero Wastewater Treatment Plant Maintenance Project. Dudek SCUBA divers are current Certified Caulerpa Surveyors by the National Marine Fisheries Service and California Department of Fish and Wildlife. The project was located approximately 8,700 feet offshore in the Pacific Ocean in the city and county of Santa Barbara, California. The survey area comprised of the center point of the temporary impact area and a survey buffer, which extended approximately 98 feet (30 meters) from the outfall pipe for a total survey area of approximately 0.70 acres (2,827 square meters). To best determine the presence or absence of Caulerpa and eelgrass at and around the outfall, the high intensity survey level under the Caulerpa Control Protocol was followed, which means an intensive systematic survey was employed that inspected greater than 50 percent of the bottom surface.



## Charles E. Meyer Desalination Plant Reactivation Environmental and Coastal Services

In response to a challenging water supply crisis in the late 1980s, the City of Santa Barbara permitted and constructed a seawater desalination plant in the early 1990s. After operating for 3 months in the spring of 1992, use of the desalination facility was discontinued as ample rain in March and April 1992 resolved the City's drought situation. In 2014, Dudek began assisting the City with obtaining regulatory permits from the California Coastal Commission (CCC), U.S. Army Corps of Engineers (USACE), and Regional Water Quality Control Board (RWQCB) and establishing consistency with the existing EIR. In support of permitting, Dudek prepared numerous technical reports and memoranda, particularly for biological resources located in coastal environments, including the beach area and marine habitats. Dudek developed species protection plans and conditions to avoid or minimize impacts to the western snowy plover, California grunion, tidewater goby, southern steelhead, and marine mammals and reviewed offshore anchor and intake assessments reports. A biological assessment for federally listed species was prepared and submitted to the USACE.



Additionally, Dudek prepared a biological technical report that covered all components of the project site for State Water Quality Control Board State Revolving Funds. Upon project initiation, Dudek prepared the mitigation monitoring and reporting program and continued services to the City as a third-party reviewer to ensure environmental compliance of the project with all permit conditions. Dudek continued to coordinate on behalf of the City with the CCC, USACE, and the U.S. Coast Guard (USCG) throughout the construction phase.

Dudek's marine biology team, led by Mr. Davis IV, peer reviewed and significantly contributed to several marine biological reports, including a biological assessment, essential fish habitat assessment, turbidity plan, marine mammal protection plan, grunion survey plan; managed and oversaw the preparation of a biological assessment for the snowy plover and tidewater goby and a biological resources assessment report for a SWRCB State Revolving Grant application; coordinated CWA 401/404 permitting; provided technical responses in support of a CDP; coordinated with the City and legal and project team, and attended regular City meetings and coordinated with the CCC, USACE, and USCG. The construction of the project was completed in 2016.

Following reactivation of the desalination plant, Dudek continued to support the City during the operations phase from 2016 to the present. Mr. Davis IV managed a scientific dive to document the conditions of intake A and B following installation of gravel at the base of Intake B Platform. Dudek also noted and recorded the growth and abundance of biofouling organisms on the grill above the intake screens. Dudek scientific divers have thoroughly explored the desalination intakes, transition pipe between intakes, wastewater outfall pipe, and abandoned outfall pieces. Dudek is very familiar with the local marine environment through reporting, peer review, and in water marine surveys.

### Marine Biological Surveys for the Charles E. Meyer Desalination Facility

Dudek marine biologists conducted a marine biological assessment of outfall pieces located in State Lands waters and electrical conduit to Intakes A and B for the Charles E. Meyer Desalination Facility. Diving occurred just outside the Santa Barbara Harbor, approximately 1.5 miles from shore. The purpose of the dives was to survey the project site for native and invasive species (eelgrass [*Zostera marina* and *Z. pacifica*] and *Caulerpa* [*Caulerpa taxifolia*]), identify the benthic faunal composition, and inspect the electrical cable/conduit system. Dudek’s Self-Contained Underwater Breathing Apparatus (SCUBA) team included qualified scientific divers, a surface support staff, and dive boat. Dudek SCUBA divers conducted pre-construction and during construction biological monitoring for desalination facility structures within the tidal zone directly east of Santa Barbara’s Stern’s Wharf. Additionally, Dudek marine biologists conducted reviews of the weekly marine species reports for the Santa Barbara Desalination Reactivation Project, ensuring construction activities in Santa Barbara Harbor were in compliance with Acts, such as the Endangered Species Act and Marine Mammal Protection Act.



**Contact:** Philip Maldonado, Supervising Engineer; 805.564.5486; PMaldonado@SantaBarbaraCA.gov

### El Estero Resource Treatment Plant’s Electrical Distribution System Renewal Project, Environmental Services

As part of the El Estero Water Resource Center Electrical Distribution Upgrades Project, which involved electrical power and distribution improvements to support significant capital improvements that have already been completed or are identified for implementation within the next 25 years, Dudek revised its biological assessment and Phase I archeology reports to support the City through the CEQA process. Dudek was also tasked with responding to City development’s comments on the report as well as attendance at the Historical Landmark Commission meeting.



### Charles E. Meyer Desalination Plant Waterline to Mission Street, Environmental Services

Dudek provided air quality and cultural support services for the City’s desalination to Mission project. The project is part of a larger plan to convey water from the newly commissioned Santa Barbara Desalination Plant to the existing Cater Water Treatment Plant clearwell (reservoir). Feeding water to this reservoir will facilitate distributing water throughout the City of Santa Barbara and the Montecito Municipal Water District. The project would install approximately 11,800 linear feet of 24-inch polyvinyl chloride potable water pipe underground and through City streets from the Desalination Plant to the intersection at Mission Street and Garden Street. At that point, the pipe will



intercept an existing water main. The water main will be repurposed to convey water from that point to the Cater WTP as part of a separate project. This project includes an upgrade to the existing pump station located at the desalination plant and the installation of a fresh-water pipeline from the desalination plant to Mission Street and Garden Street. The cultural service provided by Dudek included all tasks consistent with CEQA and the City's MEA including but not limited to CHRIS records search, literature and historic map and aerial photo review, background research, pedestrian survey, client consultation and representation at the Historic Landmark Commission Meeting. Dudek evaluated the air quality and greenhouse gas impacts from construction and operation of the project. Dudek evaluated the project in accordance with the CEQA Guidelines and significance thresholds developed by the City and Santa Barbara County Air Pollution Control District. All impacts were determined to be less than significant.

**Contact:** Tom Evans, Project Engineer; 805.560.7544; tevens@santabarbaraca.gov

### Charles E. Meyer Desalination Plant Intake Platform Hardening

Dudek is providing environmental and coastal permitting services for the City of Santa Barbara as they conduct repair and maintenance work on the intake pump platforms for the Charles E. Meyer Desalination Plant, originally constructed in 1991. Dudek biologists and planners are working alongside the project's engineers to evaluate current environmental conditions and project needs, and analyze the potential design and methodology alternatives. All project details are being designed to comply with CCA requirements. Dudek is also conducting the necessary technical studies on air quality, water quality, noise, and biological resources, and using those updated studies to complete an EIR addendum. Finally, Dudek coastal planners are coordinating with the CCC's Energy and Ocean Resources Division to obtain a CDP for the project.

### Poseidon Water

**Contact:** Josie McKinley; 760.655.3900; jmckinley@poseidonwater.com

### Carlsbad Power and Desalination Plants EIR, Permitting, and Marine Services:

Dudek prepared an EIR for a precise development plan (PDP) for the Encina Power Plant, including the proposed Carlsbad Desalination Plant, in the City of Carlsbad, California. The project consisted of land use approvals to construct and operate an approximately 50-million-gallon-per-day seawater desalination plant and other appurtenant and ancillary water and support facilities to produce potable water. The project is the only large-scale seawater desalination plant on the west coast to have received approvals and permits from all major regulatory agencies, including the CCC, California State Lands Commission, RWQCB, and other local and state responsible agencies.



Primary environmental issues associated with the project included the impact analysis of the saline concentrate discharge from the desalination plant on marine species to assess potential adverse effects of the discharge, based on empirical studies of increasing salinity levels in controlled laboratory experiments. The data from dispersal modeling and salinity tolerance studies were used to develop appropriate CEQA thresholds for environmental effects. The EIR also examined prey species issues related to potential reductions in fish populations from impingement and entrainment effects. The desalination plant proposes to use an existing open ocean intake associated with the Encina Power Plant. The impingement and entrainment studies were prepared in accordance with the requirements of the Clean Water Act Section 316(b) and the results of the studies were used to assess fish population dynamics and their potential effects on California brown pelican and California least tern as well as other bird species.



The EIR also addressed the impacts on terrestrial biological resources associated with the pipelines that are proposed to distribute the water to end users. In addition to biological considerations, other issues addressed include the project’s relationship to land use and planning, air quality impacts, aesthetic impacts, geology and soils, hydrology, cultural resources, noise, traffic, and utilities. The potential for the project to have growth-inducing impacts was also addressed, as it represents an augmentation to existing water supplies. The EIR addressed project alternatives, including water conservation programs, alternative sites, and alternative project components, such as different scenarios for intake and discharge.

In addition, Dudek (Santa Barbara), prepared an Essential Fish Habitat (EFH) Assessment was also prepared for the Carlsbad Desalination Plant to evaluate the effects of the Phase II Discharge Pond Blocks and Relocation and Replacement of Existing Gangway and Floating Dock Project on species regulated under a Fisheries Management Plan (FMP), pursuant to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). The MSFCMA required consultation with the National Marine Fisheries Service (NMFS) on all actions or proposed actions that may adversely affect EFH. This EFH Assessment analyzed how the project would affect EFH for species regulated under a FMP. This assessment included Habitat Areas of Particular Concern (HAPCs) for eelgrass and canopy kelp, an analysis of project impacts, and mitigation measures.

### Huntington Beach Seawater Desalination Plant

Dudek was contracted by Poseidon Water LLC to prepare and submit the Subsequent/Supplemental Environmental Impact Report (SEIR) for the proposed Seawater Desalination Plant in the City of Huntington Beach. Dudek was contracted to describe the proposed changes to the project (based on comments, new significant environmental effects, new information of substantial importance, and/or an increase in severity of previously identified significant effects) and the circumstances under which the project will be implemented, in accordance with CEQA Guidelines, section 15162. Dudek is also responsible to revise and update all sections of the previous Draft EIR, incorporating all previously conducted and adequate technical studies, with supplemental information and studies provided as necessary.



### City of Goleta

**Contact:** Andy Newkirk; 805.961.7500; anewkirk@cityofgoleta.org

### Creek and Watershed Management Plan

The City of Goleta contracted with Dudek to develop a comprehensive Creek and Watershed Management Plan (CWMP), as required by the City’s General Plan Implementation Action CE-IA-3 and consistent with Policy CE-10. Dudek is providing the City with a multi-disciplinary team involving biologists, planners, hydrologists, geomorphologist, and outreach specialists to develop the CWMP. Baseline field studies performed for the project involve geomorphology and biological assessments in order to understand the creek structure, vegetation characteristics, and existing habitat components for common and special-status species within and along each of the 12 creeks that traverse the City’s boundaries. In April 2020 Dudek is undertaking wildlife corridor, tracking, and riparian bird studies throughout all creeks to provide a more thorough understanding of wildlife movement and current uses of these resources.



In addition to the tasks mentioned above, the project involves background research, desktop analyses for water quality assessments, and public communications and local engagement (e.g., tabling at events, coordination of outreach and public workshops, generation of meeting materials and presentation at two public workshops, organization and convening of a technical advisory committee members and meetings). Dudek is continuing to work with the City staff in the development of the CWMP, which includes topics on policy and regulations, stakeholder engagement, baseline results, impacts analysis, management actions and implementation strategies, monitoring and reporting, and an adaptive management plan.

## Montecito Water District

**Contact:** Nick Turner, General Manager; 805.969.2271; nturner@montecitowater.com

### Initial Study and Negative Declaration

Dudek prepared an Initial Study/Negative Declaration (IS/ND) for the Montecito Water District. The Montecito Water District purchased 4,500 acre-feet of groundwater storage capacity within the Stored Water Recovery Unit (SWRU) of the Semitropic Water Banking and Exchange Program. The Semitropic Water Storage District (Semitropic) is one of eight water storage districts in California and is the largest in Kern County. The SWRU of the Semitropic Water Banking and Exchange Program is located in north-central Kern County in the San Joaquin Valley, approximately 20 miles northwest of the City of Bakersfield. The total area of Semitropic is 220,000 acres, with approximately 159,000 acres irrigated. There are no incorporated cities within Semitropic, which was organized in 1958 for supplying supplemental water within its service area boundaries.



Participation in the Semitropic Water Banking and Exchange Program provides Montecito Water District with the right to recovery of 1,500 acre-feet of water per year of the 50,000 acre-feet of SWRU pumpback capacity. Montecito Water District also has the right to use any SWRU pumpback capacity not used by other SWRU banking partners, subject to restrictions and costs as specified in the Semitropic Water Banking and Exchange Program Agreement. The project involved conjunctive use of surface and groundwater through iterative exchanges through the San Luis Reservoir and Semitropic SWRU and delivery through the existing state water delivery system.

## City of Pismo Beach

**Contact:** Jeff Winklepleck, Community Development Director; 805.773.7089; jwinklepleck@pismo-beach.org

### Pismo Beach Sea Level Rise Vulnerability Assessment and LCP Update

Dudek is updating the City of Pismo Beach's combined LCP/General Plan to address updates to state law, as well as the potential impacts of SLR and associated coastal hazards. The City's LCP/General Plan is a combined document meeting both the state General Plan requirements and LCP requirements. The city's LUP is outdated and the city currently operates with two Zoning Ordinances (inland and coastal).

To better understand the hazards pertinent to Pismo Beach, Moffatt and Nichol prepared a Vulnerability Assessment and an Adaption Plan that utilizes the best available science. Using this technical analysis, Dudek's coastal planning team is updating the City's Safety Element by drafting new goals and policies regarding coastal hazards and shoreline development, in accordance with CCC's latest SLR policy guidance.

In addition to the Safety Element, Dudek is working with the City to update its Land Use, Conservation and Open Space, and Noise Elements with reference to the CCC most recent LCP Update Guide. These updates will incorporate studies that have been recently approved or are currently in progress, including the Circulation Element, Accessory Dwelling Unit Ordinance, Short Term Rental Ordinance, and a Low-Cost Visitor Serving Accommodations Study.



Overall, the Dudek team's approach will ensure that the LCP/General Plan successfully represents the unique character and priorities of various community interests within the City, while ensuring consistency with CCA. The coastal planning team participates in monthly coordination calls between City and CCC staff, ensuring that critical issues are addressed early in the process. Throughout the LCP/General Plan update, Dudek is also facilitating stakeholder engagement by assisting the City with public workshop information and materials and incorporating input from the local technical advisory group.

## City of Gonzales

**Contact:** Patrick Dobbins, Public Works Director; 831.675.5000; pdobbins@ci.gonzales.ca.us

### Preliminary Design of New Separate Industrial Water Recycling Facility Industrial Collection System

Dudek was contracted by the City of Gonzales to design a new separate industrial wastewater collection system and water reclamation facility (WRF) to convey and treat over 1.0 million gallons per day of vegetable processing wastewater. The City is faced with a need to expand treatment capacity and protect their existing domestic plant from contaminants in the industrial wastewater, which affect their biological treatment process, and elected to proceed with a new separate facility. The project objective is to develop the preliminary design and evaluate the separate industrial collection system to



provide the City with the appropriate alignment. Preliminary design included evaluation of two alternative industrial wastewater collection system trunk sewer alignments to convey wastewater flows from a cluster of large agricultural processing businesses to the site of a new industrial WWTP located next to the City's existing WWTP. The preferred alignment (approximately 2 miles) of new 21-inch diameter gravity pipeline was developed to a 30 percent design level design with the intent of completing final design in parallel with the final design of the new industrial WWTP. The project includes engineering design, obtaining State Revolving Funds (SRF) funding, CEQA+, groundwater infiltration testing, and obtaining necessary regulatory approvals. Final design began in December 2020. The finished project will convey wastewater follows from agricultural processing businesses to the new industrial WWTP.

## Long Term Waste Management Plan

Dudek prepared a Long-Term Wastewater Management Plan that evaluated the City's wastewater collection and treatment facilities to plan for growth and treatment expansion. The report was tailored and formatted to provide information to the RWQCB to approve the plan and facilitate permit updates. The project outlined alternatives to expanding wastewater treatment capacity, utilizing several previous studies and reports that the City had completed to satisfy the RWQCB. The plan ultimately culminated in the decision to proceed with a separate industrial treatment plant to treat industrial wastewater separately from the domestic system.

## Consulting Services for Compliance Work Plan Support

Dudek prepared a Compliance Work Plan and Long-Term Wastewater Management Plan update in response to a letter from the RWQCB with a tight schedule deadline. The compliance work plan evaluated the treatment process, identified immediate recommendations to improve treatment performance, and outlined an industrial pretreatment program implementation plan for the City. The project also included updates to the Long-Term Wastewater Management Plan, specifically a hydrogeological study to evaluate impacts of effluent discharge to the groundwater and groundwater monitoring system (well network).

## City of Santa Barbara

**Contact:** Tom Evans, Project Engineer; 805.560.7544; [tevans@santabarbaraca.gov](mailto:tevans@santabarbaraca.gov)

## Charles E. Meyer Desalination Plant Intake Platform Hardening

Dudek is providing environmental and coastal permitting services for the City of Santa Barbara as they conduct repair and maintenance work on the intake pump platforms for the Charles E. Meyer Desalination Plant, originally constructed in 1991. Dudek biologists and planners are working alongside the project's engineers to evaluate current environmental conditions and project needs, and analyze the potential design and methodology alternatives. All project details are being designed to comply with CCA requirements. Dudek is also conducting the necessary technical studies on air quality, water quality, noise, and biological resources, and using those updated studies to complete an EIR addendum. Finally, Dudek coastal planners are coordinating with the CCC's Energy and Ocean Resources Division to obtain a CDP for the project.

