



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

Post Office Box 339, Oceano, California 93475-0339

1600 Aloha Oceano, California 93445-9735

Telephone (805) 489-6666 FAX (805) 489-2765

www.sslocsd.org

AGENDA

BOARD OF DIRECTORS MEETING

City of Arroyo Grande, City Council Chambers
215 East Branch Street
Arroyo Grande, California 93420

Wednesday, January 21, 2015 at 6:00 P.M.

Board Members

Matthew Guerrero, Director
Jim Hill, Chairman
John Shoals, Vice Chairman

Agencies

Oceano Community Services District
City of Arroyo Grande
City of Grover Beach

Alternate Board Members

Mary Lucey, Director
Tim Brown, Director
Barbara Nicolls, Director

Oceano Community Services District
City of Arroyo Grande
City of Grover Beach

1. CALL TO ORDER AND ROLL CALL

2. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

This public comment period is an invitation to members of the community to present comments, thoughts or suggestions on matters not scheduled on this agenda. Comments should be limited to those matters which are within the jurisdiction of the District. The Brown Act restricts the Board from taking formal action on matters not published on the agenda. In response to your comments, the Chair or presiding Board Member may:

- Direct Staff to assist or coordinate with you.
- It may be the desire of the Board to place your issue or matter on a future Board meeting agenda.

Please adhere to the following procedures when addressing the Board:

- Comments should be limited to three (3) minutes or less.
- Your comments should be directed to the Board as a whole and not directed to individual Board members.
- Slanderous, profane or personal remarks against any Board Member, Staff or member of the audience shall not be permitted.

Any writing or document pertaining to an open-session item on this agenda which is distributed to a majority of the Board after the posting of this agenda will be available for public inspection at the time the subject writing or document is distributed. The writing or document will be available for public review in the offices of the Oceano CSD, a member agency located at 1655 Front Street, Oceano, California. Consistent with the Americans with Disabilities Act (ADA) and California Government Code §54954.2, requests for disability related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires

modification or accommodation in order to participate at the above referenced public meeting by contacting the General Manager or Bookkeeper/Secretary at (805) 481-6903.

3. CONSENT AGENDA

The following routine items listed below are scheduled for consideration as a group. Each item is recommended for approval unless noted. Any member of the public who wishes to comment on any Consent Agenda item may do so at this time. Any Board Member may request that any item be withdrawn from the Consent Agenda to permit discussion or to change the recommended course of action. The Board may approve the remainder of the Consent Agenda on one motion.

3A. Review and Approval of the Minutes of the January 07, 2015 Meeting

3B. Review and Approval of Warrant Register

3D. Financial Review for December 2014

4. PLANT SUPERINTENDENT'S REPORT

5. BOARD ACTION ON INDIVIDUAL ITEMS

A. SDRMA INSURANCE COVERAGE

Legal Counsel Mike Seitz will give the Board a presentation on the history regarding the Districts coverage with SDRMA.

B. OPERATIONAL AUDIT PRESENTATION

District Engineer Shannon Sweeney will give the Board a presentation on the operational audit and subsequent plant improvements implemented to improve plant operations, management, finances, and long term strategic planning from 2013 to present.

C. CONSIDERATION OF OPTIONS TO REVIEW LONG TERM EXPENDITURE HISTORY

Staff recommends the Board evaluate options to review the long term expenditures history.

6. MISCELLANEOUS ITEMS

A. MISCELLANEOUS ORAL COMMUNICATIONS

B. MISCELLANEOUS WRITTEN COMMUNICATIONS

7. PUBLIC COMMENT ON CLOSED SESSION

8. CLOSED SESSION

(1) Closed session Pursuant to Government Code section 54957 (b) 1: Performance Evaluation of District legal counsel.

(2) Conference with Legal Counsel – Existing Litigation; Pursuant to Government Code Section 54956.9

SSLOCSD v California State Water Resources Control Board et. al.
District vs. SDRMA
District vs US Energy

9. REPORT ON CLOSED SESSION

10. ADJORNMENT

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

City of Arroyo Grande, City Council Chambers
215 East Branch Street
Arroyo Grande, California 93420

Minutes of the Meeting of Wednesday January 07, 2015
6:00 P.M.

