



**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.us

**AGENDA
BOARD OF DIRECTORS MEETING**

Oceano Community Services District Board Room
1655 Front Street
Oceano, CA 93445

Wednesday, April 18, 2018, at 6:00 p.m.

Board Members

Linda Austin, Chair
Barbara Nicolls, Vice Chair
Jim Hill, Director

Agencies

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

Alternate Board Members

Karen White, Director
Mariam Shah, Director
Tim Brown, Director

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

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- 1. CALL TO ORDER AND ROLL CALL**
 - 2. PLEDGE OF ALLEGIANCE**
 - 3. AGENDA REVIEW**
 - 4. 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.
- Direct Staff 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 District Administrator or Bookkeeper/Secretary at (805) 481-6903. So that the District may address your request in a timely manner, please contact the District two business days in advance of the meeting.

5. 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.

- 5A. Approval of Warrants**
- 5B. Approval of Minutes of April 4, 2018**
- 5C. Approval of Special Meeting Minutes of April 7, 2018**
- 5D. 2018-19 Fiscal Year; Budget Preparation Schedule**
- 5E. Technical Consultants and Plant Operations Report**

6. ACTION ITEMS:

6A. BROWN ACT CURE AND CORRECT DEMAND LETTER DATED APRIL 10, 2018

Recommendation: District Counsel recommends that the Board of Directors unconditionally commit that it will cease, desist from, and not repeat the challenged past action of holding a meeting beyond the District's boundaries and authorize the Chair to execute an unconditional commitment letter pursuant to Government Code §54960.2.

6B. DISCUSSION OF PERSONNEL POLICY MANUAL UPDATES

Recommendation: That the Board Continue Discussion of the Draft Revision of the Personnel Policy Manual (PPM) at the Board Meeting of April 18, 2018.

7. MISCELLANEOUS ITEMS:

7A. Written Communications

- 1. Response to Letter from City of Arroyo Grande Re. Audits.**

8. BOARD MEMBER COMMUNICATIONS:

9. CLOSED SESSION:

PUBLIC EMPLOYMENT APPOINTMENT

Title: District Administrator

10. ADJOURNMENT

The next regularly scheduled Board meeting on May 2, 2018, 6 pm at the
Oceano Community Services District Board Room,
1655 Front Street, Oceano, CA

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
WARRANT REGISTER 04/18/2018 FY 2017/18

WARRANT #	VENDOR	ACCOUNT	BUDGET LINE ITEM	DESCRIPTION/ INVOICES #	ACCT BRKDN	TOTAL
04182018-2900	AGP	19-7080	PROF SERVICES- AGP VIDEO	7319	\$1,550.00	\$1,550.00
2901	ALLIED ADMINISTRATORS	19-6025	DENTAL INSURANCE	May-18	\$527.68	\$527.68
2902	ASAP REPROGRAPHICS	26-8065 2017-B1-07	STRUCTURES/GROUNDS	DIGESTER 1/REHAB	\$105.00	\$105.00
2903	AUTOSYS, INC	20-7080	REDUNDANCY	2117	\$720.00	\$720.00
2904	BANK OF THE WEST	19-8045	OFFICE SUPPLIES	OFFICE MAX/USPS	\$323.94	\$1,403.85
		19-7005	ADVERTISEMENTS	LAB RECRUITMENT	\$909.00	
		19-7013	WEBHOSTING	SHERWEB	\$164.35	
		19-7068	PERMIT / FEES	FINANCE CHARGES	\$6.56	
2905	BRENNTAG	19-8050	PLANT CHEMICALS	BPI824349/BPI826520	\$10,968.82	\$10,968.82
2906	CENTRAL COAST TECHNOLOGY	19-7082	COMPUTER SUPPORT	1542	\$493.43	\$493.43
2907	CPS HR CONSULTING	19-7076	HUMAN RESOURCES	INV 358817	\$518.84	\$518.84
2908	CULLIGAN CCWT	19-7032	EQUIPMENT RENTAL	48522	\$60.00	\$60.00
2909	ENGEL & GRAY, INC	19-7085	BIO SOLIDS HANDLING	83X00010	\$9,767.82	\$9,767.82
2910	EVERYWHERE RIGHT NOW, INC.	19-7082	PROF SERVICES-WEBSITE SUPPORT	2019	\$100.00	\$100.00
2911	GLENN BURDETTE	19-7083	PROF SERVICES- FISCAL SERVICES	163629	\$3,000.00	\$3,000.00
2912	I. I. SUPPLY	19-8030 2017-A1-27	EQUIPMENT MAINTENANCE	51759	\$19.29	\$19.29
2913	HAULAWAY	19-7032	EQUIPMENT RENTAL	1782900	\$93.80	\$93.80
2914	KEMIRA WATER SOLUTIONS	19-8050	PLANT CHEMICALS	9017583978	\$8,212.09	\$8,212.09
2915	LARA HR SERVICES	19-7076	HUMAN RESOURCES	2018-003	\$540.00	\$540.00
2916	LIBERTY PROCESS EQUIPMENT INC.	19-8030 2017-A1-27	EQUIPMENT MAINTENANCE	0072243-IN	\$3,518.33	\$3,518.33
2917	MICHAEL K. NUNLEY & ASSOCIATES	26-8065 2017-B1-07	DIGESTER 1-REHAB	4235	\$1,824.20	\$2,459.20
		26-8065 2017-B1-07	DIGESTER 1- VALVE REPLACEMENT	4288	\$125.00	
		26-8065 2017-B1-04	BIOSOLIDS HANDLING FACILITY	4234	\$510.00	
2918	OCEANO COMMUNITY SERVICES DISTRICT	19-7094	UTILITIES-WATER	1/18/18-3/18/18	\$207.19	\$207.19
2919	PG&E	19-7091	UTILITIES-ELECTRICITY	3/9/2018-4/8/2018	\$13,841.46	\$13,841.46
2920	POLYDYNE INC	19-8050	PLANT CHEMICALS	1228523	\$6,117.54	\$6,117.54
2921	PRAXAIR	19-7032	EQUIPMENT RENTAL	82033591	\$28.62	\$28.62
2922	READY REFRESH	19-8035	HOUSEHOLD EXPENSE	18c0012917373	\$10.16	\$10.16
2923	REGIONAL GOVERNMENT SERVICES	19-7076	HUMAN RESOURCES	8249	\$682.50	\$682.50
2924	SO CAL GAS	19-7092	UTILITIES -GAS	3/1/2018-3/30/2018	\$2,902.81	\$2,902.81
2925	SOUTH COUNTY SANITARY	19-7093	UTILITIES-RUBBISH	6014899/6017049	\$970.09	\$970.09