## City of San Clemente

**Contact:** Ziad Mazboudi, Deputy Public Works Director; 949.361.6127; [Mazboudiz@san-clemente.org](mailto:Mazboudiz@san-clemente.org)

## Bridge Alternatives Analysis Advising and CDP Support

Dudek coastal planners, as a subconsultant to KPFF Engineering, are working with the City on a project that involves the replacement of an existing pedestrian boardwalk bridge. The bridge is in a highly constrained site between the coastal bluffs, railroad and ocean, spans wetland habitat, and provides public access as a critical component of the California Coastal Trail. Dudek is working with and advising the project engineers on an alternatives analysis, including preparing a section that identifies CDP requirements and evaluates each alternatives' consistency with CCA and City LCP policies. This analysis will ultimately help the City choose their preferred alternative. Once an alternative is chosen, Dudek will support the City through coordination with CCC staff and will prepare and submit a CDP application package.

## South Orange County Wastewater Authority

**Contact:** Jason Manning, Director of Engineering; 949.234.5435; jmanning@socwa.com

### San Juan Creek Ocean Outfall Junction Structure Rehabilitation Project CDP Support

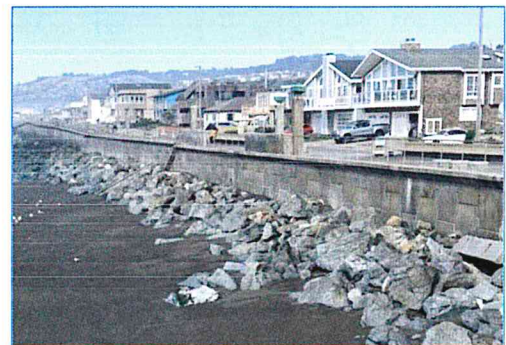
Dudek coastal planners are working with the South Orange County Wastewater Authority (SOCWA) on a project to rehabilitate the existing junction structure located on Doheny State Beach to resolve its structural deficiencies and prevent potential effluent leakage. Because the work area is located on the beach, the staging area must be within the adjacent Doheny State Beach Campground. To minimize temporary public access impacts, Dudek coastal planners coordinated closely with SOCWA, CCC, and State Parks staff to design the project and construction schedule to coincide with an already CCC-approved campground closure. Dudek expeditiously prepared and submitted a CDP application package and responded to CCC requests for additional information so that the project stayed on schedule. Dudek supported SOCWA through the CCC hearing, and the CDP was approved in August 2020. Dudek coordinated the submittal of materials for condition compliance and the CDP was issued on time, allowing construction to begin on schedule.

## City of Pacifica

**Contact:** Ryan Marquez, PE, Associate Civil Engineer; 650.738.3769; marquezr@ci.pacifica.ca.us

### Beach Boulevard Infrastructure Resiliency Project

GHD is providing SLR resiliency services for the replacement of the City of Pacifica's Beach Boulevard Seawall. The 2,600 foot long Beach Boulevard seawall is located on the rugged Pacific Coast, approximately 10 miles south of San Francisco, in an area renowned for coastal hazards such as bluff erosion, wave runup and flooding. These hazards are expected to increase with SLR and pose a significant threat to the infrastructure, public access and property behind the existing seawall.



The purpose of the Beach Boulevard Infrastructure Resiliency Project is to ensure public health and safety in the vicinity of Beach Boulevard, including the West Sharp Park downtown neighborhood, home to a thriving community of the City of Pacifica.

The seawall has continued to fail along the northern portion almost since construction completion in the mid-eighties. Waves crash over the seawall onto the road several times a year creating hazardous conditions for the general public and causing road closures along the northern portion of Beach Boulevard. This project aims to assess the risks, controlling factors, and reconstruction options for the seawall and promenade, considering environmental factors, stakeholder and community engagement, coastal, geotechnical and economic impacts. GHD's project scope includes:

- Multi-hazard risk assessment
- Stakeholder and community outreach, and
- Comprehensive feasibility study,
- Design alternatives analysis.

GHD have assembled a team of professionals dedicated to an approach that will ensure that the replacement of the Beach Boulevard Seawall meets the City and the Community's needs, objectives and budget and importantly will be supported by the CCC and regulatory agencies, and aligns with the City's Local Coastal Land Use Plan.

## City of Carlsbad

**Contact:** Mike Grim, Senior Programs Manager; 760.602.4623; Mike.Grim@carlsbadca.gov

### Climate Adaptation Project

GHD, through close collaboration with the City and project partners (i.e. California Coastal Conservancy and CCC, Scripps Institution of Oceanography) are seeking to retreat a one-mile segment of Carlsbad Boulevard from the coast in order to protect the roadway and re-vision acres of coastal land with multi-use trails, community spaces and environmental restoration areas. Central to the planning of this



space and the future alignment of the road are projected future coastal hazards; specifically cliff erosion, shoreline erosion, and flooding. As part of the project, the Center for Climate Change Impacts and Adaptation at Scripps Institution of Oceanography (CCIA or SIO) is developing cliff erosion hazard zones within the study area which will be used to develop a phased adaptation plan that enhances public access and amenities while accommodating future coastal hazards.

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# Business Organization

Dudek, the prime contractor, was founded in 1980 in Encinitas, California as a small civil engineering consulting practice working for municipal wastewater agencies and private land developers in San Diego County. The firm steadily grew its civil engineering practice through the 1980s, expanding throughout Southern California.

In 1990, the firm started an environmental practice in response to expanding state and federal environmental regulations. Primarily through organic growth and limited acquisitions of small firms, Dudek has grown to a 600-person multi-discipline environmental and engineering firm with offices throughout the United States. Dudek is ranked as one of the Top 125 U.S. Environmental Firms (*Engineering News-Record*, 2020). Joe Monaco serves as president and CEO. Frank Dudek, company founder, continues to serve as chairman of the board.

Table 2 presents the business organization and information for Dudek and subconsultant, GHD.

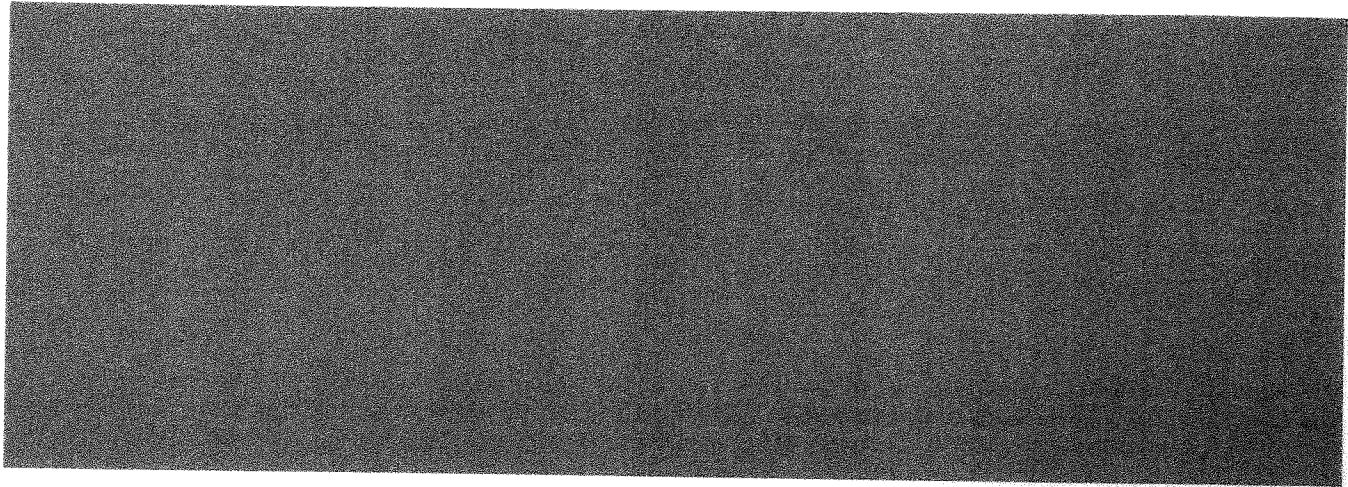
**Table 2. Firm Information**

<b>Dudek</b>	
<b>Founded</b>	1980 (Encinitas, California)
<b>Organization</b>	California Corporation (C1210012)
<b>Federal Tax ID</b>	95-3873865
<b>Headquarters</b>	605 Third Street, Encinitas, California 92024 T: 760.942.5147      F: 760.632.0164
<b>Local Office</b>	621 Chapala Street, Santa Barbara, California 93101 T: 805.963.0651      F: 805.963.2074
<b>GHD</b>	
<b>Founded</b>	1928 (Melbourne, Australia)
<b>Federal Tax ID</b>	98-0425935
<b>Headquarters (North America)</b>	320 Goddard Way, Suite 200, Irvine, California 92618 T: 949.648.5200
<b>Local Office</b>	669 Pacific Street, Suite A, San Luis Obispo, California 93401 T: 805.858.3142



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PROPOSAL TO PROVIDE PROFESSIONAL SERVICES  
COASTAL HAZARD RESPONSE PLAN  
SAN SIMEON COMMUNITY SERVICES DISTRICT

RECEIVED

DEC 17 2020

BY: CAM

RECEIVED MURRAY  
By: LORENA MURRAY  
Name and Title: Office Manager  
Date and Time: 12/17/2020  
Thank You!



December 17, 2020

San Simeon Community Services District  
111 Pico Avenue  
San Simeon, CA 93452  
Attn: Mr. Charles Grace, General Manager

Subject: Proposal for **long-term community Coastal Hazard Response Plan**

Dear Mr. Grace:

The California Coastal Commission requires your District to address one hazard, coastal erosion as sea level rises at one facility, the wastewater treatment plant. However, climate change is impacting San Simeon, and every coastal community, with erosion and other issues including, saltwater intrusion in coastal aquifers, longer and more intense droughts, less frequent but more intense rainfall, and ocean acidification. This leaves you with a choice for your plan:

A 30 year planning horizon limited to District's wastewater treatment plant with a set schedule for moving it.  
A 50-100 year planning horizon expanded for the whole community, potable water supply, wastewater, and the coastal environment with a flexible schedule based on event triggers.

Hasan Consultants, a civil and environmental firm and OceanForesters, an ocean engineering firm are only interested in providing the long-term hazard response plan. We are confident our combination of early-stage value engineering, intimate knowledge of options for state-of-the-art small water resource recovery facilities and collection systems, and California living reefs ensures:

- The cost of projects adapting the community to climate change will be less than that of adaptation projects planned and built piecemeal.
- Event triggers will ensure that each pre-planned action is taken at the most effective time.
- District's long-term whole-community response plan would be a strong contender for numerous grants.
- The cost of our producing a long-term hazard response plan is likely similar to what others will charge for producing a short-term one.

You can call us directly with any question at anytime at (805) 218-5574.

Sincerely,

*Mohammed Hasan*  
M. A. Hasan, dual M.S., P.E., R.E.A., F. ASCE, PWLF  
Principal

*Mark E. Capron*  
Mark E. Capron, PE  
OceanForesters

Enclosure

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**COASTAL HAZARD RESPONSE PLAN  
FOR THE  
SAN SIMEON COMMUNITY SERVICES DISTRICT**

**B. Narrative**

The California Coastal Commission requires a Coastal Hazard Response Plan addressing the future of your District's wastewater treatment plant. The future of your treatment plant is tied to the future of your water supply as well as the future of your customers' residential and commercial properties on the west side of Highway 1.

In addition to those deliverables listed in the request for proposals, a long-term community Plan could consider: a living reef, formation of a geologic hazard abatement (and living reef maintenance) district, freshwater supply, and even emerging trends that could influence property values (such as virtual office work).

**1. Brief relevant resumes**

The District will be served by three senior professionals on this project, they are:

Mohammed Hasan, P.E., Principal in charge  
Mark Capron, P.E., Senior Project Manager  
John Mundy, Grade 5, MPA., Project Manager

Their resumes are all included in the following pages, resume section. Only that of Mark Capron, the Senior Project Manager is highlighted below in this section of brief resumes.

**Mark E. Capron**, PE C 31510 was the wastewater engineer for Ventura Regional Sanitation District (VRSD). During Mr. Capron's tenure, VRSD operated about 10 wastewater treatment plants, a potable water system, and a recycled water system for several special districts and schools. His achievements include convincing 35 property owners in Bell Canyon to fund construction of a grinder pump sewer system serving 150 lots. Many lots had failing septic tank systems. He designed and managed the construction of the sewer system.

Mr. Capron managed the project team improving the sewer system for Malibu Bay Club from failed beach-side septic tanks to mostly below-ground tertiary treatment with UV disinfection. Processes were within 20 feet of residence front doors and bedroom windows with no odor complaints and one (resolved) noise/light complaint.

Mr. Capron managed the project team preparing environmental documents, finding funding, design, construction, and operation of the Saticoy Sanitary District (SSD) wastewater treatment and collection improvements. SSD customers put up \$535,000 while obtaining \$5 million in grants and loans for a plant upgrade and extension of the sewer system to commercial properties. The commercial properties repaid the loan. The grant paid for upgrading SSD's treatment from a community septic tank to secondary with nutrient removal.

Since 2008, Mr. Capron has merged his pre-VRSD ocean engineering and water resource recovery expertise in OceanForesters. The OceanForesters are working with the UN Decade of Ocean Science for Sustainable Development. They are combining living reefs, seafood production ecosystems, and water resource recovery (the sustainable version of “wastewater treatment”).

## 2. Description of Services

The team of Hasan Consultants and OceanForesters provides these relevant services to produce a long-term community Plan that is resilient and sustainable for your District, the California Coastal Commission, San Luis Obispo County, the Regional Water Quality Control Board, California State Parks, and other relevant regulators and stakeholders:

- a. Details of design, performance, and cost for living reefs appropriate for offshore California. If agreed, these would be provided within 2 months of award allowing time for discussion with other agencies without impacting the February 1, 2022 completion date.

Communities around the Earth are managing and creating living reefs that will continue to protect coasts from wave erosion as sea level rises. Coral and mangroves are the most common living reefs. Neither grow offshore California. A California living reef would consist of creatures which stabilize sand, such as mussels and tube worms. Tube worms and kelp grow in a symbiotic relationship. Because California’s kelp and tube worm forests are depleted, it may be necessary to plant granite stakes in the seafloor at 5 to 10-foot intervals to re-wild tube worms and kelp for an effective living reef. Mounds of mussels also form living reefs, starting on hard objects placed on sandy seafloor.

A living reef and sand stabilizing should appeal to long-range thinkers at the California Coastal Commission. This because, without a living reef, sea level rise eliminates the beach. Ocean waves will be breaking against a cliff. There may be a little sand (the product of cliff erosion) temporarily at the base of the cliff. The San Simeon community might find it useful to join BEACON (Beach Erosion Authority for Clean Oceans and Nourishment) and/or imitate the Broad Beach Geologic Hazard Abatement District, which was formed to address beach erosion.

- b. Detailed estimates of the magnitude of events that would trigger pre-established actions as well as probabilistic estimates of when those trigger events are likely to occur. Estimating the rate of sea level rise is difficult because the rate of glacier melting is a huge unknown (swings of tens of feet for 2100, maybe swings of several feet for 2050). The trigger event could be an actual amount of sea level rise or the prediction of quick (a decade is quick) sea level rise due to structural weakening in either Greenland or Antarctic glaciers.

For example, we may find the treatment plant can be inexpensively hardened to survive what used to be a 500-year storm on top of a to-be-determined amount of sea level rise. The pre-established actions could include having taken an option to buy a property, acquired easements for future construction, completed permitting for future construction and operation, ... The presence of a living reef would affect the size of the trigger events. For example, the trigger without a living reef might be current sea level. The trigger with a living reef might be another foot of sea level rise.

- c. Identifying all reasonable actions, many with simple quantification of parameters, a few with detailed quantifications. The environmental document needs an impressive list of considered options in any case.
  
- d. All the deliverables as mentioned in the request for proposal's Scope of Work. Our experience includes all sizes of water resource recovery from single family secondary treatment followed by percolation to 10 million gallons per day Title 22 recycled water quality.

### **Firm's comprehensive experience**

Numerous civil engineering projects including water/wastewater systems have been successfully completed by Hasan Consultants. Here is a partial list of the public agencies we have recently served:

- California Public Utilities Commission
- City of Los Angeles
- City of San Fernando
- City of Camarillo
- City of Port Hueneme
- County of Ventura
- City of Ventura
- City of Oxnard
- Ojai Valley Sanitation District
- City of Santa Paula
- City of Ojai
- Oceanview School District
- Ventura Unified School District
- Ventura and Moorpark Colleges
- Ventura Community College District
- United Water Conservation District
- Casitas Municipal Water District
- Ventura Regional Sanitation District

### **News Story**

An example of a news story of Hasan Consultants' project in the local newspaper, Ventura County Star is included in the following pages. This unusual pipeline project was completed for the Casitas Municipal District in an area known for mega slides near La Conchita in the western part of Ventura county. The project has received national attention in drilling magazines for innovative design.

### **3. Standard rate sheet**

#### **Key staff allocation**

Hasan Consultants and OceanForesters share the same office building in Ventura, CA. Mr. Mark Capron also assists Hasan Consultants on civil and environmental projects.

The District will be served by three senior professionals on this project:  
Mohammed Hasan, P.E., Principal in charge  
Mark Capron, P.E., Senior Project Manager



John Mundy, Grade 5, MPA., Project Manager

The hourly rate for each individual is the same, \$200/ hr.

### C. References

Mr. Steve Blois            Director and Board Secy, Metropolitan Water Dist. of S. California  
Past Board Member, L.A. Regional Water Quality Control Board  
Director, Calleguas Municipal Water District  
(805) 732-0005

Mr. Russ Baggerly        Director  
Ojai Basin Groundwater Management Agency, Ojai, CA  
(805) 640-1207

Dr. Reginald Blaylock    Asst. Director, Thad Cochran Marine Aquaculture Center  
University of Southern Mississippi, MS  
(228) 818-8003

Mr. John Minkel            Water and Wastewater Manager  
City of Thousand Oaks, CA  
(805) 491-8121

Additional references will be submitted as necessary.

### D. Confirmation of business organization

Note: A pull-out (unbound) copy of this item, item D, is provided at the end of this proposal.