1. CALL TO ORDER AND ROLL CALL

Present: Chair Matthew Guerrero, Oceano Community Services District; Director John Shoals, City of Grover Beach; Director Jim Hill, City of Arroyo Grande

District Staff in Attendance: Mike Seitz, District Counsel; John Clemons, District Superintendent; Amy Simpson, District Bookkeeper/Secretary

2. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Director Guerrero opened the public comment period.

Tim Brown spoke about Mr. Wallace allowing his insurance to lapse. He believes that Wallace should not be indemnified for his negligent behavior. He would like to see the District go after Wallace for his failure to maintain insurance.

Pat Dempsy also spoke on the indemnification of John Wallace. He believes Wallace should not be indemnified for his own gross negligence.

Jonathon Rubadsky asked if there has been a legal response from counsel that can be read about the opinion of the Board on the subject of the legal aspects of the actions that brought forth the termination of the insurance policy.

Patty Walsh wants John Wallace's feet to the fire for lapse in insurance. She is upset that a specific item was not put on the agenda.

Mark London read the indemnification clause in District Managers contract. Willful negligence is not indemnifiable. "He allowed the insurance to lapse and that is willful negligence."

Beatrice Spencer spoke about the notices that go out before insurance is cancelled. The insurance company gives plenty of opportunities to reinstate insurance. Ignoring the notices is willful negligence.

Debbie Peterson gave a history on reserves. She would ask the Board to make new Resolutions or look at old Resolutions to get back to what was originally planned for the District reserves. She gave a glimpse of what is going on in Fund 20. She would like to see the Management Reports made public.

Patty Price asked why the ongoing litigation is not on the agenda. She would like to have the lapse of Wallace's insurance agendaized to discuss publicly. She wants an audit.

Director Guerrero responded briefly to a couple of the comments. In the past, the Board found that funds from litigation were being put into the Operations Fund. The Board required all costs to be recalculated and that is where the amount of \$700,000 had been spent on litigation came

from. He let the public know that there is pending law suit against SDRMA to cover the costs of defense and it is in Discovery proceedings. It is to recover costs that were not paid for any fines that were levied against the District. The Board believes there was coverage for this. It is on a contingency basis with Schindler Law Group.

3. CONSENT AGENDA

3A. Review and Approval of the Minutes of the December 17, 2014 Meeting

3B. Review and Approval of Warrant

Director Jim Hill asked that the minutes be amended under Closed Session. *The Board gave direction to pursue a mediated settlement in as expeditious manner as possible.*

The Board gave staff direction to change the format of the Warrant Register to show *BUDGETED LINE ITEM* and *DESCRIPTION* in place of *PURCHASE/SERVICE* and *INV. #/SERVICE PERIOD*. This will provide better transparency.

Action: Consent agenda approved unanimously with Section 9. Closed Session amended.

Director Shoals addressed the Public Comments from last meeting. There was a significant number of comments and District Manager Rick Sweet did request that there was more time given to address these questions as accurately as possible. These responses will be presented at the meeting of the 21st.

Legal Counsel Seitz feels that the public comments are well intentioned and well taken and volunteered to give a report in response to the Public Comment on the Insurance that did lapse for approximately a year and a half. He feels this is important to give this report at the next meeting.

The Board had made the decision to put the Audit conversation on the agenda of the 21st.

Director Guerrero said that there was a lot of questions submitted and a lot of things have happened in the last couple of years that are very important and will help shape the direction of these discussions. The previous Board does understand what happened. There was a lot of hard work and a lot of analysis. The District did not fix itself miraculously.

4. PLANT SUPERINTENDENT'S REPORT

Action: The Board received and filed the Plant Superintendent's report.

5. BOARD ACTION ON INDIVIDUAL ITEMS

A. ROTATION OF DISTRICT BOARD MEETING LOCATION

Action: This will be brought back on the next agenda.