Hasan Consultants

[m.hasan@hasanconsultants.com](mailto:m.hasan@hasanconsultants.com)

Mailing address:

P. O. Box 6385  
Ventura, CA 93006

Street address:

2436 East Thompson Blvd.  
Ventura, CA 93003

Business License, City of Ventura

Federal Tax ID: 483749910

Phone: (805) 218-5574 cell

Fax: (805) 639-0307

OceanForesters

[markcapron@oceanforesters.com](mailto:markcapron@oceanforesters.com)

Street address:

2436 East Thompson Blvd.  
Ventura, CA 93003

Business License:

Ventura 130014203

California Corporation:

C3259421

Federal Tax ID: 27-1432094  
Phone: (805) 760-1967 cell  
Fax: None

## **E. General**

### **Insurances**

Hasan Consultants' current insurances are shown on the single page information sheet for the company in the following pages.

### **No conflicts**

Hasan Consultants and Performance Pipeline Technologies, their employees and associates have no past, or present conflict, nor anticipates any conflict that could affect this project work and the ability to complete the O&M services on schedule.

### **No District Liability**

Both Hasan Consultants and OceanForesters clearly acknowledge that the District is not liable for any of our preparation and submittal costs for this proposal. The District may accept or reject any proposal or proposed agreement without limitation. Nothing creates any vested rights in any person

### **Contact person:**

Mohammed A. Hasan, P.E.  
Principal Engineer and Owner  
Hasan Consultants  
[m.hasan@hasanconsultants.com](mailto:m.hasan@hasanconsultants.com)  
(805) 218-5574 cell

#### **Mailing address:**

P. O. Box 6385  
Ventura, CA 93006

#### **Street address:**

2436 East Thompson Blvd.  
Ventura, CA 93003

Mohammed Hasan will be the Principal-in-charge responsible for direct liaison with the District.



[hasanconsultants.com](http://hasanconsultants.com)

(805) 218-5574

### ***Background***

Since 1984, Hasan Consultants, a civil engineering and environmental engineering/planning firm, has provided local clients with consulting services in the areas of water, wastewater and solid waste, land development, environmental assessment, residential construction, commercial modification, surveying and parcel maps, aerial photography, grading, drainage, structural design and repairs, street improvement, underground tanks, toxicity, source control, traffic and transportation, and stormwater permitting. In addition, the staff of Hasan Consultants has experience in preparing EIRs, processing environmental projects and obtaining environmental permits.

### ***Services Offered***

- Design
- Plans and Specifications
- Cost Estimates
- EIR Preparation
- Master Plans
- Construction Inspection and Management
- SWPPP Preparation and Permitting
- Drafting and Graphics
- Phase I and II Investigations
- Coordination with Regulatory Agencies
- Grant Application Preparation
- Field review and Monumentation
- Permitting, Sampling and Monitoring
- Risk Management Prevention Plan
- Client Consultation
- Feasibility Studies
- Expert Witness
- Water/Energy audit
- Vulnerability Assessment
- Operator Training

### ***Principal***

Mohammed A. Hasan, dual M.S., P.E., R.E.A., F.ASCE, PWLF  
*Civil and Environmental Engineering/Transportation*

### ***Associates***

John Mundy, MPA, Grade V  
*Senior Project Manager*

Steven Birge, P.E., P.L.S.  
*Senior Civil Engineer/Surveyor*

Richard Herrera, P.E., T.E., PTOE  
*Senior Associate, Traffic/Transportation*

Mark Capron, M.S., P.E., M.ASCE  
*Environmental Manager*

Max Copenhagen, M.S., CH  
*Hydrology and Watershed Manager*

Wyatt Troxel, B.S., Grade V  
*Process Control Manager*

### ***Current Insurance and Indemnification***

Hasan Consultants currently carries full range of insurances. Our general liability insurance limit is \$2,000,000.00. Professional liability limit is \$1,000,000.00.

- General Liability – State Farm Insurance
- Professional Liability – ASCE - Pearl
- Workers Compensation - State Comp Insurance Fund
- Automobile – Mercury Insurance

### ***Minority, Small and Disadvantaged Business***

Hasan Consultants is certified as a minority, small and disadvantaged business enterprise.  
California Department of Transportation, Certification # CT-020907  
California Office of Small and Minority Business, PIN # 419157  
California Department of General Services, small business certification  
California Public Utilities Commission - WMBE Clearinghouse

# Ventura

Thursday, January 17, 2013

## Technique touted in La Conchita job

■ **Drilling found to spare money, land**

By **Stephanie Snyder**  
stephanie.snyder@vcstar.com  
805-437-0216

The Casitas Municipal Water District saved millions of dollars and spared the surrounding environment by using an innovative drilling technology to replace 1,200 feet of damaged

water pipeline that serves parts of the Ventura County beach community.

To replace the pipeline, the water district's board of directors considered options costing up to \$6 million — to build a bridge across the canyon near La Conchita — but decided on the less environmentally invasive directional drilling technique to embed the pipeline in the canyon at an angle. The cost was \$620,000.

"We could have put a bridge there to put across the canyon or we could've gone around; it would have cost three, four, five times more than what we have achieved," said Mohammed Hasan, principal consulting engineer for the project. "The most interesting thing in this project was that we did not disturb anything. No flora or fauna was disturbed."

Speaking to about 50 people Tuesday night at the Coast Geological Society's monthly meeting in Ventura, Hasan said it was the first directional drilling project in the Western United States used to build a large pipeline for drinking water.

The project was completed in April after nearly two months of drilling into the land at an angle using a constantly moving drill rig, Hasan said.

"It's basically a lesson in cooperation, a lesson in ability to think in terms of innovative solutions," Hasan said. "Time, money and also the environmental pollution — all these problems, we solved it."

The original pipeline was constructed in the 1960s. Builders cut down a 70-degree slope of the canyon, creating irreparable damage to the land, Hasan said.

"It's still bald," he said. "Today, environmental regulations will not allow you to cut like this, and it would be so unfair because ... the scars

are still there. We damaged the Earth. That's what happens."

The original line was installed by means of a burial method in the ravine that is no longer viable because of increased regulations and safety issues, said Neil Cole, the water district project manager overseeing the new pipeline.

The water pipeline was damaged in 2005, not because of a landslide that killed 10 people and destroyed 13 homes but because of erosion and debris. A temporary repair was made, but it soon became clear that a full replacement had to be made, Cole said.

Cole said he hesitated about using directional drilling because problems arose when he used the technique on a past project.

"There was some concern on my part ... but it did make the most sense in this case," he said.

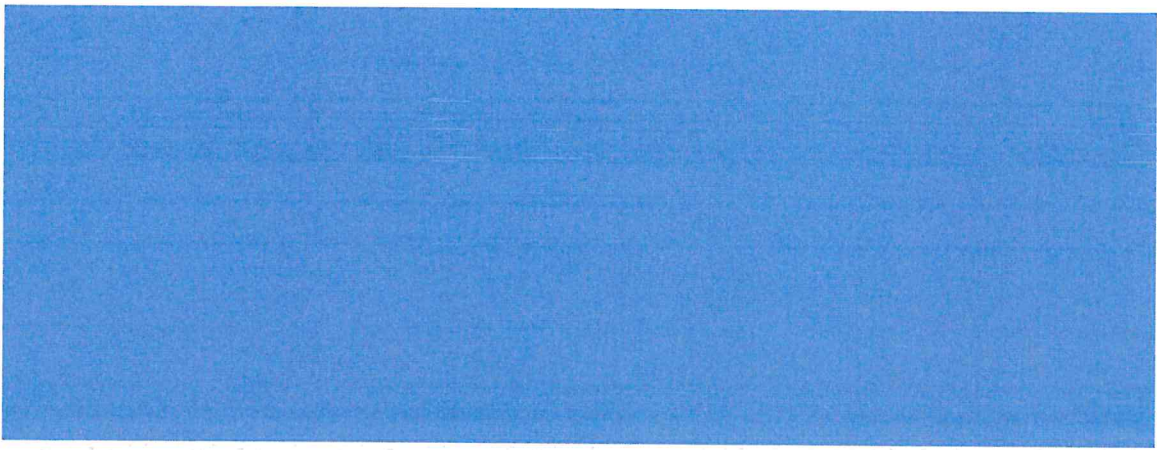
The success of the proj-

ect has convinced Cole that directional drilling will "be used quite a bit" in Ventura County.

Hasan's use of directional drilling has garnered local attention. In addition to Tuesday night's meeting, he will travel to Santa Barbara next week to speak to the American Society of Civil Engineers.

Robert Dame, vice president of the society and a geophysicist for the Interior Department in Camarillo, said he was impressed by Hasan's design to build the pipeline in an "environmentally friendly way."

"The project was pretty interesting; using directional drilling in an area that's fairly challenging from a design standpoint," Dame said. "That project saved the Casitas Water District several million dollars. ... With budgetary constraints, that can be a pretty attractive alternative to doing a surface pipeline."



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# *Résumés*

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**Mohammed A. Hasan, M.S., P.E., PWLF, F. ASCE**  
**Principal**  
*Hasan Consultants*

***Education***

M.S., Environmental Engineering, University of Iowa  
M.S., Transportation Engineering, University of Iowa  
B.S., Civil Engineering, NED University of Engineering and Technology

***License***

Professional Engineer (Civil), California  
Community College Instructor Credential, California

***Membership***

American Society of Civil Engineers- Fellow  
American Water Works Association, Distinguished Life Member  
California Water Environment Association  
American Public Works Association, Leadership Fellow  
Channel Counties Water Utilities Association - President  
Consult/Net - President  
Association of Water Agencies - Director  
Association of Environmental Professionals  
North American Society for Trenchless Technology  
American Society of testing Materials

***Experience***

Mr. Hasan has over thirty five years of diversified professional experience in engineering, management, research and teaching. Specific areas of expertise include water and wastewater system design, storm water compliance, land development and grading, street improvement, traffic and transportation studies, underground tanks evaluation, site assessment and remediation, hazardous waste management, geohydrological investigation, and regulatory agency compliance. The following is a summary of his experience.

***1984-Present Principal Engineer, Hasan Consultants, Ventura, CA***

Oversees all projects involving civil engineering, environmental engineering and planning. Areas in which Hasan Consultants specializes include water and wastewater systems, roadway projects, traffic and transportation, drainage and flood control and water supply system design, operation and maintenance. Some of the more extensive and prominent projects which have been prepared under Mr. Hasan include:

Procurement audit of the largest private water company in California for the Public Utilities Commission.

Design and construction management of asphalt overlay of various streets, City of Ojai-residential Streets and parking lots along with specifications and engineers cost estimates.

Public Hearing, Design and construction management of crosswalks, trail crossings, bike-ped improvements for City of Ojai.

Design, Specifications, Cost Estimates, Construction assistance and Preliminary Engineering Report for Casitas Municipal Water District for the completion of a large canyon pipe crossing, 150' deep. After evaluation of various alternatives, Horizontal Directional Drilling was used for this construction of a twelve hundred feet of 14" pipeline.

Complete Civil and Environmental design for Dole Berry complex on Gonzales Road in Oxnard including storm water pollution prevention.

Design and construction management of \$1.2 million earthquake sewer repair project for the City of San Fernando.

Feasibility study for the City of Fillmore new Foothill pressure zone.

Ventura Unified School District: Various projects including asphalt rehabilitation, grading and hydrologic studies.

Operations and Maintenance Manual, Moorpark Wastewater Treatment Plant, County of Ventura.

Wastewater collection system rehabilitation, City of Camarillo.

Pavement overlay design, specifications and estimates, City of Ojai

City of San Fernando Truman Street Reconstruction project involving design of pavement and consideration of Federal funding to best suit the needs of the City.

Design of campsites at the Lake Piru Recreational Area including water and sewer system conveyance and treatment: this was performed for the United Water Conservation District, Santa Paula. This project included grading, access road paving, construction of restroom facilities and handicap regulation compliance for the Park.

Design and construction management of water distribution system improvement for Channel Islands Beach Community Services District, a \$2.1 million project. By innovative design, Hasan Consultants was able to save the District \$0.5 million.

Water and Wastewater system rehabilitation for Rose Valley Sheriff's detention facility in Ventura County: Provided design and drawings for over 200 inmate housing for the water distribution system including reservoir capacity analyses.

Completed entire environmental study required for discharge of brine into Arundell channel for release to ocean for Harris Water Conditioning, Inc., a water softening company in Ventura.

Completed preliminary environmental site assessment for various firms in the Ventura-Oxnard area.

Environment Site Assessment (Phase I) for the City of San Buenaventura  
Redevelopment Agency.

City of San Fernando's underground tank related evaluation and report was completed to address contamination, remediation and possible compliance with statutes.

Preliminary Engineering Report was prepared for five-city fire station of the City of San Buenaventura for underground tank rehabilitation. The report reviewed the immediate environmental activities and their relationship to the tank replacement project.

1979-84 Utilities Superintendent, City of Oxnard, Oxnard, CA

Served as manager of the Utilities Division for the City of Oxnard. Responsible for production, treatment, storage, distribution and maintenance of the City's water supply system. Also responsible for operation and maintenance of both the domestic and industrial wastewater collection and disposal systems. As Project Manager for water and wastewater construction programs, prepared long and short-range capital improvement programs. Prepared the Division budget, which was in excess of 18 million dollars annually. Established Division goals and objectives, managed personnel, and coordinated projects with other government agencies and private contractors.

1974-79 Civil Engineer, Ventura Regional Sanitation District, Ventura, CA

Responsible for preparing the 1976 County Solid Waste Management Plan and for evaluating resource recovery alternatives and recycling of solid waste. Managed hazardous wastes and administered the

County's wastewater reclamation program. Designed and constructed anti-litter stations and recycling centers. Provided technical consultation on operation of existing and development of proposed landfill sites. Trained wastewater treatment facility and solid waste landfill operators. Served as project

manager for the CETA program. Prepared grant applications and source control permits for industrial waste discharges.

1973-74 Engineer, Alderman, Swift and Lewis, Consulting Engineers, South Pasadena, CA

Responsible for designing reservoirs and water distribution systems, flood control and storm drainage facilities. Also worked in traffic engineering field.

***Selected Publications***

Drought is not a Four-Letter Word, Amazon Books, August, 2015

Negative Carbon via Ocean Afforestation, Special-Negative Carbon Technology issue of Process Safety and Environmental Protection, Elsevier Press, London, U.K. November 2012

Earthquake Damaged Sewer System Saved by Using Trenchless Technology, Proceedings of North American Society for Trenchless Technology, Seattle, WA, April 1997



Buyers Should Check Now or Pay Later, Ventura Sun, Ventura, CA, February 1993.

Problems of Land Disposal of Hazardous Wastes, Proceedings of the 2nd National Conference on Hazardous Materials, San Diego, CA, February 1979.

Resource Recovery from Small Tonnages, Solid Waste Systems, GRCDA, May 1975

## **Languages**

Working knowledge of the languages besides English:  
Spanish, Hindi, Bengali, Urdu and Arabic

## **Interests**

Real estate, Rotary, outdoor sports, longevity, family oriented arts and entertainment

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**John R. Mundy, Grade 5, M.P.A.**  
**Senior Project Manager**  
**Hasan Consultants**

***Education***

M.P.A., National University  
B.B.A., National University

***Experience***

*January 2013 – Present Senior Project Manager, Hasan Consultants*

Provide consulting services to cities in management and organizational support, strategic planning and policy development, organizational reviews, financial reviews, service and operational reviews and outreach program development. Senior Manager overseeing all projects at Hasan Consultants; consulting and directing managers and engineers.

*January 2004 – January 2013 Las Virgenes Municipal Water District General Manager*

Responsible for the overall management of the district's water, wastewater and recycled water enterprises through 119 employees. Combined Operating and Capital budget exceeded \$60 million annually. Worked with the board of directors in conducting strategic planning and formulating policies in meeting the district's core mission. Engaged regularly with the public and community leaders in furthering the service needs of the communities served.

*November 1996 - December 2003 Las Virgenes Municipal Water District Director of Facilities and Operations*

Led the planning, organization and direction of 75 staff members in treatment, production and quality control of the potable and recycled water systems, wastewater collection and treatment, wastewater recycling and biosolids reuse, and maintenance of all district facilities and equipment. Evaluated and recommended consultants for evaluation and design of facilities and operations.

Directed the preparation of O&M and CIP budgets exceeding \$39 million annually. Directed and participated in development and implementation of district goals and objectives with staff and the board of directors. Formulated and implemented

departmental rules/procedures/policies. Directed preparation of technical/regulatory reports, meet and coordinate with regulatory agencies, and directed development of departmental training programs. Directed the preparation and presentation of Board reports and agenda items. Acted on behalf of the general manager in his absence.

November 1991 – November 1996 City of Santa Monica Utilities Manager

Management/budgeting/planning of the city's Water and Sewer Systems, Industrial Waste Inspection and Storm Water Programs, Utility Billing Office and City Cemetery. Directed the preparation of O & M and Capital Improvement budgets exceeding \$35 million annually. Managed the development of rates, revenue, and expense projections for water, sewer and cemetery enterprises. Developed and presented budgets, appropriation requests, utility rate revisions and municipal code changes to the City Council.

January 1986 - November 1991 City of Ventura Water Superintendent

Directed resource planning, operations, maintenance, and customer service and conservation activities of the city's water system. Developed and implemented division policies and procedures, reviewed development projects for impacts on water systems. Directed preparation of O&M and CIP budgets exceeding \$8 million annually.

February 1974 – November 1985 Ramona Municipal Water District Assistant General Manager & Director of Operations (January 1984 December 1985)

Oversaw district operations. Developed annual operating and CIP budgets exceeding \$8 million annually. Prepared agenda and recommendations to the board of directors.

Other Positions Held

Wastewater Superintendent & Lead Operator  
Lab Tech/Water Plant Operator  
Equipment Maintenance Mechanic

**Certifications**

Water Treatment Plant Operator Certificate; Grade 5  
Wastewater Treatment Plant Operator Certificate; Grade 5  
California Community College Teaching Credential

**Affiliations**

American Water Works Association  
American Public Works Association  
Water Pollution Control Federation

**Military**

United States Army, 1970-1973, Honorable Discharge  
<http://www.linkedin.com/pub/john-r-mundy/10/50b/396> - name

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**Mark Capron, M.S., P.E., M.ASCE**  
**Senior Project Manager**  
*OceanForesters*

***Education***

B.S., Civil Engineering, University of California, Berkeley, CA 1976  
M.S., Structural/Ocean Engineering, University of California, Berkeley 1981  
U.S. Navy Dive School, Officer's Basic Diving 1982

***Experience***

*2008-Present President of OceanForesters, Inc.*

OceanForesters is organizing regional Programme proposals for the UN Decade of Ocean Science for Sustainable Development (2021-2030). The OceanForesters Programme "Science Enables Abundant Food (SEAFood with Healthy Oceans)" merges living reefs, SEAFood ecosystem lifeboats, and water resource recovery. (The term "wastewater treatment" is outdated.)

The U.S. Department of Energy Advanced Research Projects Agency – Energy (ARPA-E) funded two OceanForesters-organized teams to find ways to grow seaweed-for-biofuel inexpensively and sustainably. The same knowledge of emerging water resource recovery industry technologies that are important to global scale ocean forests that appeals to ARPA-E will be important to the HCTP Master Plan:

- a) nutrient recycling – organic to inorganic C, N, and P conversions, ammonia and phosphate recovery and concentrating, etc.
- b) energy processes and the efficiency of nutrient recovery with that process – hydrothermal liquefaction, anaerobic digestion, supercritical carbon dioxide cycles, supercritical oxidation, etc.

OceanForesters led teams have won three "paid travel to present at ASCE Headquarters" awards in the 2016 and 2017 American Society of Civil Engineers' Innovation Contest. Both the 2016 "Best Overall" award and the 2017 award blend water resources recovery and ocean forestry.

FreshMining plans to recover metals from the ash leftover after Hydrothermal Liquefaction of biosolids.

*2009-September 2018 Ideas and Engineering for City of Thousand Oaks Treatment Plant.*

Environmental Manager of Hasan Consultants, and founder of FreshMining.

Mr. Capron served as a part-time employee of the City of Thousand Oaks acting as Ideas and Engineering (a scientist-engineer) at HCTP. Mr. Capron helped HCTP staff select appropriate existing and emerging technologies, design, and build many repairs and process improvements. HCTP's construction tools included HCTP staff and less-than-\$45,000 informal (three-bid minimum) construction contracts. A less-than-10% sample of projects:

- Increasing HCTP hydraulic capacity from 16 mgd to over 30 mgd with a vacuum pump that uses about two kWh/year. This project won a "presentation at WEFTEC" and the first such winner featured in Water Environment & Technology for the WEF Operator Ingenuity Contest.
- When a consultant recommended 8 to 10 turnovers/day to cure foaming issues in the anaerobic digesters, the HCTP team installed one (of five) larger mixing pump on a VFD. Unexpectedly, foaming was cured and biogas production remained the same by dialing down to 1-2 turnovers/day. The project switched from five bigger pumps to a VFD on each pump and obtained an energy saving rebate from Southern California Edison.
- Improved and standardized measurement of flow out of each of the six bioreactors. The four deep bioreactors have level sensors mounted on the weir gates so that changing the water level does not require resetting the zero-flow distance.
- Improved performance of the deep bioreactors with contracted computational fluid dynamics of the anoxic zones leading to: "doors" for each baffle wall, V-port knife gate air throttle valves, permanent ladders, inexpensive mixing of the mixed liquor channel, and tuning of the simple sidestream filtrate treatment.
- Found SENTRY-BOD and arranged a free "beta-test".

1989-2010 Senior Engineer, Ventura Regional Sanitation District, Ventura, CA

While Senior Engineer for Ventura Regional Sanitation District (VRSD), Mr. Capron completed several projects with VRSD-awarded construction contracts including:

- Installing pumps and over-the-top pipes converting the existing aeration basins into nutrient removal bioreactors (a multi-year trial prior to a capital improvement conversion);
- The hopper for the dewatering building;
- The truck scales for the new dewatering building.

Elsewhere at VRSD and for Triunfo Sanitation District (TSD), Mr. Capron was responsible for envisioning, finding funding, environmental documentation, detailed design, construction, and maintenance of water, recycled water, wastewater, and energy facilities. As TSD's engineer, he managed extensions of the TSD recycled water system and its transfer of ownership to Calleguas Municipal Water District.

While at VRSD, Mr. Capron led a team winning the California Water Environment Association's Engineering Innovation Award, the Ventura County Business Times' "Public Service Deal of the Year," and the American Public Works Association, Ventura County Chapter's "Project of the Year" for the \$5 million Saticoy Wastewater Improvements. The Saticoy project included the first use of GeoTubes for biosolids dewatering. He led a team installing a \$3 million invisible and odorless on-site wastewater treatment plant within 20 feet of bedroom windows for the Malibu Bay Club, using an energy conserving process. He solved a public health crisis by convincing 35 property owners to fund a \$750,000 sewer pipeline extension, which can serve 120 properties in the area with existing homes on failing septic tanks. Successfully demonstrated the nutrient removal capabilities of individual home-sized on-site wastewater treatment systems with 50% grant funding at the request of the California Water Resources Control Board.

1986-1989 Senior Project Engineer, Naval Civil Engineering Laboratory, Port Hueneme, CA

Responsible for recognizing naval facilities needs and connecting those needs with new technologies, procuring funding, and conducting research and development on new products. My team demonstrated that a relatively light netting fence could prevent suicide-bomb boats from getting close to Navy ships by using the terrorist's own speed against them.

1976-1986 Engineering Management Positions, U.S. Navy Civil Engineer Corps, Puerto Rico, Gulfport, MS, Guam, Mare Island, CA, Berkeley, CA, Brunswick, ME, Port Hueneme, CA

Responsible and in training for managing the US Navy's infrastructure construction and ensured safe conditions for the construction divers as the Diving Officer at Naval Civil Engineering Laboratory. As an assistant officer in charge of construction at Naval Air Station Brunswick, Maine, my change order rate was among the lowest in the Atlantic Division while managing \$20 million a year construction-in-place. Provided general engineering expertise to resolve nuclear safety issues for the Public Works Department while nuclear submarines were refueled at Mare Island Naval Shipyard.

### ***Membership***

Water Environment Federation, and California Water Environment Association  
American Society of Civil Engineers  
American Geophysical Union

### ***Publications***

- "Restoring pre-industrial CO<sub>2</sub> levels while achieving Sustainable Development Goals" *Energies* (2020).
- "Secure Seafloor Container CO<sub>2</sub> Storage." OCEANS'13 MTS/IEEE San Diego Technical Program #130503-115 (2014)
- "Negative carbon via Ocean Afforestation" Special – Negative Carbon Technology issue of Process Safety and Environmental Protection, Elsevier Press, November 2012
- "Holistic Approach Needed" Water Environment & Technology, May 2009
- "Suggesting Judge Wiki," UK Parliament Engineering: turning ideas into reality-Innovation, Universities, Science and Skills Committee, March 2009
- "Plankton Power" Civil Engineering, March 2008

### ***Patents***

Granted or pending, including:

- Hybrid Hydrothermal Liquefaction with Anaerobic Digestion.
- Dozens of innovations associated with Ocean Forestry.
- Concentrating the ammonia from anaerobic digestion from 1,000 mg/L to 10% ammonium sulfate for easier storage and use as fertilizer.
- Combining unique heating and mixing into unusually cost-effective geosynthetic anaerobic digesters for food waste, manure, and wastewater.
- Open ocean algal-biofuel, "Systems and Methods for off shore energy production with carbon dioxide sequestration."
- Improving CCHP with integrated heat-to-electricity engines and absorption chillers.
- The US Navy acquired four patents and four technical bulletins while preserving rights to Mark E. Capron inventions.

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## Proposal Review Rating Sheet

Companies are rated on a scale from 1 - 10 in each category for an overall score of 80

Criteria	Rating	Rating
	Dudek	Hassan
Ability of the consultants to perform the specific tasks outlined in the RFP	10	10
Qualifications of the specific individuals who will work on the project	10	10
Quantity and quality of time key personnel will be involved in their respective portions of the project	Unknown	Unknown
Reasonableness of the fee requested to do the work; comparability of fee to similar services offered by other qualified consultants (except where fee is to be negotiated later)	8	9
Demonstrated record of success by the consultant on work previously performed for the District or for other public agencies or enterprises	N/A	N/A
The specific method and techniques to be employed by the consultant on the project or problem	N/A	N/A
Ability of the consultant to provide appropriate insurance in adequate amounts, including errors and omissions if applicable	10	10
Responsiveness to the RFP	10	10
<b>Total Score:</b>	<b>48</b>	<b>49</b>


Kellas



### Proposal Review Rating Sheet

Companies are rated on a scale from 1 - 10 in each category for an overall score of 80

Criteria	Rating	Rating
	Dudek	EMC HASSAN <span style="float: right;">(86)</span>
Ability of the consultants to perform the specific tasks outlined in the RFP	8	7
Qualifications of the specific individuals who will work on the project	9	7
Quantity and quality of time key personnel will be involved in their respective portions of the project	9	7
Reasonableness of the fee requested to do the work; comparability of fee to similar services offered by other qualified consultants (except where fee is to be negotiated later)	8	8
Demonstrated record of success by the consultant on work previously performed for the District or for other public agencies or enterprises	8	8
The specific method and techniques to be employed by the consultant on the project or problem	8	7
Ability of the consultant to provide appropriate insurance in adequate amounts, including errors and omissions if applicable	8	8
Responsiveness to the RFP	8	8
<b>Total Score:</b>	<b>66</b>	<b>60</b>

  
 1/4/21

### Proposal Review Rating Sheet

Companies are rated on a scale from 1 - 10 in each category for an overall score of 80

Criteria	Rating	Rating
	Dudek	Hassan
Ability of the consultants to perform the specific tasks outlined in the RFP	10	10
Qualifications of the specific individuals who will work on the project	10	9
Quantity and quality of time key personnel will be involved in their respective portions of the project	9	10
Reasonableness of the fee requested to do the work; comparability of fee to similar services offered by other qualified consultants (except where fee is to be negotiated later)	10	10
Demonstrated record of success by the consultant on work previously performed for the District or for other public agencies or enterprises	10	10
The specific method and techniques to be employed by the consultant on the project or problem	10	10
Ability of the consultant to provide appropriate insurance in adequate amounts, including errors and omissions if applicable	10	10
Responsiveness to the RFP	10	10
<b>Total Score:</b>		

79 79

Murguia 1/4/21

## **6. E. Business Items**



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **Item 6.E. Discussion regarding designating a Board member to attend public meetings on behalf of the District.**

This item has been placed on the agenda at the request of Chairperson Kellas. The Chairperson had stated that a Board member should be present at certain local meetings. These meetings would include the North Coast Advisory Council (NCAC), the upcoming LAFCO Solid Waste Powers Hearing, and any other relevant meetings that the Board member may wish to suggest.

## **6. F. Business Items**



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **Item 6.F. Discussion regarding Prop 84 Grant and inquiry from the County of San Luis Obispo.**

The District has received a request for information regarding the grant funding awards related to the Integrated Regional Water Management (IRWM) programs. Attached are the request notice from the County of San Luis Obispo Department of Public Works, the Regional Water Management Foundation, and the Department of Water Resources.

Staff is looking for direction from the Board.

Enc: Correspondence from:

- (1) County of San Luis Obispo Public Works
- (2) Regional Water Management Foundation
- (3) Department of Water Resources

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**Fwd: IRWM Grant - Submitted to DWR**

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**Charles Grace** <cgrace@graceenviro.com>  
To: Cortney Murguia <cmurguia@graceenviro.com>

Thu, Dec 19, 2019 at 7:55 AM

Please print the email from Brendan and include it with the January GM report under Grant Update.

Thank you,

Charles Grace  
805 431 6253  
[www.graceenviro.com](http://www.graceenviro.com)



----- Forwarded message -----

From: **Brendan Clark** <BClark@co.slo.ca.us>

Date: Wed, Dec 18, 2019 at 4:05 PM

Subject: IRWM Grant - Submitted to DWR

To: [dhix\\_slocity.org](mailto:dhix@slocity.org) <[dhix@slocity.org](mailto:dhix@slocity.org)>, Metz, Jennifer <[jmetz@slocity.org](mailto:jmetz@slocity.org)>, Barcenas, Miguel <[MBarcena@slocity.org](mailto:MBarcena@slocity.org)>, [MIglesias\\_ncsd.ca.gov](mailto:MIglesias@ncsd.ca.gov) <[MIglesias@ncsd.ca.gov](mailto:MIglesias@ncsd.ca.gov)>, Ron Munds <[rmunds@losososcscsd.org](mailto:rmunds@losososcscsd.org)>, [will\\_oceanocsd.org](mailto:will@oceanocsd.org) <[will@oceanocsd.org](mailto:will@oceanocsd.org)>, Charles Grace <[cgrace@graceenviro.com](mailto:cgrace@graceenviro.com)>, Jeff Oliveira <[jeffo@olive-env.com](mailto:jeffo@olive-env.com)>

Cc: Carey Casciola <[carey@oceanocsd.org](mailto:carey@oceanocsd.org)>, Nicole Miller <[nicole@oceanocsd.org](mailto:nicole@oceanocsd.org)>, [swaterman\\_wsc-inc.com](mailto:swaterman@wsc-inc.com) <[swaterman@wsc-inc.com](mailto:swaterman@wsc-inc.com)>, Rob Morrow <[rmorrow@wsc-inc.com](mailto:rmorrow@wsc-inc.com)>, Courtney Howard <[choward@co.slo.ca.us](mailto:choward@co.slo.ca.us)>, Lucia Mercado <[LMercado@co.slo.ca.us](mailto:LMercado@co.slo.ca.us)>

Good afternoon,

I am very pleased to let you all know that the grant application was submitted to DWR today. Woot!

Thank you (and congratulations) to you all for completing the tasks associated with each of your applications, and for handling questions coming from me, Lucia and Spencer as we pulled this together.

As many of you know, this is the culmination of a process that began in February when we began preparing the "call for projects" and project selection criteria for the grant. Then it was four RWMG meetings, 1 Working Group Meeting, 2 public presentations (by you!) of your projects, multiple submittals to DWR, then us, then WSC, and now again, finally, DWR. Now we wait.

The next step to come early next year is finalizing the reimbursement agreements and totals for the application costs. Stay tuned on that.

I think it's time for a vacation – See you all in January!

Thanks,



**Brendan Clark, P.E.**

**Water Resources Engineer**

Public Works, County of San Luis Obispo

Tel: (805) 788-2316 | *An APWA Accredited Agency*  
Website | [Twitter](#) | [Map](#)



**Upcoming time off: December 23<sup>rd</sup> to January 3<sup>rd</sup>.**



(1) County of San Luis Obispo Public Works dated  
December 21, 2020



COUNTY OF SAN LUIS OBISPO

Department of Public Works

John Diodati, *Interim Director*

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December 21, 2020

**EMAIL ONLY**

Gwen Kellas  
Chair, Board of Directors  
San Simeon Community Services District  
111 Pico Avenue  
San Simeon, CA 93452  
[GKellas@sansimeoncsd.org](mailto:GKellas@sansimeoncsd.org)

Subject: Information Requests regarding: Notification of Public Complaint regarding a Project under the Proposition 84 Integrated Regional Water Management Implementation Grant Program (Grant Agreement No. 4600011487); Notification of a Public Complaint regarding a Project under the Proposition 1 Integrated Regional Water Management Disadvantaged Community Involvement Grant Program (Grant Agreement No. 4600012296); Proposition 1, Round 1 Integrated Regional Water Management Implementation Grant Program

Dear Chairperson Kellas:

Background

As you are aware, the San Simeon Community Services District (SSCSD) has been awarded grant funding under three (3) separate Integrated Regional Water Management (IRWM) programs:

- *Proposition 84, 2015 Round Implementation Grant:* On or about December 7, 2016, the San Luis Obispo County Flood Control and Water Conservation District (District) and the SSCSD entered into a Funding Agreement (Proposition 84 Funding Agreement) pursuant to which the SSCSD received grant funding (not to exceed \$362,431) under the Proposition 84, 2015 Round IRWM Implementation Grant Program to construct the Well Head Treatment Project as defined and pursuant to the terms and conditions in the Grant Agreement (Grant Agreement No. 4600011487) between the District and the Department of Water Resources (DWR) (Proposition 84 Grant Agreement).
- *Proposition 1, Disadvantaged Community Involvement Grant:* On or about July 8, 2019, the District and the SSCSD entered into a Funding Agreement (Proposition 1 DAC District Funding Agreement) pursuant to which the SSCSD is to receive grant funding (not to exceed \$177,750) under the Proposition 1 IRWM Disadvantaged Community (DAC) Involvement Grant Program to develop the Reservoir Expansion Project and Master Water Plan Update as defined and pursuant to the terms and conditions in the Funding Agreement

(Proposition 1 DAC RWMF Funding Agreement) between the District and the Regional Water Management Foundation (RWMF) and the Grant Agreement (Grant Agreement No. 4600012296) between the RWMF and DWR (Proposition 1 DAC Grant Agreement).

- *Proposition 1, Round 1 IRWM Implementation Grant:* The conditional grant award that the District received on or about July 3, 2020 for funding under the Proposition 1 IRWM Grant Program includes funding (not to exceed \$500,000) for construction of the Reservoir Expansion Project – Phase 1 Distribution System.

### Grant Terms and Conditions

As you are probably also aware, both the Proposition 84 Funding Agreement and the Proposition 1 DAC District Funding Agreement expressly incorporate all of the terms and conditions in the Proposition 84 Grant Agreement and the Proposition 1 DAC Grant Agreement, respectively. Although previously provided to the SSCSD, executed copies of both funding agreements which include the incorporated agreements with DWR and RWMF are attached as Attachment 1 for your reference. However, the District highlights the below provisions:

#### Proposition 84 Grant Agreement Terms and Conditions

Standard Condition D.13) of the Proposition 84 Funding Agreement incorporates Standard Condition D.13) of the Proposition 84 Grant Agreement and states: “SSCSD shall comply with all applicable laws and regulations regarding securing competitive bids and undertaking competitive negotiations in SSCSD’s contracts with other entities for acquisition of goods and services and construction of public works with funds provided by [District] under this Funding Agreement.”