B. ELECTION OF OFFICERS

Action: The Board nominated to elect Jim Hill as the Chair and John Shoals as the Vice Chair by acclamation.

6. **MISCELLANEOUS COMMUNICATIONS**

Legal Counsel Seitz let the Board know that he will not be present the second meeting in October and wants the Board to consider if they want him to have an attorney stand in for him.

Director Hill found the previous staffs actions to be not only unacceptable but difficult in getting items put on the agenda. He doesn't want to see this pattern repeated. He insisted that the following items be placed on the agenda:

1. All aspects of insurance issues
2. Operational Audit
3. Review Contract with Legal Counsel and have a Performance Evaluation in Closed Session.
4. Status of mediated settlement

Director Shoals reminded everybody to remember that this is a Board and a decision will be made by agreement of this Board in regards to future agendas. He does agree with Director Hill regarding the items requested for the next agenda.

Director Shoals requested a copy of the handout given by Debbie Peterson be given out to all Directors.

Director Guerrero wants to keep Assembly Members abreast of what is going on at the District.

9. **ADJOURNMENT**

There being no further business to come before the Board, Director Hill adjourned the meeting at approximately 6:55 p.m.

THESE MINUTES ARE DRAFT AND NOT OFFICIAL UNTIL APPROVED BY THE BOARD OF DIRECTORS AT A SUBSEQUENT MEETING.