Exhibit A (Work Plan) to the Proposition 84 Funding Agreement incorporates the requirements set forth in Exhibit A (Work Plan) to the Proposition 84 Grant Agreement related to land acquisition and easement procurement and states: “The Project will be constructed on SSCSD property, located adjacent to the SSCSD District offices and between the production wells and reservoir. No land acquisition, easement procurement, or right of ways are required as the [Well Head] treatment system will be built all within SSCSD property.”

#### Proposition 1 DAC Grant Agreement Terms and Conditions

Paragraph 10 of the Proposition 1 DAC District Funding Agreement states: “[t]he [SSCSD] acknowledges its responsibility to comply with the applicable provisions of Exhibit D to the Grant Agreement (Standard Conditions).” Similarly, Paragraph 16 states: “[t]he [SSCSD] agrees to be bound, perform and abide by all of the provisions applicable to the RWMF, [DISTRICT] or to [SSCSD] as a local project sponsor in connection with the Project as set forth in the [Proposition 1 DAC] Grant Agreement as if the [SSCSD] had signed the [Proposition 1 DAC] Grant Agreement in the place and stead of RWMF.” Like the Proposition 84 Grant Agreement, the Proposition 1 DAC Grant Agreement includes the following Standard Condition D.13): “Grantee shall comply with all applicable laws and regulations regarding securing competitive bids and undertaking competitive

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#### Department of Public Works

County Govt Center, Room 206 | San Luis Obispo, CA 93408 | (P) 805-781-5252 | (F) 805-781-1229

[pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us) | [slocounty.ca.gov](http://slocounty.ca.gov)

negotiations in Grantee's contracts with other entities for acquisition of goods and services and construction of public works with funds provided by [DWR] under this Grant Agreement."

#### Requests from DWR and RWMF

On or about November 4, 2020, the District received notification from DWR (DWR Notification) of a complaint that DWR received in connection with the Well Head Treatment Project (Attachment 2). The complaint alleges that the SSCSD did not follow a fair and competitive bidding and procurement process when it awarded a contract to Phoenix Civil Engineering in connection with the project in contravention of Standard Condition D.13) of both the Proposition 84 Funding Agreement and the Proposition 84 Grant Agreement. The complaint further alleges that the SSCSD constructed part of the project on land it did not own, without an easement in contravention of the description of the project in Exhibit A (Work Plan) to both the Proposition 84 Funding Agreement and the Proposition 84 Grant Agreement. The correspondence references a recent survey completed by the adjacent landowner (Hearst Corporation) confirming that a portion of the project was constructed on Hearst Corporation land and an uncompleted attempt to secure an after the fact easement. DWR has requested that the District investigate the matters raised in the complaint in light of the fact that \$500,000 has been conditionally awarded to the construction of the Reservoir Expansion Project – Phase 1 Distribution System under the conditional award for Proposition 1 IRWM Grant Program funds.

On or about November 10, 2020, the District received notification from the RWMF (RWMF Notification) regarding notification that the RWMF received from DWR of a complaint that DWR received in connection with the Reservoir Expansion Project (Attachment 3). The complaint alleges that the SSCSD did not follow a fair and competitive bidding and procurement processes when it awarded a contract to Phoenix Civil Engineering in connection with the design of the project in contravention of Standard Condition D.13) of the Proposition 1 DAC Grant Agreement. The RWMF Notification requests that the District provide certain specifically identified information.

#### Action Required

Pursuant to the Proposition 1 DAC District Funding Agreement (in effect until April 30, 2021), the SSCSD is contractually required to "provide the documentation required of [District] pertinent to the Reservoir Expansion Project (Paragraph 3) and "provide the [District] with [...] any requested documentation" (Paragraph 19). Although the Proposition 84 Funding Agreement terminated (as of June 30, 2019) certain provisions extend beyond the termination date, including Standard Condition D.7) which provides that "the SSCSD shall be subject to the examination and audit by [DWR] and [District] for a period of three years after final payment of Grant funds to SSCSD with respect to all matters connected with this Funding Agreement." **Based on the foregoing, please provide the following to the District on or before January 20, 2021:**

A detailed written response to the two (2) claims mentioned in the DWR Notification, including the SSCSD's position regarding whether the manner in which it contracted with Phoenix Civil

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#### Department of Public Works

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Engineering in connection with the Well Head Treatment Project complied with Standard Condition D.13) of both the Proposition 84 Funding Agreement and the Proposition 84 Grant Agreement and whether the Well Head Treatment Project was constructed entirely on SSCSD property as stated in Exhibit A (Work Plan) to both the Proposition 84 Funding Agreement and the Proposition 84 Grant Agreement. The written response should be supported by a legal analysis of applicable statutes, including, but not limited to, Government Code Section 4529.12, and should be accompanied by any and all information that the SSCSD has in support of its response. Without limiting the foregoing, the SSCSD should include:

- Documentation of the process by which the SSCSD selected Phoenix Civil Engineering to perform work on the Well Head Treatment Project
- Documentation of the SSCSD Board of Directors' or duly authorized personnel's approval of Phoenix Civil Engineering to perform the work on the Well Head Treatment Project
- A copy of the SSCSD's current procurement policy and the policy in effect at the time it contracted with Phoenix Civil Engineering to perform work on the Well Head Treatment Project
- A survey showing the location of the Well Head Treatment Project
- Any easement or other legal instrument in effect at the time of construction of the Well Head Treatment Project granting the SSCSD the right to construct the Well Head Treatment Project on land other than land owned by the SSCSD in fee
- Any easement or other legal instrument currently in effect granting the SSCSD the right to construct the Well Head Treatment Project on land other than land owned by the SSCSD in fee
- If the Well Head Treatment Project or any portion thereof was constructed on land not owned by the SSCSD in fee, information regarding when any member of the SSCSD Board or SSCSD staff became aware of said fact or the possibility thereof and if and when the SSCSD provided notification to the District or DWR

A detailed written response to the claim raised in the RWMF Notification, including SSCSD's position regarding whether the manner in which it contracted with Phoenix Civil Engineering in connection with the Reservoir Expansion Project complied with Standard Condition D.13) of the Proposition 1 DAC Grant Agreement. The written response should be supported by a legal analysis of applicable statutes, including, but not limited to, Government Code Section 4259.12, and should be accompanied by any and all information requested in the RWMF Notice and that the SSCSD otherwise has in support of its response. Without limiting the foregoing, the SSCSD should include:

- Documentation of the process by which the SSCSD selected Phoenix Civil Engineering to perform work on the Reservoir Expansion Project
- Documentation of the SSCSD Board of Directors' or duly authorized personnel's approval of Phoenix Civil Engineering to perform the work on the Reservoir Expansion Project

- A copy of the SSCSD's current procurement policy and the policy in effect at the time it contracted with Phoenix Civil Engineering to perform work on the Reservoir Expansion Project

In addition and in response to DWR's comment regarding the pending Proposition 1, Round 1 IRWM Implementation Grant, please provide any and all written information evidencing that all anticipated requirements for disbursement of grant funds for the construction of the Reservoir Expansion Project – Phase 1 Distribution System have been satisfied (template grant agreement included as Attachment 4). These requirements are detailed in Exhibit A of Attachment 4. Such documents should include, without limitation:

- Proof of SSCSD's adoption of the 2019 IRWM Plan
- Certified environmental document (i.e. mitigated negative declaration, environmental impact report) with State Clearinghouse ID
- No legal challenges letter
- Land Use Permit from County of San Luis Obispo (County)
- Grading Permit from County
- Any other applicable permits (Regional Water Quality Control Board, State Water Resources Control Board, Coastal Commission, etc.)
- Proof of Acquisition of / Compliance with Required Easement (permission from Hearst Corporation and California Rangeland Trust)
- Project Monitoring Plan (per Exhibit L of Attachment 4)
- Other funding secured (i.e. United State Department of Agriculture, rate increase, etc.) to ensure one hundred percent (100%) funded

If any requirement for disbursement has not yet been satisfied, provide a clear explanation of the status, schedule and steps to complete the requirement. Also, please be advised that, based on SSCSD's responses, the validity of the claims and/or the status of the requirement documentation for disbursement, DWR may pause or rescind the Proposition 1, Round 1 IRWM Implementation grant award for the SSCSD's project.

Please contact Brendan Clark, (805) 788-2316 or [bclark@co.slo.ca.us](mailto:bclark@co.slo.ca.us), with any questions and to provide the requested information.

Sincerely,



JOHN DIODATI  
Interim Director

File: CF 900.213.01

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**Department of Public Works**

County Govt Center, Room 206 | San Luis Obispo, CA 93408 | (P) 805-781-5252 | (F) 805-781-1229  
pwd@co.slo.ca.us | slocounty.ca.gov

c: Bruce Gibson, District 2 Supervisor  
Carmel Brown, Department of Water Resources  
Tim Carson, Regional Water Management Foundation  
Rita Neal, County Counsel  
Brendan Clark, County Staff  
Charles Grace, San Simeon CSD General Manager

Attachments:

Attachment 1 – Agreements

Attachment 2 – DWR Notification

Attachment 3 – RWMF Notification

Attachment 4 – Proposition 1 Implementation Grant Template Agreement

L:\Water Resources\2020\December\SSCSD ltr Kellas.docxJD.nd

(2) Regional Water Management Foundation dated  
November 10, 2020



**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



**TRANSMITTED VIA EMAIL:** publicworks@co.slo.ca.us

November 4, 2020

Mr. John Diodati  
Interim Director of Public Works  
San Luis Obispo County  
976 Osos Street, Suite 207  
San Luis Obispo, California 93408

Subject: Notification of a Public Complaint regarding a Project under 2015 Round, Proposition 84 IRWM Implementation Grant Program (Agreement No. 4600011487)

Dear Mr. Diodati:

This letter is to inform you of a public complaint we received regarding a project under a Proposition 84 Grant Agreement between the San Luis Obispo County Flood Control and Water Conservation District (SLO District) and the Department of Water Resources (DWR):

- Project Title: SSCSD Well Head Treatment Project (Reverse Osmosis/Desalination Facility)
- Local Project Sponsor: San Simeon Community Services District (SSCSD)
- DWR Grant Agreement No. 4600011487 (expired on June 30, 2019)

Mr. Henry "Hank" Krzciuk, a San Simeon resident, contacted DWR with a two-part complaint about this project, as described below. He told us he obtained a copy of the grant agreement through a Public Records Act request.

Lack of Competitive Bidding Complaint – Mr. Krzciuk claims that SSCSD did not follow a fair and competitive bidding and procurement process when awarding a contract to Phoenix Civil Engineering related to this project. While Provision D.13 of the Agreement between the SLO District and DWR requires compliance with all applicable laws and regulations regarding securing competitive bids, we are not aware of the requirements your agency may have placed upon SSCSD via your agreement with them.

Lack of Easement Complaint - Mr. Krzciuk claims that SSCSD constructed part of the project on land it did not own, without an easement at the time with the adjacent property owner (Hearst Corporation), despite the State's requirement that necessary easements/land acquisitions be secured prior to construction and despite the terms of the agreement between SLO District and DWR, which specified that the project would be constructed on SSCSD property. Specifically, Exhibit A (Workplan) of the agreement states: *"The project will be constructed on SSCSD property, located adjacent to the SSCSD District offices and between the production wells and reservoir. No land*

Mr. John Diodati  
November 4, 2020  
Page 2

*acquisition, easement procurement, or right-of-way are required as the RO treatment system will be built all within District property.*” Mr. Krzciuk informed us that a survey was recently completed by Hearst that confirmed the project was built partially on non-SSCSD property, and SSCSD is now in negotiations with Hearst for an after-the-fact easement. He also forwarded local news articles that speak to those recent developments.

We realize that the subject grant agreement is now closed, but in light of the fact that DWR is poised to enter into a new Proposition 1 IRWM Implementation grant agreement with SLO District which would provide \$500,000 in funds to the SSCSD for another project, we request that you investigate this matter and respond to us in a timely manner with your results.

If you have any questions or would like to discuss this further, please contact me at (916) 651-9226 or [carmel.brown@water.ca.gov](mailto:carmel.brown@water.ca.gov). Thank you for your cooperation and assistance in this matter.

Sincerely,

*Carmel Brown*

Carmel Brown, P.E. Chief  
Financial Assistance Branch  
Division of Regional Assistance

cc: Brendan Clark  
San Luis Obispo County Flood Control and Water Conservation District  
(via email: [BClark@co.slo.ca.us](mailto:BClark@co.slo.ca.us))

Henry Krzciuk (via email: [REDACTED])

(3) Department of Water Resources dated  
November 4, 2020

# REGIONAL WATER MANAGEMENT FOUNDATION

*a subsidiary of Community Foundation Santa Cruz County*

**TRANSMITTED VIA EMAIL:** Brendan Clark <BClark@co.slo.ca.us>

November 10, 2020

Mr. Brendan Clark, Water Resources Engineer  
Public Works, County of San Luis Obispo  
San Luis Obispo County Flood Control and Water Conservation District  
County Government Center, Room 206  
San Luis Obispo, CA 93408

Subject: Information Request Related to Notification of a Public Complaint regarding Agreement No. 4600012296, Proposition 1 IRWM Disadvantaged Community Involvement Grant Program

Dear Mr. Clark:

As you are aware, the Department of Water Resources (DWR) Integrated Regional Water Management (IRWM) Disadvantaged Communities Involvement (DAC-I) Grant ( Agreement No. 4600012296) is funding activities throughout the Central Coast Funding Area, including planning activities in the San Luis Obispo County IRWM Region. These activities are funded via a Proposition 1 grant awarded to the Regional Water Management Foundation (RWMF). The RWMF (grantee) has a Local Project Sponsor (sub-grantee) agreement with the San Luis Obispo County Flood Control and Water Conservation District (SLO District) for work funded by the DAC-I grant. In turn, the SLO District has a sub-agreement with the San Simeon Community Service District (SSCSD) for DAC-I grant funded work related to its Reservoir Expansion Project and Water Master Plan Update. Please let me know if you would like copies of agreements and the grant conditions referenced herein.

On November 4, 2020, I received a letter from DWR informing me of a public complaint received from Mr. Henry Krzciuk, a San Simeon resident. He claims that the SSCSD did not follow a fair and competitive bidding and procurement process when awarding a contract to Phoenix Civil Engineering to conduct work funded by the DAC-I grant. Attached is a copy of that letter.

In response to DWR's notification, I am following up regarding this matter to gather information. Specifically, I am requesting that the SLO District provide the following information with 21-days (by November 30, 2020):

1. Documentation and explanation of the selection process by the SSCSD of Phoenix Civil Engineering for work performed on the DAC-I funded grant; and,
2. Documentation and explanation approval process by the SSCSD Board or duly authorized SSCSD personnel for Phoenix Civil Engineering to perform work on the DAC-I funded grant; and,
3. A copy of the SSCSD's procurement policy and, absent such a policy, any additional information to be responsive to DWR's inquiry on the matter.

# REGIONAL WATER MANAGEMENT FOUNDATION

*a subsidiary of Community Foundation Santa Cruz County*

Please be advised that the release of further DAC-I grant funds to the SSCSD related to this project will be on hold until the requested information is received and we receive further information and direction from DWR related to their findings of this matter.

If you have any questions or would like to discuss this further, please contact me at (831) 662-2050 or [tcarson@cfsc.org](mailto:tcarson@cfsc.org).

Best regards,

A handwritten signature in blue ink that reads "Tim CARSON". The signature is written in a cursive style with a large, stylized "T" and "C".

Tim Carson  
Program Director  
831.662.2050  
[tcarson@cfsc.org](mailto:tcarson@cfsc.org)

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



**TRANSMITTED VIA EMAIL:** [tcarson@cfsc.org](mailto:tcarson@cfsc.org)

November 4, 2020

Mr. Tim Carson  
Program Director  
Regional Water Management Foundation  
Community Foundation Santa Cruz County  
7807 Soquel Drive  
Aptos, California 95003

Subject: Notification of a Public Complaint regarding Agreement No. 4600012296,  
Proposition 1 IRWM Disadvantaged Community Involvement (DACI) Grant Program

Dear Mr. Carson:

This letter is to inform you of a public complaint we received regarding a task under the subject Proposition 1 DACI Grant Agreement between your agency, the Regional Water Management Foundation (Foundation) and the Department of Water Resources (DWR):

**Task 5 – Project Development Activities for San Luis Obispo Region**

- San Simeon Community Services District Reservoir Expansion Project and Water Master Plan Update
- Local Project Sponsor: San Luis Obispo County Flood Control and Water Conservation District (SLO District)
- Implementing Agency: San Simeon Community Services District (SSCSD)

Mr. Henry “Hank” Krzciuk, a San Simeon resident, claims that the SSCSD did not follow a fair and competitive bidding and procurement process when awarding a contract to Phoenix Civil Engineering to conduct work on this task. While Provision D.13 of the Agreement between the Foundation and DWR requires compliance with all applicable laws and regulations regarding securing competitive bids, we are not aware of the requirements your agency may have placed upon the SLO District via your agreement with them, or in turn, through its contract with SSCSD. We request that you investigate this matter and respond to us in a timely manner with your results.

Mr. Tim Carson  
November 4, 2020  
Page 2

If you have any questions or would like to discuss this further, please contact me at (916) 651-9226 or [carmel.brown@water.ca.gov](mailto:carmel.brown@water.ca.gov). Thank you for your assistance.

Sincerely,

*Carmel Brown*

Carmel Brown, P.E. Chief  
Financial Assistance Branch  
Division of Regional Assistance

cc: Brendan Clark  
San Luis Obispo County Flood Control and Water Conservation District  
(via email: BClark@co.slo.ca.us)

Henry Krzciuk (via email: [REDACTED])

## **6. G. Business Items**





## BUSINESS ACTION ITEM STAFF REPORT

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### **Item 6.G. Consideration of request from Robert Hather for an intent to serve letter 013-091-027**

#### Summary

Attached is a request for a will-serve letter submitted to the District on behalf of Robert Hather dated November 24, 2020. The request, which was previously included in the December 9, 2020 agenda material, seeks to establish a foundation regarding why the District must issue Mr. Hather a will-serve letter based on the “Hardship” provision included in District Ordinance 102.