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

WARRANT REGISTER REVISED

01/21/2015 FY 2014/15

ISSUED TO	BUDGET LINE ITEM	DESCRIPTION	WARRANT NO.	ACCT	ACCT BRKDN	TOTAL
ADAMSKI MOROSKI MADDEN	OUTSIDE COUNSEL	DECEMBER	012115-9135	7070	243.00	243.00
ABALONE COAST ANALYTICAL	CHEMICAL ANALYSIS	STATEMENT 2406	36	7078	595.00	595.00
ALLIED ADMINISTRATORS	DENTAL INSURANCE	JANUARY	37	6025	1,012.63	1,012.63
AMERICAN INDUSTRIAL SUPPLY	EQUIPMENT MAINTENANCE		38	8030	160.18	160.18
AMY SIMPSON	MEDICAL REIMBURSEMENT	SIMPSON	39	6080	70.00	70.00
ARAMARK	EMPLOYEE UNIFORMS	1/2/15 1/9/15 1/16/15	40	7025	750.39	750.39
AT&T	COMMUNICATIONS TELEPHONE	8-Jan	41	7013	243.81	243.81
BARTLE WELLS ASSOCIATES	PROF SERVICES- AUDITING	2014 AUDIT	42	7089	6,372.00	6,372.00
BC PUMP SALES SERVICES	EQUIPMENT MAINTENANCE	PROBE WASH	43	8030	577.16	577.16
BRENNTAG PACIFIC, INC.	PLANT CHEMICALS	SODIUM BISULFITE	44	8050	5,634.19	5,634.19
CAR QUEST	EQUIPMENT MAINTENANCE	HEADWORKS	45	8030	142.55	142.55
CCWT	LAB SUPPLIES	TRI BED TANK RENTAL	46	8040	60.00	60.00
D&H WATER SYSTEMS	EQUIPMENT MAINTENANCE	ORP PROBES	47	8030	748.72	748.72
DOWNNEY BRAND ATTORNEYS	OUTSIDE COUNSEL	NOVEMBER	48	7070	8,937.90	8,937.90
FANNY MUI	MEMBERSHIPS/SEMINARS/MEETINGS	PER DIEM	49	7050	98.00	98.00
ENGEL & GRAY, INC.	SOLIDS HANDLING	BIO SOLIDS COLLECTIONS	50	7085	2,354.25	2,354.25
EPPENDORF	LAB SUPPLIES	LAB	51	8040	40.61	40.61
GAS COMPANY	UTILITIES GAS	OCTOBER, NOVEMBER & DECEMBER	52	7092	395.68	395.68
GARING TAYLOR & ASSOCIATES	ENGINEERING	UPDATE PLANT DRAWINGS	53	7077	236.25	1,733.53
	ENGINEERING	SEWER PIPE BRIDGE		7077	872.28	
	ENGINEERING	SPLITTER BOX		7077	625.00	
HAVOC INDUSTRIAL & SAFETY SUPPLY	BRINE DISPOSAL EXPENSES	BRINE STATION	54	7086	292.57	292.57
I.I. SUPPLY	BRINE DISPOSAL EXPENSES	BRINE STATION	55	7086	81.21	81.21
JB DEWAR INC	VEHICLE FUEL AND OIL	76692	56	8020	210.11	210.11
JIM WOESTE	MEDICAL REIMBURSEMENT	2013/2014	57	6080	1,004.28	1,004.28
KEMIRA	PLANT CHEMICALS	FERRIC CHLORIDE SOLUTION	58	8050	7,169.73	7,169.73
MARC LEWIS	MEMBERSHIPS/SEMINARS/MEETINGS	PER DIEM	59	7050	98.00	98.00
MCMMASTER-CARR	EQUIPMENT MAINTENANCE	DIGESTER	60	8030	233.63	233.63
MICHAEL ARIAS	MEMBERSHIPS/SEMINARS/MEETINGS	PER DIEM	61	7050	98.00	98.00
MINERS	HOUSEHOLD	MISCELLANEOUS SUPPLIES	62	8030	663.04	663.04
NESTLE PURE LIFE	HOUSEHOLD	WATER	63	8035	141.91	141.91
PG&E	UTILITIES ELECTRICITY	ELECTRICITY	64	7091	11,070.58	11,070.58
RAIN FOR RENT	EQUIPMENT MAINTENANCE	HEADWORKS	65	8030	1,356.24	1,356.24
SHIPSEY & SEITZ, INC.	LEGAL COUNSEL	PREP & ATTEND MEETINGS	66	7071	754.00	4,600.40
		GENERAL LEGAL SERVICES		7071	2,033.60	
		LITIGATION		7071	1,812.80	
SOUTH COUNTY SANITARY SVC. INC	RUBBISH	DECEMBER	67	7093	109.25	109.25
SPRINT	TELEPHONE	DECEMBER	68	7013	94.01	94.01
STANLEY SECURITY	COMMUNICATIONS ALARM	FEBRUARY	69	7011	62.20	62.20
SWRCB	PERMITS/FEES/LICENSES	ANNUAL PERMIT FEES	70	7068	15,731.00	15,731.00
USA BLUEBOOK	EQUIPMENT MAINTENANCE	HEADWORKS	71	8030	71.22	71.22
VWR	LAB SUPPLIES		72	8040	51.55	51.55
WEST COAST INDUSTRIAL SUPPLY	EQUIPMENT MAINTENANCE	AIR COMPRESSOR, FERRIC TOTE	73	8030	151.50	151.50
JOSLYN HODSON ACCOUNTING	PROF SERVICES- OTHER	MONTHLY REPORTS	74	7079	357.50	357.50
STEMAR	STRUCTURES MAINT.	SLIDE GATE	75	26-8061	1,572.17	1,572.17
ALLSTAR INDUSTRIAL SUPPLY	TOOLS	SAND BLASTING EQUIPMENT	76	8055	2,825.87	2,867.80
ALLSTAR INDUSTRIAL SUPPLY	HOUSEHOLD	SHOP TOWELS		8035	41.93	
ALICIA LARA	PROF. SERVICES OTHER	HUMAN RESOURCES	77	7079	670.00	670.00
SUB TOTAL					\$ 78,927.50	\$ 78,927.50
SO. SLO CO. SANITATION DISTRICT	PAYROLL REIMBUSEMENT	01/09/15	78	1016	\$ 25,302.39	25,302.39
	RABOBANK ACTIVITY	DECEMBER	79	6060	3,034.42	3,034.42
GRAND TOTAL					\$ 107,264.31	\$ 107,264.31

We hereby certify that the demands numbered serially from 012115-9135 to 012115-9179 together with the supporting evidence have been examined, and that they comply with the requirements of the SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT. The demands are hereby approved by motion of the SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT, together with warrants authorizing and ordering the issuance of checks numbered identically with the particular demands and warrants.

BOARD OF DIRECTORS:

DATE: _____

Chairman

Board Member

Board Member

Secretary



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SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT MONTHLY CASH REPORT

Cash Balance at 11/30/14	\$ 4,901,506.98
Deposits	432,022.99
Warrant Register 12/03/14	(81,187.47)
Warrant Register 12/17/14	(53,744.01)
Payroll PPE 11/28/14	(23,049.94)
Payroll PPE 12/12/14	(27,527.48)
Payroll PPE 12/26/14	(24,768.97)
Rabobank- PERS medical/retirement	(26,498.64)
Rabobank December Activity	(3,034.42)
Total December Activity	192,212.06

Cash Balance at 12/31/14	5,093,719.04
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	CASH BALANCE
Cash by Institution	@ 12/31/14
Cash with County Treasury	\$ 2,655,830.95
Cash with LAIF	2,407,743.01
Cash with Rabobank	30,145.08
	\$ 5,093,719.04



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Subject: Superintendent's Report

January 16, 2015

Chart 1 – Plant Data

January 2015*	INF Flow MGD	Peak Flow MGD	INF BOD mg/L	EFF BOD mg/L	INF TSS mg/L	EFF TSS mg/L	Fecal Coli	Cl2 lbs/day	BOD REM Eff. %
Average	2.40	3.8	388	32.3	421	37.2	42	147	91.62
High	2.57	4.4	410	46.0	442	48.0	240	250	
Limit	5.0			40/60/90		40/60/90	2000		80
CY 2014 Monthly									
Average	2.35	3.8	392	26	406	31	87	160	94
High	2.70	4.8	444	34	470	39	1600	327	

- * = Plant data through January 15th.

Limit – 40/60/90 represent NPDES Permit limits for the monthly average, weekly average, and instantaneous value for plant effluent BOD and TSS.

Maintenance

- Repaired broken water line at Primary clarifier.
- Installed new VFD electrical box at FFR pump #1.
- Installed new ORP probe on back up CL2 system
- Changed oil at FFR rotating assembly.
- Changed oil in sludge mixing pump.
- Sanded and recoated pumps and pipes at Primary Clarifier #1 pump station.
-

Call outs

- No call outs this period.

In-Progress

- Garing, Taylor, and Associates is working with staff to review and ensure the integrity of the District's A.G. sewer bridge. Currently planning to touch up the exterior coating. Considering lining the interior.
- GT&A is working with staff to assess the stability of the foundation under the splitter box.
- Autosys Inc., along with staff, have constructed the Plant Overview screen for the SCADA system.
- Staff completed an inventory of District tools. The next phase will be to inventory Plant equipment and parts.
- Staff is currently preparing the District's 2014 Annual Monitoring Report for submission to the Regional Water Quality Control Board.

Training

- Staff attended a Plant familiarization session for the Primary Treatment Process.
- Staff attended a training and review session on the Plant Design Criteria in the District's O&M manual.
- Superintendent J. Clemons and Lead Operator R. Jackman participated in a SDRMA webinar training session entitled AB 1825 Sexual Harassment Prevention Training. This webinar satisfies mandatory training requirement for managers and supervisors.

Best regards,

John Clemons
Superintendent



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Staff Report

To: Board of Directors
From: Richard Sweet, PE, District Manager
Date: January 21, 2015

Subject: **CONSIDERATION OF OPTIONS TO REVIEW LONG TERM
EXPENDITURE HISTORY**

RECOMMENDATION:

That the Board review and discuss a range of options to review the long-term expenditure history of the District and provide direction to staff.

BACKGROUND

John Wallace, PE, managed the District for twenty-five (25) years. In June of 2013 Mr. Wallace resigned his position as District Manager. During his term there was a County of San Luis Obispo Grand Jury report that questioned the District's use of Mr. Wallace as District Manager and his consulting engineering firm, John Wallace and Associates, concurrently as the District Engineer, performing much of the District's engineering work. During his tenure there was a fine levied by the State of California Regional Water Quality Control Board (RWQCB) for a discharge that occurred during a large storm water event in December of 2010.