#### Recommendation

The recommendation to continue this item to a future Board agenda is based on the inability to develop findings that would be in conformance with the moratorium and allow a will-serve letter to be provided at this time based on the hardship provision in Ordinance 102. Attached is section V of Ordinance 102.

#### Discussion

Although the attached request includes more information than customary in a request for a will-serve letter, it should be recognized that Mr. Hather initially sought a will-serve letter in 2019. And while the request does identify actions that the Board has directed in 2020 to address the moratorium, the request seeks to compel the Board to issue a will serve letter immediately.

As your Board is aware, the District’s moratorium has been in existence since 1986 and facts and circumstances have changed. Most notably, the District and community have successfully implemented permanent water conservation savings and the District has constructed infrastructure improvements that enhance the District’s water treatment capabilities. Nevertheless, Ordinance 102, Section V (attached) includes nine (9) factors, at a minimum, that the Board must consider relating to a hardship determination. Additionally, Section V requires that “granting of any hardship shall remain in harmony with the general purpose and intent of this ordinance.”

Moreover, as the applicant recognizes, your Board has directed staff and legal counsel to identify the requirements to rescind or modify the moratorium for the District to issue any will-serve letters. Recent agenda items have also identified some of the important issues that will need to be resolved, including but not limited to developing findings that

would be needed to support Board actions. Legal requirements are being evaluated but are still subject to certain due diligence efforts before recommendations can be provided to your Board. In addition, evaluating the necessary findings is underway since those findings must be supported by facts to substantiate the legal validity of any future recommendations.

At this time, technical review is focusing on the determinations included in the District's Master Water Plan and the District's Water Conservation Plan. As a result, Board review of the Master Water Plan and Water Conservation Plan is anticipated for the District's Board meeting in February. If any updates or amendments to those plans are needed to provide objective support for necessary findings, those recommendations will also be provided to your Board in February. It is important that reviewing the Master Water Plan and Water Conservation Plan proceed as a next step. Doing so will help ensure that information in those plans can support findings, or if amendments to those plans are necessary, then recommendations can be developed so your Board can provide appropriate direction.

Enc: Request for will serve letter from property owner dated November 24, 2020  
Section V of Ordinance 102

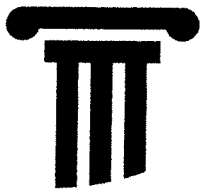
**Partial Section of District Ordinance:**

**ORDINANCE NO. 102**

**AN ORDINANCE OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT  
CONTINUING A MORATORIUM OF THE ISSUANCE OF WATER CONNECTIONS  
WITHIN THE BOUNDARIES OF THE DISTRICT**

**SECTION V. HARDSHIP APPLICATIONS**

Any person aggrieved by this moratorium law may file a hardship application for relief from such moratorium, which application shall be determined by the Board of Directors after public hearing and considering such factors as the Board may deem appropriate considering the purposes of the enactment of this law, including but not limited to: (1) nature and extent of financial hardship, (2) extent of proposed usage of water, (3) existence of suspected environmental problems within the vicinity of the applicant, (4) amount of removal of vegetation, (5) amount of traffic to be generated, (6) the general magnitude of potential adverse environmental impacts, (7) potential storm water generation, (8) whether the subject property has the potential for re-zoning, and (9) such other factors as may be significant relative to the individual property and circumstances. The granting of nay hardship shall remain in harmony with the general purpose and intent of this ordinance so that the goals hereof can be achieved and substantial justice done. In granting any hardship, the Board may impose such reasonable and additional stipulations and conditions as will in its judgment thus fulfill the purposes of this ordinance.



November 24, 2020

**Via Email & Regular Mail**

Board of Directors  
San Simeon Community Services District  
c/o Jeffrey A. Minnery, Esq.  
Adamski, Moroski, Madden,  
Cumberland & Green LLP  
P.O. Box 3835  
San Luis Obispo, CA 93403-3855

Re: Robert Hather's Hardship Application for a Will-Serve Letter

Dear Sirs and Madams:

The San Simeon Community Services District's long-standing water moratorium has created an unjust financial burden on local property-owner Robert Hather. It is within the powers of the Board of Directors to grant Mr. Hather immediate relief from this hardship. The overdue repeal of the water moratorium may or may not require a lengthy environmental review process, but Mr. Hather has waited patiently for nearly seventeen years and now, at 67-years, he simply cannot afford to wait any longer. Mr. Hather has plans to develop his vacant property on Avonne Avenue—once a Will-Serve Letter has been issued—completion of that townhouse project which includes affordable housing units that would allow him to finally retire while simultaneously providing the north coast with desperately needed housing.

Furthermore, the lack of water treatment and storage infrastructure that caused the original water moratorium in 1986 has since been remedied. The water emergency no longer exists. Therefore, in light of the unfair financial losses sustained by Mr. Hather under Ordinance No. 102 as well as his distinct investment-backed expectations in the otherwise valueless vacant property, there is ample justification to issue him a Will-Serve Letter prior to repealing the moratorium. Alternatively, there is evidence in the record that the application of certain provisions of Ordinance No. 102 to Mr. Hather's property is affecting an unconstitutional taking and any such provisions should be disregarded.

Because (1) sufficient water supply now exists, (2) granting a single Hardship Application will have a minuscule or no environmental impact, and (3) any resulting project will be subject to environmental review throughout the subsequent permitting process, this limited action qualifies for exemption from the California Environmental Quality Act under the "Common Sense" exemption.

**FACTUAL BACKGROUND**

**The Parties**

Robert Hather is a 67-year-old resident of San Luis Obispo County. Mr. Hather is no stranger to water issues. His former company, Lifewater Drilling Technology, designs and distributes water well drilling

systems “especially equipped to overcome the challenges found in developing countries.”<sup>1</sup> Their LDT 360 Cable Tool Drill Rig was recognized at the March 2014 World Water Day event in Washington, D.C.<sup>2</sup>

Mr. Hather is a dedicated Rotarian and active member of the community. He hopes to retire soon but is currently unable to stop working as a money manager because a goodly portion of his retirement planning has been tied to the property which is the subject of this Hardship Application for nearly seventeen years.

The San Simeon Community Services District (“CSD”) was formed by election under California’s Community Services District Law (Gov Code § 61000 et seq) in May 1961 to provide a variety of services to residents of the San Simeon area, including water and sewage. In 1966 the CSD acquired the water and sewage infrastructure of Rancho San Simeon Acres Service Corporation. The CSD currently serves about 208 water and sewage connections for residential and commercial users.<sup>3</sup>

An elected five-person Board of Directors (“Board”) governs the CSD and is its main decision-making body. The Board’s purview includes the consideration of Hardship Applications for relief from the CSD’s long-standing moratorium on new water connections.

### **Description of the Property**

The property that is the subject of this Hardship Application is identified as San Luis Obispo County Assessor’s Parcel Number 013-071-009. The legal description is attached as Exhibit A. It is a vacant lot comprising 1.1 acres of the Arbuckle Tract in Rancho San Simeon along the northeast side of Avonne Avenue. It is bordered on the southeast by an apartment complex and on the northwest by single and multi-family residences. The lot directly across Avonne Avenue is also vacant. Beyond that, along Cabrillo Highway, is Motel 6, interposed between the property and the view from the ocean.

The property is zoned Residential Multi-Family. A map of San Simeon showing existing developments and zoning overlays is attached as Exhibit B. The property falls within the California Coastal Zone. The lot currently sits empty, devoid even of trees; its only vegetation is seasonal grass which Mr. Hather is required to keep mowed no higher than six inches.

### **San Simeon Water Moratorium**

On January 15, 1986, the CSD Board passed Ordinance No. 61 “Establishing a Temporary Moratorium on the Issuance of Water and Sewer Connections Within the Boundaries of the District.” They found that “[t]he granting of additional water and sewer connections within the District would result in an immediate threat to the public health and safety” due to “a serious water quality problem” in the district. By its own terms, Ordinance No. 61 would be automatically repealed on August 15, 1986 unless extended or replaced. On August 13, 1986, Ordinance No. 62 extended the temporary moratorium for another eight months, until April 1, 1987.

On April 1, 1987, the CSD Board passed Ordinance No. 63, extending the moratorium for a full year. Finally, on March 9, 1988, Ordinance No. 66 extended the moratorium indefinitely, leaving its provisions

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<sup>1</sup> <https://www.lifewaterdrillingtechnology.com/about-us.html>

<sup>2</sup> <https://www.lifewaterdrillingtechnology.com/april-9-2014--world-water-day.html>

<sup>3</sup> Tanner, Kathe; [San Simeon CSD has banned new water hookups for 31 years. This study could change that](#); The Tribune, December 3, 2019.

“in effect until repealed.” The new ordinance stated that “[t]he District is diligently pursuing long term supplemental water supplies, but until the time when such supply is available, it is necessary to continue the existing moratorium.” Ordinance No. 65, adopted February 10, 1988, established a waiting list for water service: “any property owner may deposit the then current connection fees and be placed on the District’s waiting list for service.” This waiting list is currently published and has been the subject of additional ordinances, including Ordinance No. 101, which identifies “Waiting List Commitments” as a category of existing commitments for water service.

On October 11, 2006, the CSD Board passed Ordinance No. 102, which remains in effect “until repealed.” In addition to carrying forward the terms of its predecessors, Ordinance No. 102 introduced a Hardship Application, permitting “any person aggrieved by this moratorium law” to petition the Board for a public hearing on the merits of their claim for an exemption. Ordinance No. 102 also gives the Board the ability to disregard any provision that may lead to an unconstitutional taking of property. It claims exemption from the California Environmental Quality Act (“CEQA”) under Water Code section 10652 and CEQA Guidelines 15269(c) and 15282(w).

Since 2006, significant infrastructure improvements have drastically reduced or eliminated the CSD’s water emergency. In 2012, the Water Re-Use Project was completed. A Reverse Osmosis Unit was installed in 2016 to “treat brackish and mineral heavy community water from the existing well field.”<sup>4</sup> The CSD filed a mitigate negative declaration in September 2019 for the installation of two new water storage tanks which hold more than 800,000 gallons for fire suppression. The Notice of Completion is attached as Exhibit C.

At its regular meeting on November 13, 2019, the Board discussed lifting the water moratorium. They voted to direct staff to pursue proposals for an environmental review document after receiving information that repeal of the moratorium could be subject to the provisions of CEQA. A request for proposals was issued in February 2020, but only one response was received. The Board decided to seek a second round of proposals, but COVID-19 delayed the process.

The moratorium was again discussed at the regular meeting of the Board on September 9, 2020. The Board considered the implications of either lifting the moratorium or serving those on the waiting list without further environmental review. Board members were encouraged to do their own research and staff was directed to develop a process to move forward with the repeal of Ordinance No. 102.

At the October 14, 2020 CSD Board meeting, an ad hoc committee was established to review the process of Will-Serve letters. On October 28, 2020, the Board discussed policies and procedures for reviewing proposals from environmental consultants to conduct the environmental analysis regarding repeal of the water moratorium. In November 2020, the Board hired consultant Paavo Ogren, recently retired from the Oceano Community Services District, to help guide the process of lifting the moratorium.

### **Property Narrative**

Applicant Robert Hather purchased the property in July 2004 as a retirement investment. He relied in part on the water that would be freed by the Hearst Ranch conservation easement, but instead of loosening restrictions on new connections, Ordinance No. 102 was passed in 2006, extending the moratorium on water and sewer service on August 27, 2014. In 2008 or 2009, Mr. Hather agreed to sell the property for

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<sup>4</sup> <https://sansimeoncsd.org/facilities/>

\$50,000, an astonishing loss of nearly 75% of its value less than half a decade prior. But escrow fell through and he has since been unable to resell the property while water service remains unavailable.<sup>5</sup>

In September 2019 Mr. Hather paid for a pre-application planning meeting with the County of San Luis Obispo Department of Planning and Building. The letter summarizing this meeting is attached as Exhibit D. They discussed plans for a 15-unit residential housing development proposal, attached as Exhibit E. According to the County of San Luis Obispo, a Will-Serve Letter for water and sewer is required before applying for any of the associated permits.

Mr. Hather wrote to the CSD on October 30, 2019 to seek relief from the water moratorium. The Board considered his request at the November 13, 2019 meeting but decided that environmental review was required before repealing Ordinance No. 102. Mr., Hather renewed his efforts at the September 9, 2020 meeting, submitting a letter from attorney William Walter. He also participated in the October and November 2020 CSD meetings to continue advocating for the repeal of the water moratorium as well as the issuance of a Will-Serve letter for his property.

The property was recently reassessed for tax purposes and valued at \$86,593. However, the practical value of the property is currently a net-loss; Mr. Hather has no viable economic use for the property without water service but is still paying the property taxes and various maintenance charges. Once a Will-Serve Letter is issued, Mr. Hather has a good faith offer to develop the property in concert with a builder who intends to carry out the residential development plans.

### **HARDSHIP APPLICATION**

Section V of Ordinance No. 102 states that “any person aggrieved” by the water moratorium may seek redress in the form of a Hardship Application which shall be considered by the CSD Board at a public hearing. A variety of factors may be considered by the board, including, but not limited to, the “nature and extent of financial hardship,” the extent of the proposed water usage, and the actual environmental impacts, if any that the project may have.

The Board’s decision to grant a Will-Serve Letter should, in the spirit of substantial justice, balance the general intent and purpose of the water moratorium with the actual effect on the individual property owner. In addition, the Board may impose reasonable stipulations and conditions on the grant of the Will-Serve Letter to ensure that the public purpose of the moratorium is fulfilled.

The equities in this case are firmly on the side of granting Mr. Hather’s Hardship Application. The financial hardship imposed by the moratorium is considerable, no potentially significant environmental impacts were identified during the pre-application planning process, and the project will provide much-needed housing to the region. Because the water emergency has been alleviated by new infrastructure, there is no longer a legitimate public interest in denying the Will-Serve Letter.

#### **The Financial Hardship Is Preventing Mr. Hather from Retiring**

Applicant Robert Hather invested a substantial part of his retirement savings into this property. Additionally, since purchasing the property in 2004, he has paid an estimated \$26,000 in property tax, \$2,400 in mowing services, \$3,940 to join the water and sewer waiting list, and \$3,094 in pre-application design and planning fees.

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<sup>5</sup> Note that Mr. Hather, a professional well-driller, explored the possibility of wells to supply the development, but the groundwater rights underlying his property were previously acquired by the CSD.

### **The Water Use Will Be Modest (Fifteen Residential Units)**

The proposed development on the property (see Appendix E) comprises fifteen residential units, each with two-bedrooms and totaling approximately 1,100 square feet. Therefore, it will likely utilize fifteen “Equivalent Dwelling Units” as defined in CSD Ordinance No. 101. Under Article X, section Two of the California Constitution, “the water resources of the State [should] be put to beneficial use to the fullest extent of which they are capable.” Currently, housing is one of the most urgent needs on the Central Coast, making residential water service a highly beneficial use.

### **There Are No Known or Anticipated Environmental Problems**

Mr. Hather, who has owned the property for nearly seventeen years, is unaware of any environmental problems associated with it. Furthermore, the pre-application planning meeting with the County of San Luis Obispo Department of Planning and Building identified no potential significant adverse environmental impacts related to the proposed development.

Because any development project on the property must be fully permitted by the County of San Luis Obispo before construction can begin, the CSD Board is assured that regardless of when the Will-Serve Letter is issued, all appropriate environmental review will be conducted prior to the actual connection of water and sewer services. It has not yet been determined whether any kind of environmental review will be necessary, however if it is, the initial study is unlikely to find significant environmental impacts.

#### *Vegetation*

The property is a vacant lot on which nothing grows but grasses, which are routinely mowed. There are no trees, shrubberies, or other vegetation present.

#### *Traffic*

According to San Luis Obispo County Department of Planning and Building, a Traffic Engineer Report will be required as part of the permit process for the project. Additionally, the project provides substantially more than the 27 required on-site parking spaces by incorporating a two-car garage into the ground floor of every dwelling unit.

#### *Stormwater*

The project proposal also requires a drainage plan as part of the permit process. There is a 20-foot set back surrounding the property, which is more than ample to accommodate depressions and gravel areas for drainage. Paved surfaces throughout the project will be permeable.

### **Existing Zoning is Appropriate for the Project Proposal**

San Simeon currently has two zoning overlays: multi-family residential and commercial retail. The property where the project is being proposed is in the multi-family residential zone. The 1.1-acre property is zoned to support the fifteen residential units currently proposed.<sup>6</sup>

California’s housing crisis is ongoing. San Luis Obispo County completed its latest Regional Housing Needs Assessment (“RHNA”) in 2019.<sup>7</sup> The total allocation for unincorporated areas of the county, including San Simeon, was 3,256 units; more than half of those need to be for very-low to moderate

<sup>6</sup> The development plan for this property was originally more intensive, but zoning changes enacted while waiting for the water moratorium to be lifted required a reduction in the number of proposed units to the current fifteen.

<sup>7</sup> San Luis Obispo County Regional Housing Needs Allocation 6th Housing Element Cycle: 2020 to 2028.



income households. Mr. Hather's development proposal will provide fifteen new homes, including two designated as affordable housing.

**This Application Is in Harmony with the Purpose and Intent of Ordinance 102**

The purpose of this Hardship Application is not to subvert the significant public interest regarding health and safety that underlies Ordinance No. 102. Its Section I: Findings state that "it is necessary to continue the existing water connection moratorium" until "long-term supplemental water supplies" are available. Given the considerable infrastructure improvements since Ordinance No. 102 was passed, the public policy justifications for the moratorium no longer exist.

Indeed, new and different threats have emerged to public health and safety, including an increasingly dire shortage of housing on the Central Coast. Mr. Hather's significant financial hardship as well as the public interest in promoting the development of new housing substantially outweigh any remaining public benefit to health and safety that Ordinance No. 102, now obsolete by its own terms, still offers.