A Certified Public Accountant (CPA) has performed a government financial audit of the District for a number of years. Present staff is not aware of any significant irregularities that have arisen as a result of these audits.

There has been much discussion at recent board meetings regarding a financial evaluation of District expenditures during Mr. Wallace's tenure. The terms "forensic audit, financial investigation, line item evaluation, and operational audit" have been utilized.

DISCUSSION:

Below the Board is provided with various options. The Board may choose to pursue one or more of these options, a combination of these options or create additional options for the District to pursue.

A. Line Item Evaluation

This option proposes to evaluate line item expenditures over a designated period of time. This would allow the Board to evaluate how District expenditures under present management compare with that under the tenure of Mr. Wallace. The period for review could be five years, ten years, fifteen years or some period in between those noted above. District staff could prepare this function with support from a consulting accountant that the District has utilized to support District staff on technical accounting matters. The longer the period of evaluation the more difficult the task. Depending on the period of evaluation, this function could be performed in two to four months, with an expenditure between two thousand dollars (\$2,000) and five thousand dollars (\$5,000).

B. Forensic Audit

While there may be differing beliefs on what constitutes a forensic audit, for the purpose of this discussion it is defined as a process in which a forensic accountant examines the District's books for evidence of fraud, as well as inspects the accounting system for weaknesses that could enable someone to defraud the District. The accountant's work might uncover insurance fraud, asset misappropriations, embezzlement, money laundering and other white-collar crimes. In discussions with a local accounting firm, they expressed that often asset misappropriations and embezzlement are identified within the standard government accounting audit and that a forensic audit would most likely involve an in-depth evaluation of the government accounting audit and, depending on the period of time to be evaluated, cost between twenty five thousand dollars (\$25,000) and forty thousand dollars (\$40,000). If the District chooses to pursue this option, a Request for Proposals (RFP) would be issued for review of specified years to a number of prominent accounting firms. The Board, prior to issuance, would review the RFP and the responses would be presented to the Board for their award of a contract to the firm chosen by the Board. This process would require significant District resources and take up to a year to reach a conclusion. The value of the information derived from a Forensic Audit is disputable.

C. Financial Investigation

The term "investigation" has been utilized at past Board meetings as something the District should pursue to evaluate past District expenditures. For the purpose of this report the term "financial investigation" will be defined as, an evaluation by an investigator with a history in white collar criminal investigation that will evaluate past District expenditures for embezzlement, misappropriation of funds (as they be of a criminal nature) or other white collar crimes. Most likely the investigator would have significant experience with a law enforcement agency or a District Attorney's office. The cost of this evaluation may range widely. It is difficult to envision a scenario where this process would cost less than ten thousand dollars (\$10,000) and the cost would rise based on the term and depth of the investigation. If the District chooses to pursue this option, a RFP would be issued for review of a specifically identified period of time to a number of

investigation firms. The Board prior to issuance would review the Request for Proposals (RFP) and the responses would be presented to the Board for their award of a contract to the firm chosen by the Board. This process would require significant District resources and take up to a year to reach a conclusion.

D. Choose to Proceed Relying on the Information Developed in Past Governmental Audits

This option requests that District staff provide the Board with copies of past governmental audits for a designated period of time for the Board's review. This option is relatively low cost, could be accomplished in a period of four to six weeks and may provide some insight as to past District operations. The information provide in these audits may or may not provide the level of evaluation desired by the Board.

E. Sequential Pursuit of a Combination of Options

The Board may choose to take a sequential approach to pursuit of these options. For instance, the Board may want to initiate a review by pursuing " Option A, Line Item Evaluation" and if concerns arise from information developed from this option the Board may choose to pursue a Forensic Audit, Option "B", or a Financial Investigation, Option "C".

F. Other

There is a wide range of possibilities that the Board may wish to pursue. The options provided to the Board above are an attempt to provide the Board with some ideas that the Board may wish to pursue and are by no means an attempt to limit the Board's range of possibilities.

Richard G. Sweet, PE
District Manager