**Withholding the Will-Serve Letter Effects a Constitutional Taking of Mr. Hather's Property**

Under Section VI of Ordinance No. 102, if the Board determines that the application of the Ordinance to a particular project raises the issue of a constitutional taking of private property, they "shall disregard such provision or provisions" of the Ordinance to "avoid such unconstitutional taking."

Constitutional takings are a complex and fact-intensive area of law. They deal with the principle that private property cannot be taken for public use without compensation. USCS Const. Amend. 5; Cal. Const. art. 1 § 19. A regulatory taking occurs when government action substantially diminishes the value of private property. Depending on the circumstances, the affected owner may be entitled to compensation for their loss even though they still retain title to the property.

When a government regulation eliminates nearly all (95% or more) economic value in the property the taking is "categorical" and the owner is entitled to compensation. *See Lucas v. S.C. Coastal Council* (1992) 505 U.S. 1003 (landowner barred from any development of her coastal lots in a developed subdivision entitled to compensation).

In *Lucas*, the plaintiff property owner was prevented from building on her beachfront land by a law designed to protect public resources. Despite the public interest underlying the regulation, the fact that there was no economically viable use for her property led the Supreme Court of the United States to hold that a constitutional taking had occurred and she was entitled to compensation. Mr. Hather is similarly situated regarding his vacant lot on Avonne Avenue; he is indefinitely enjoined from any economically viable use of his land while the moratorium remains in effect.

The *Lucas* standard of no economically viable use is admittedly hard to prove. In *Tahoe-Sierra Pres. Council v. Tahoe Reg'l Planning Agency* (2002) 535 U.S. 302, a temporary moratorium on development was not a categorical taking. However, Mr. Hather's case is distinguished from *Tahoe-Sierra* because the moratoria there were limited, one for 24 months and the other for about 8 months; the San Simeon Water Moratorium has been in place for 34 years with no end yet in sight.

Alternatively, if Mr. Hather has not been deprived of all economically viable use of his property, he may still be entitled to compensation under the landmark three-part test announced in *New York v. Penn Cent. Transp. Co.* (1972) 406 U.S. 944. When a government regulation diminishes the value of private property, courts look at (1) the economic impact on the claimant, (2) the extent of the interference with distinct investment-backed expectations, and (3) the nature of the governmental action. In particular, when a

regulation that is in the general public interest results in an unfair share of the cost being born by a few individual property owners, a taking is more likely to be found.

Mr. Hather and the other handful of property owners on the waiting list for water and sewer connections have long-standing investment backed expectations. Whatever the remaining public interest served by the water moratorium, those vested members of the waiting list are surely bearing the brunt of its economic burden for the entire community. And because they are not yet connected to water or sewer service, the members of the waiting list enjoy none of the benefits.

In California, the issue is always more complicated when water is involved.

Under California law, potential water use is not a property right. "[A] potential water user does not possess any absolute right to be afforded water service . . ."

Bank of America Nat'l Trust & Sav. Asso. v. Summerland County Water Dist. (9th Cir. 1985) 767 F.2d 544, *citing* Swanson v. Marin Municipal Water District, 56 Cal. App. 3d 512, 522, 128 Cal. Rptr. 485, 491 (1976).

However, in Lockary v. Kayfetz (9th Cir. 1990) 917 F.2d 1150, a Ninth Circuit Court of Appeals case cited by attorney William Walter in his recent letter on Mr. Hather's behalf, the court reversed a grant of summary judgement and allowed plaintiffs to proceed on a constitutional takings claim when their property value was impaired by a water moratorium.

Withholding available water from land zoned exclusively for residential use might interfere with the landowners' reasonable investment-backed expectations by preventing all practical use of that land. That the [plaintiffs] can still walk on, or ride a bike on, or look at their land does not, at this preliminary stage of the case, reassure us to the contrary. In this context, assuming the [plaintiffs] can show that sufficient water was available, then [the utility's] water moratorium may indeed constitute more than a mere reduction in property value.

*Id.* at 1155 (citations omitted). The court went on to explain that the key question was whether there actually was an ongoing water shortage; if the emergency that occasioned the moratorium had been rectified then it was more likely that the refusal to allow new hookups was arbitrary. Note that the plaintiffs in Lockary owned hundreds of acres of undeveloped land in Marin County. They truly could use their land for outdoor recreation. Mr. Hather owns a 1.1-acre vacant lot in the middle of a subdivision, surrounded by apartment complexes.

San Simeon's water emergency is over, yet the moratorium endures indefinitely. Mr. Hather has no economically viable use for his land without a Will-Serve Letter. His claim of a constitutional taking should be seriously considered by the Board and the provisions of Ordinance No. 102 prohibiting him from obtaining a Will-Serve Letter should be disregarded as to his Avonne Avenue property.

#### **Granting Mr. Hather's Hardship Application Qualifies for the Common Sense CEQA Exemption**

Discretionary acts that are otherwise subject to environmental review under the California Environmental Quality Act may be exempted from its provisions if they fall into one or more statutory or categorical exemptions, or if "it can be seen with certainty that there is no possibility that the activity in question may

have a significant effect on the environment.” 14 CCR 15061. This so-called “common sense” exemption from CEQA comes into play when, based on evidence and factual evaluation of the proposed activity, the lead agency determines that there can logically be no impact on the environment. Muzzy Ranch Co. v. Solano County Airport Land Use Com. (2007) 41 Cal.4th 372, 385.

Before Mr. Hather can build any structure or facility capable of connecting to water and sewer services, he will need to obtain a number of permits and approvals from the County of San Luis Obispo. Any project proposal will be subject to all necessary environmental review. Additionally, because the project falls within the Coastal Zone, it will also be subject to provisions of the California Coastal Act.

Issuing a Will-Serve Letter will have no actual effect independent of the larger project approval and permitting process, all of which will be subject to the provisions of CEQA. The granting of a Will-Serve Letter to Mr. Hather will have no impact on the environment and therefore qualifies for the Common-Sense Exemption.

### CONCLUSION

The emergency that occasioned San Simeon’s water moratorium no longer exists, yet Robert Hather continues to suffer unnecessary financial hardship regarding his Avonne Avenue property. It is within the Board’s power to grant him immediate relief without waiting for a lengthy process to repeal Ordinance 102. The equities are strongly in favor of immediately issuing Mr. Hather a Will-Serve Letter.

Sincerely,

  
Jeffrey D. Stulberg

cc: Robert Hather – via email

# **EXHIBIT A**

**LEGAL DESCRIPTION**

Real property in the City of San Simeon, County of San Luis Obispo, State of California, described as follows:

THAT PORTION OF LOT A OF THE PARTITION OF THAT PART OF THE SAN SIMEON RANCHO OWNED BY IRA VAN GORDON, SR., ACCORDING TO MAP RECORDED JULY 27, 1899, DESCRIBED AS FOLLOWS:



BEGINNING AT A POINT OF S. NO. 3 BEING THE SOUTHEAST CORNER OF THE ARBUCKLE TRACT IN SAID LOT A OF RANCHO SAN SIMEON AS SHOWN ON LICENSED SURVEYOR'S MAP RECORDED MAY 22, 1952, IN BOOK 6, AT PAGE 49 OF RECORD OF SURVEYS; THENCE NORTH 62 DEG. 29' EAST, 25.11 FEET TO A 1/2 INCH BAR SET IN THE CENTER LINE OF FORMER COUNTY ROAD NO. 3 NOW ABANDONED; THENCE NORTH 33 DEG. WEST ALONG SAID CENTER LINE, 488.58 FEET TO THE MOST NORTHERLY CORNER OF THE PROPERTY CONVEYED TO GRACE IRWIN, ET AL., BY DEED DATED MAY 11, 1955 AND RECORDED MAY 17, 1955 IN BOOK 804, AT PAGE 109 OF OFFICIAL RECORDS, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CENTER LINE NORTH 33 DEG. WEST, 234.42 FEET TO A R. R. SPIKE; THENCE SOUTH 45 DEG. 51' WEST, 265.3 FEET TO THE CENTER LINE OF AVON AVENUE; THENCE SOUTH 44 DEG. 09' EAST ALONG SAID CENTER LINE, 230 FEET TO THE MOST WESTERLY CORNER OF THE PROPERTY CONVEYED TO GRACE IRWIN, AFORESAID; THENCE NORTH 45 DEG. 51' EAST ALONG THE NORTHWESTERLY LINE OF THE PROPERTY SO CONVEYED, 220 FEET TO THE TRUE POINT OF BEGINNING.







EXCEPTING THEREFROM THAT PORTION OF AVONNE AVENUE OFFERED FOR DEDICATION FOR PUBLIC USE BY INSTRUMENT RECORDED NOVEMBER 19, 1953 IN BOOK 734, PAGE 52 OF OFFICIAL RECORDS AND ACCEPTED BY THE SAN SIMEON ACRES COMMUNITY SERVICE DISTRICT, COUNTY OF SAN LUIS OBISPO BY RESOLUTION RECORDED NOVEMBER 15, 1962 IN BOOK 1211, PAGE 448 OF OFFICIAL RECORDS.

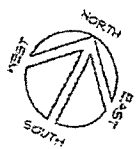
APN: 013-071-009

## **EXHIBIT B**

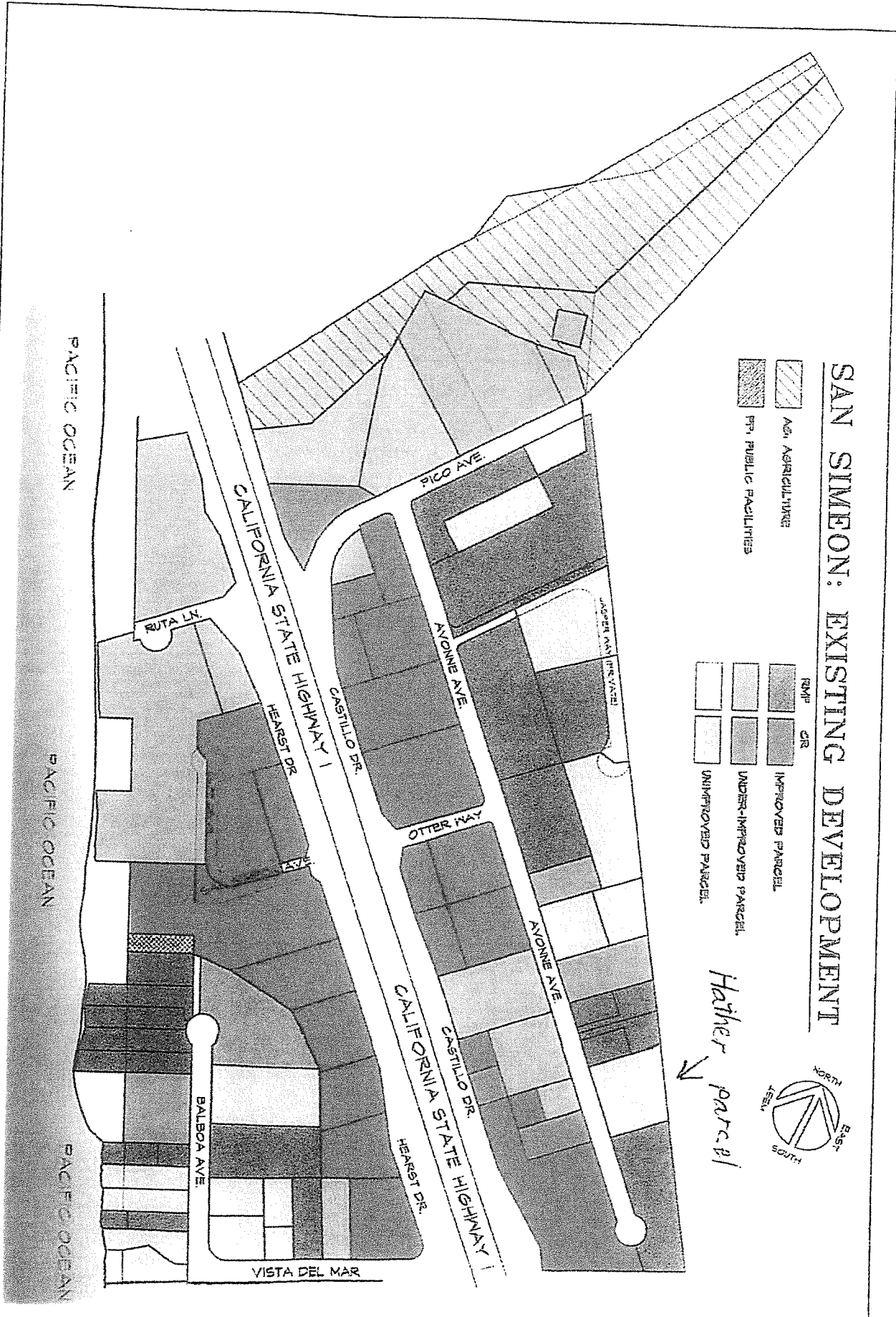
# SAN SIMEON: EXISTING DEVELOPMENT

-  AGRI. AGRICULTURES
-  P.P. PUBLIC FACILITIES

- |   |   |
|---|---|
|  RMP               |  GR                    |
|  IMPROVED PARCEL   |  UNDER-IMPROVED PARCEL |
|  UNIMPROVED PARCEL |  UNIMPROVED PARCEL     |



*Hather parcel* ↙



## **EXHIBIT C**



Notice of Completion & Environmental Document Transmittal

2019099003

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: San Simeon CSD Community Water Tank Project

Lead Agency: San Simeon CSD Contact Person: Charlie Grace, General Manager
Mailing Address: 111 Pico Avenue Phone: 805-927-4778
City: San Simeon Zip: 93452 County: San Luis Obispo County

Project Location: County: San Luis Obispo City/Nearest Community: San Simeon
Cross Streets: Pico Avenue Zip Code: 93452
Longitude/Latitude (degrees, minutes and seconds): 35 03 11.64 N 121 08 29.04 W Total Acres: 3.6 acre parcel
Assessor's Parcel No.: 013-011-024 Section: Twp.: Range: Base:
Within 2 Miles: State Hwy #: State Highway 1 Waterways: Pico Creek, Pacific Ocean
Airports: NA Railways: NA Schools: NA

Document Type:
CEQA: [ ] NOP [ ] Draft EIR NEPA: [ ] NOI Other: [ ] Joint Document
[ ] Early Cons [ ] Supplement/Subsequent EIR [ ] EA [ ] Final Document
[ ] Neg Dec (Prior SCH No.) [ ] Draft EIS [ ] Other:
[ ] Mit Neg Dec Other:

Local Action Type:
[ ] General Plan Update [ ] Specific Plan [ ] Rezone [ ] Annexation
[ ] General Plan Amendment [ ] Master Plan [ ] Prezone [ ] Redevelopment
[ ] General Plan Element [ ] Planned Unit Development [ ] Use Permit [ ] Coastal Permit
[ ] Community Plan [ ] Site Plan [ ] Land Division (Subdivision, etc.) [ ] Other:

Development Type:
[ ] Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_
[ ] Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_
[ ] Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_
[ ] Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_
[ ] Educational: \_\_\_\_\_
[ ] Recreational: \_\_\_\_\_
[ ] Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_
[ ] Transportation: Type \_\_\_\_\_
[ ] Mining: Mineral \_\_\_\_\_
[ ] Power: Type \_\_\_\_\_ MW
[ ] Waste Treatment: Type \_\_\_\_\_ MGD
[ ] Hazardous Waste: Type \_\_\_\_\_
[ ] Other: Public Facility/Community Water Tank

Project Issues Discussed in Document:
[ ] Aesthetic/Visual [ ] Fiscal [ ] Recreation/Parks [ ] Vegetation
[ ] Agricultural Land [ ] Flood Plain/Flooding [ ] Schools/Universities [ ] Water Quality
[ ] Air Quality [ ] Forest Land/Fire Hazard [ ] Septic Systems [ ] Water Supply/Groundwater
[ ] Archeological/Historical [ ] Geologic/Seismic [ ] Sewer Capacity [ ] Wetland/Riparian
[ ] Biological Resources [ ] Minerals [ ] Soil Erosion/Compaction/Grading [ ] Growth Inducement
[ ] Coastal Zone [ ] Noise [ ] Solid Waste [ ] Land Use
[ ] Drainage/Absorption [ ] Population/Housing Balance [ ] Toxic/Hazardous [ ] Cumulative Effects
[ ] Economic/Jobs [ ] Public Services/Facilities [ ] Traffic/Circulation [ ] Other:

Present Land Use/Zoning/General Plan Designation:
Site is zoned "Agriculture" and "Residential Multi Family"

Project Description: (please use a separate page if necessary)
The proposed project includes the installation of two new water storage tanks (400,000 gallons each), located approximately 530 feet northeast of the existing community reservoir, in order to meet community fire flow demands. Each new tank would be approximately 25.5 feet tall, with a diameter of 50 feet. Total disturbance includes 0.6 acres of earth disturbance for the proposed tank pad and access road. The project includes proposed infrastructure improvements for water pipelines to increase flow capacity per CalFire requirements. With the exception of approximately 300 feet of pipeline connecting the new tanks to the existing reservoir, all pipeline improvements will be installed within existing utility easements, utility conduits and otherwise previously disturbed areas.

State Clearinghouse Contact: (916) 445-0613
State Review Began: 9 - 6 - 2019
SCH COMPLIANCE 10 - 7 - 2019

- Project Sent to the following State Agencies
Resources: Boating & Waterways, Central Valley Flood Prot., Coastal Comm, Colorado Rvr Bd, Conservation, CDFW # 4, Cal Fire, Historic Preservation, Parks & Rec, Bay Cons & Dev Comm, DWR
Cal EPA: ARB: Airport & Freight, ARB: Transportation Projects, ARB: Major Industrial/Energy Resources, Recycl. & Recovery, SWRCB: Div. of Drinking Water, SWRCB: Div. Drinking Wtr # 6, SWRCB: Div. Financial Assist., SWRCB: Wtr Quality, SWRCB: Wtr Rights, Reg. WQCB # 3, Toxic Sub Ctrl-CTC
Yth/Adlt Corrections: Corrections, Independent Comm
CalSTA: Aeronautics, CHP, Caltrans # 5, Trans Planning
Other: Education, Food & Agriculture, HCD, OES, State/Consumer Svcs, General Services
Delta Protection Comm, Delta Stewardship Council, Energy Commission, NAHC, Public Utilities Comm, Santa Monica Bay Restoration, State Lands Comm, Tahoe Rgl Plan Agency, Conservancy, Other:

Please note State Clearinghouse Number (SCH#) on all Comments
SCH#: 2019099003
Please forward late comments directly to the Lead Agency

AQMD/APCD 29
(Resources: 9 : 7)

## **EXHIBIT D**

# **EXHIBIT E**

**Reviewing Agencies Checklist**

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X". If you have already sent your document to the agency please denote that with an "S".

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board                 | <input checked="" type="checkbox"/> Office of Historic Preservation          |
| <input type="checkbox"/> Boating & Waterways, Department of             | <input type="checkbox"/> Office of Public School Construction                |
| <input type="checkbox"/> California Emergency Management Agency         | <input type="checkbox"/> Parks & Recreation, Department of                   |
| <input type="checkbox"/> California Highway Patrol                      | <input type="checkbox"/> Pesticide Regulation, Department of                 |
| <input checked="" type="checkbox"/> Caltrans District # <u>5</u>        | <input type="checkbox"/> Public Utilities Commission                         |
| <input type="checkbox"/> Caltrans Division of Aeronautics               | <input checked="" type="checkbox"/> Regional WQCB # <u>3</u>                 |
| <input type="checkbox"/> Caltrans Planning                              | <input type="checkbox"/> Resources Agency                                    |
| <input type="checkbox"/> Central Valley Flood Protection Board          | <input type="checkbox"/> Resources Recycling and Recovery, Department of     |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy             | <input type="checkbox"/> S.F. Bay Conservation & Development Comm.           |
| <input checked="" type="checkbox"/> Coastal Commission                  | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board                           | <input type="checkbox"/> San Joaquin River Conservancy                       |
| <input type="checkbox"/> Conservation, Department of                    | <input type="checkbox"/> Santa Monica Mtns. Conservancy                      |
| <input type="checkbox"/> Corrections, Department of                     | <input type="checkbox"/> State Lands Commission                              |
| <input type="checkbox"/> Delta Protection Commission                    | <input type="checkbox"/> SWRCB: Clean Water Grants                           |
| <input type="checkbox"/> Education, Department of                       | <input checked="" type="checkbox"/> SWRCB: Water Quality                     |
| <input type="checkbox"/> Energy Commission                              | <input type="checkbox"/> SWRCB: Water Rights                                 |
| <input checked="" type="checkbox"/> Fish & Game Region # <u>4</u>       | <input type="checkbox"/> Tahoe Regional Planning Agency                      |
| <input type="checkbox"/> Food & Agriculture, Department of              | <input type="checkbox"/> Toxic Substances Control, Department of             |
| <input type="checkbox"/> Forestry and Fire Protection, Department of    | <input checked="" type="checkbox"/> Water Resources, Department of           |
| <input type="checkbox"/> General Services, Department of                | Other: _____   |
| <input type="checkbox"/> Health Services, Department of                 | Other: _____   |
| <input type="checkbox"/> Housing & Community Development                |  |
| <input checked="" type="checkbox"/> Native American Heritage Commission |  |

**Local Public Review Period (to be filled in by lead agency)**

Starting Date September 9, 2019 Ending Date October 9, 2019

**Lead Agency (Complete if applicable):**

Consulting Firm: <u>Oliveira Environmental Consulting, LLC</u>	Applicant: <u>San Simeon Community Services District</u>
Address: <u>3155 Rose Avenue</u>	Address: <u>111 Pico Avenue</u>
City/State/Zip: <u>San Luis Obispo, CA 93401</u>	City/State/Zip: <u>San Simeon, CA 93452</u>
Contact: <u>Jeff Oliveira, Principal Environmental Planner</u>	Phone: <u>805-927-4778</u>
Phone: <u>805-234-7393</u>	

Signature of Lead Agency Representative:  Date: 9/4/2019

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING & BUILDING  
Trevor Keith *Director of Planning & Building*

---

Tuesday, October 15, 2019

HATHER ROBERT K TRE ETAL  
3675 SEQUOIA DR  
SAN LUIS OBISPO, CA 93401

**SUBJECT:** Pre-Application PRE2019-00111

Dear Sir/Madam,

A pre-application meeting was held on Tuesday, September 10, 2019 to discuss the following proposed project:

15-unit multi-family residences

Please note that the pre-application fee can be credited to any discretionary permit application if one is applied for within six months of the meeting date.

Sincerely,

Donna Hernandez  
Administrative Assistant

**Meeting Date:** Tuesday, September 10, 2019

**Meeting Attendees:**

Don Moore (Staff)

Kerry Brown (Staff)

Mike Stoker (Staff)

Rene Brill (Staff)

Young Choi (Staff)

**Meeting Notes:**

Project Description: 15-unit multi-family subdivision

Building:

"Carriage Units" CBC Chapter 11 may get you out of ADA requirement.

Applicant should decide how the units would be sold and check with Building department for Building Requirement. Different units may trigger different building requirements. (commonly owned vs. individually owned)

Public Works:

North Coast Road Improvement Fees, Traffic Engineer Report required. Depending on how the units are being sold, RIF fee may be calculated differently.

Curb Gutter and Sidewalk required

Drainage Plan required

Planning:

Different sets of ordinances apply whether the applicant is requesting Planned Dev, or townhome-style development.

LUO 23.04.092 (Affordable Housing Requirement) - 15% of the units shall be provided as affordable housing for persons and families of low or moderate income. For questions regarding Affordable Housing Requirements, please contact Ted Bench [tbench@co.slo.ca.us](mailto:tbench@co.slo.ca.us)

805 781 5701

(15) 2-Bedroom units

Parking required: Resident - 1.5 per 2-bedroom unit; Guest - 1 space plus 1 for each 4 units

27 parking spaces needed

Maximum Floor Area 48%

Minimum Open Area 45%

A Will-serve for water and sewer from SSCSD will be required in order to apply for the permits.



COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING & BUILDING  
Trevor Keith *Director of Planning & Building*

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Tuesday, October 15, 2019

HATHER ROBERT K TRE ETAL  
3675 SEQUOIA DR  
SAN LUIS OBISPO, CA 93401

**SUBJECT:** Pre-Application PRE2019-00111

Dear Sir/Madam,

A pre-application meeting was held on Tuesday, September 10, 2019 to discuss the following proposed project:

15-unit multi-family residences

Please note that the pre-application fee can be credited to any discretionary permit application if one is applied for within six months of the meeting date.

Sincerely,

Donna Hernandez  
Administrative Assistant

**Meeting Date:** Tuesday, September 10, 2019

**Meeting Attendees:**

Don Moore (Staff)

Kerry Brown (Staff)

Mike Stoker (Staff)

Rene Brill (Staff)

Young Choi (Staff)

**Meeting Notes:**

Project Description: 15-unit multi-family subdivision

Building:

"Carriage Units" CBC Chapter 11 may get you out of ADA requirement.

Applicant should decide how the units would be sold and check with Building department for Building Requirement. Different units may trigger different building requirements. (commonly owned vs. individually owned)

Public Works:

North Coast Road Improvement Fees, Traffic Engineer Report required. Depending on how the units are being sold, RIF fee may be calculated differently.

Curb Gutter and Sidewalk required

Drainage Plan required

Planning:

Different sets of ordinances apply whether the applicant is requesting Planned Dev, or townhome-style development.

LUO 23.04.092 (Affordable Housing Requirement) - 15% of the units shall be provided as affordable housing for persons and families of low or moderate income. For questions regarding Affordable Housing Requirements, please contact Ted Bench [tbench@co.slo.ca.us](mailto:tbench@co.slo.ca.us)

805 781 5701

(15) 2-Bedroom units

Parking required: Resident - 1.5 per 2-bedroom unit; Guest - 1 space plus 1 for each 4 units

27 parking spaces needed

Maximum Floor Area 48%

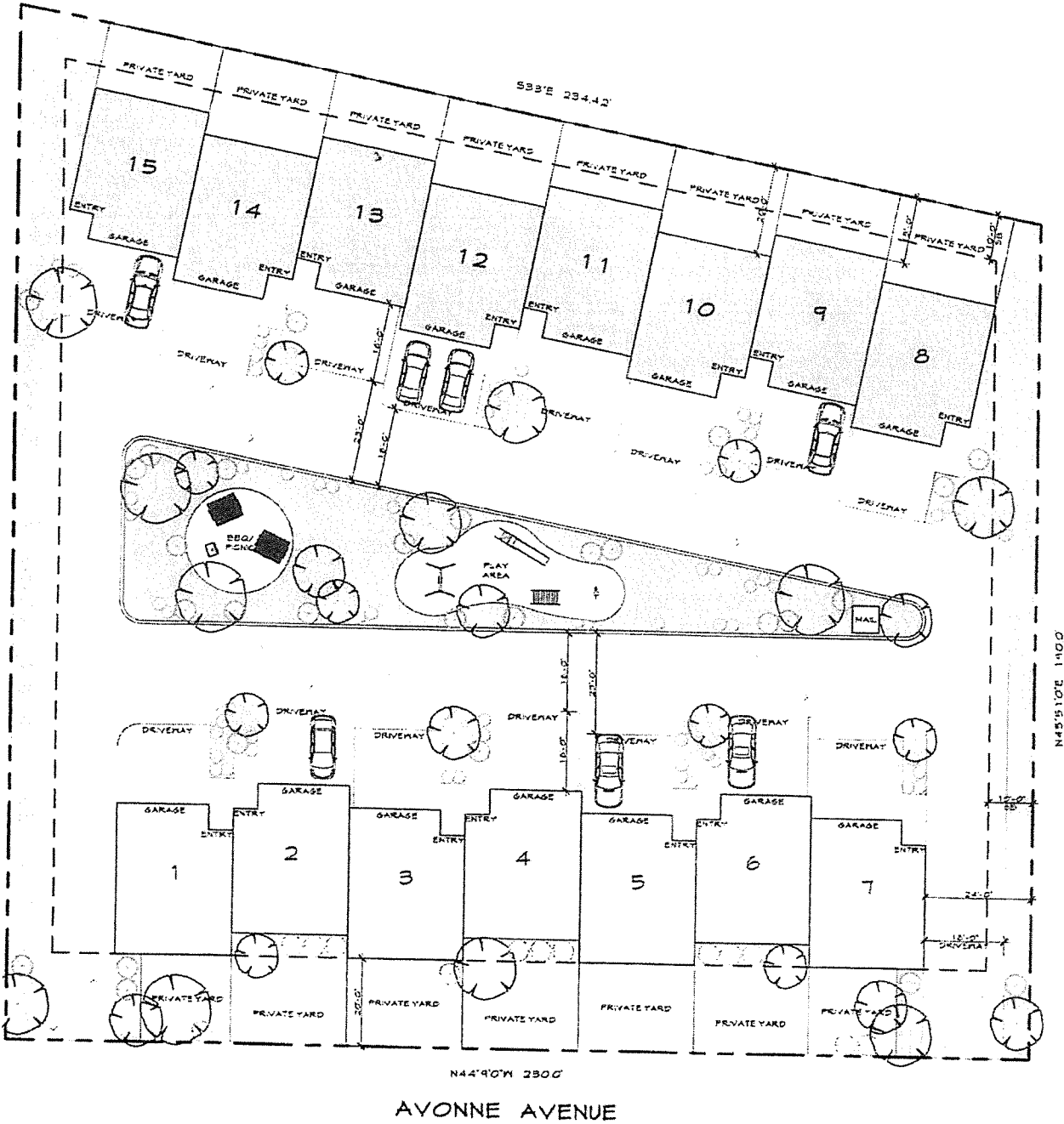
Minimum Open Area 45%

A Will-serve for water and sewer from SSCSD will be required in order to apply for the permits.



PROJECT STATISTICS: SITE AMENITIES

- BBQ AREA
- PLAY AREA
- 2 ACCESS DRIVEWAYS TO PROPERTY
- COMMUNITY MAILBOX



AVONNE AVENUE

SITE PLAN

SCALE: 1/16" = 1'-0"

DOOR PLAN

HATHER MULTI-FAMILY

Isaman design, Inc.

ARCHITECT  
 2420 Broad Street  
 San Luis Obispo, CA 93401  
 Phone: 805/544.5672  
 Fax: 805/544.5642  
 www.isamandesign.com



PROJECT STATISTICS: UNITS 8-15

1ST FLOOR CONDITIONED SF: 99 SF  
 2ND FLOOR CONDITIONED SF: 886 SF  
 TOTAL CONDITIONED SF: 985 SF

2-CAR GARAGE: 756 SF

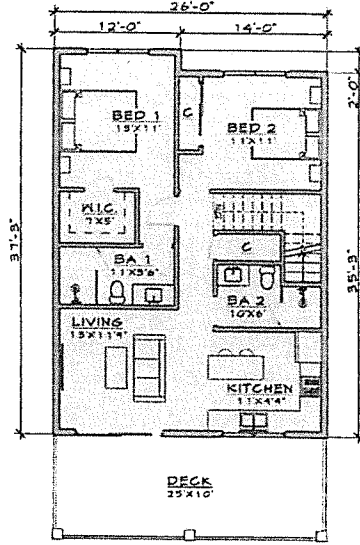
DECK: 250 SF  
 BACKYARD: 390 - 520 SF

PROJECT STATISTICS: UNITS 1-7

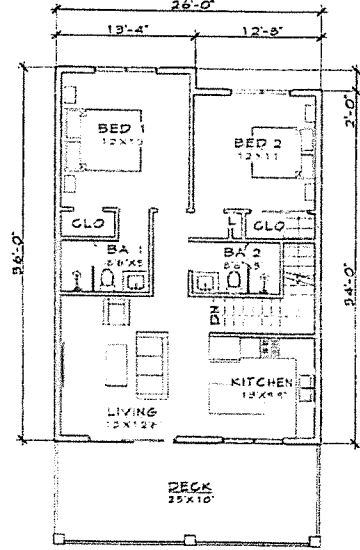
1ST FLOOR CONDITIONED SF: 99 SF  
 2ND FLOOR CONDITIONED SF: 871 SF  
 TOTAL CONDITIONED SF: 970 SF

2-CAR GARAGE: 756 SF

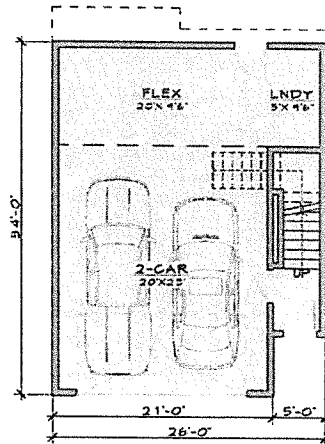
DECK: 250 SF  
 BACKYARD: 520 - 650 SF



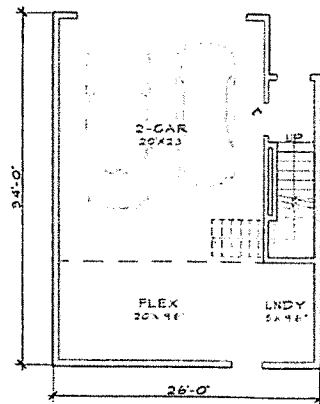
**3B** 8-15: SECOND FLOOR  
 SCALE: 1/8" = 1'-0"



**2B** 1-7: SECOND FLOOR  
 SCALE: 1/8" = 1'-0"

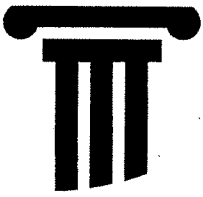


**3A** 8-15: FIRST FLOOR  
 SCALE: 1/8" = 1'-0"



**2A** 1-7: FIRST FLOOR  
 SCALE: 1/8" = 1'-0"





Jeffrey D. Stulberg  
A LAW CORPORATION

Greensheet 12/8/20

Via Email, Fax, Regular Mail

November 20, 2020

Jeffrey A. Minnery  
Adamski Moroski Madden Cumberland & Green LLP  
PO Box 3835  
San Luis Obispo, CA 93403-3835

Re: Robert Hather will-serve letter, San Simeon Community Services District

Dear Mr. Minnery:

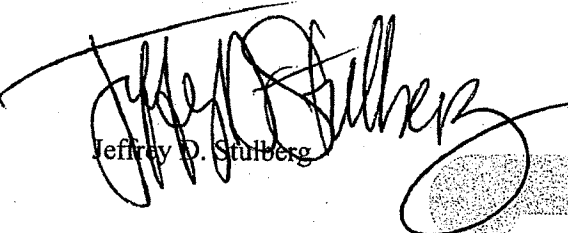
As a follow up to our phone conversation today regarding the San Simeon Community Services District and Robert Hather's Hardship Application, I have a few questions about the District's plans to lift the water moratorium in March 2021, under the guidance of Paavo Ogren.

- Does the District plan to do an initial study?
- If potentially significant impacts are found, will the District pursue a Mitigated Negative Declaration or undertake an EIR?
- Do they expect to rely on an exemption to CEQA? If so, which one?
- Does the District anticipate that an NOE or Mitigated Neg Dec would be challenged?
- If the moratorium is successfully lifted, when might the new ordinance go into effect?
- How quickly will the parties with a waiting list commitment be issued Will-Serve letters?
- What type of impact or overlap will groundwater management planning have on the lifting of the moratorium?

In the spirit of cooperation and efficiency, Mr. Hather will agree to defer his request for an up or down vote on his Hardship Application pursuant to section V (and in light of section VI) of Ordinance 102 at the December meeting; provided that the District's Board of Directors will agree now that if the moratorium is not lifted prior to March 31, 2021 that his Hardship Application for a Will-Serve Letter will be immediately acted upon for an up or down vote at the next regular meeting with a favorable recommendation from District Counsel. If the Board of Directors is unwilling or unable to make this assurance, Mr. Hather will proceed with his Hardship Application in December as currently planned.

I appreciate being kept in the loop on this.

Sincerely,

  
Jeffrey D. Stulberg

Cc: Robert Hather – via email