2926	STANLEY SECURITY	19-7011	COMMUNICATIONS ALARMS	15444592	\$67.25	\$67.25
2927	STATE FUND	19-6080	WORK COMP	4/1/2018-5/1/2018	\$3,595.00	\$3,595.00
2928	SWRCB	19-7055	PROF.CERTS./LICENSE	ROMHILD/RENEWAL ARIAS/RENEWAL	\$300.00	\$300.00
2929	THE TRIBUNE	19-7005	ADVERTISEMENTS	LAB RECRUITMENT	\$465.00	\$465.00
2930	THOMA ELECTRIC	19-8030 2017-A1-27	EQUIPMENT MAINTENANCE	39849	\$367.50	\$367.50
2931	UNITED STAFFING	19-6085	TEMP LABOR SERVICES	108886/109272	\$1,640.16	\$1,640.16
2932	VWR	19-8040	LAB SUPPLIES	8081647951/8081840821/ 8081880362/8081837501	\$493.78	\$493.78
2933	WENDY STOCKTON	19-7071	LEGAL COUNSEL	Mar-18	\$4,477.00	\$4,477.00
SUB TOTAL					\$80,224.21	\$80,224.21
2934	SOUTH SLO COUNTY SANITATION DISTRICT	19-6030 19-6040 19-6090 19-6095	PAYROLL	PPE 3/30/2018	\$18,896.46	\$21,242.12
		19-6060	CALPERS RETIREMENT	PPE 3/30/2018	\$2,345.66	
GRAND TOTAL					\$101,466.33	\$101,466.33

We hereby certify that the demands numbered serially from 04182018-2900 to 04182018-2934 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 DATE

Board Member DATE

Board Member DATE

Secretary DATE



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SUMMARY ACTION MINUTES Regular Meeting of Wednesday, April 4, 2018

1. CALL TO ORDER AND ROLL CALL

Chair Austin called the meeting to order and recognized a quorum.

Present: Linda Austin, Chair, Oceano Community Services District
Jim Hill, Director, City of Arroyo Grande
Barbara Nicolls, Director, City of Grover Beach

District Staff: Paul J. Karp, Technical Consultant
Gilbert Trujillo, District Legal Counsel

2. PLEDGE OF ALLEGIANCE

Chair Austin led the Pledge of Allegiance.

3. AGENDA REVIEW

Approved as presented.

4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Chair Austin opened the Public Comment period.

Julie Tacker commented on the censure of Director Hill, censure of John Shoals, financial reports, and civil action against former administrator John Wallace.

Brad Snook, SurfRider, asked that the Board agendaize the Coastal Permit for the brine discharge program, trucks delivering brine to the plant, and an SOP for brine.

Shirley Gibson commented about previous meetings, information provided by the League of California Cities about "successful mayors" and "do's and don'ts," and the disrespect shown to staff and managers.

Coleen Kubel stated a correction to the previous speaker's comment.

Mary Lucey stated that she did not see the Superintendent's report of effluent quality in Board packets, and that she agrees with a previous comment made about being disrespectful to staff.

Patricia Price commented on the Personnel Policy Manual, Section 2000, and the Lab Tech position.

Chair Austin closed the Public Comment period.

Director Hill provided comment on Mr. Snook's comment regarding brine disposal.

Technical Consultant Karp responded to the request from Mr. Snook stating that the Brine program as operated today is included in the waste discharge order for the operation of the plant. The Plan is currently permitted to operate by the Coastal Development Plan and there is no reason to request additional permitting.

5. CONSENT AGENDA:

5A. Approval of Warrants

5B. Approval of Minutes of March 07, 2018

5C. Redundancy Project: Kennedy/Jenks (K/J); Project Change Request 5

5D. Redundancy Project: Kennedy/Jenks (K/J); Project Change Request 6

5E. Validation of District Agreement with Faye Russo Tax Preparation, Accounting and Payroll

5F. Status Update on 2015/2016 and 2016/2017 Financial Audits

Director Hill requested that all items on the Consent Agenda be pulled for comment.

5A. Approval of Warrants

The Board discussed Warrants 2881, 2886, 2887, and 2895.

Chair Austin opened the Public Comment period.

Julie Tacker, Mary Lucey, Patricia Price and Shirley Gibson commented on the warrants for Liebert, Cassidy, Whitmore (LCW); Lara HR Services; and Faye Russo Accounting.

Chair Austin requested Legal Counsel to speak on the Liebert, Cassidy, Whitmore (LCW) invoices and what could occur if the invoices were not paid. Counsel responded to the request and recommended payment of all outstanding LCW invoices.

Chair Austin closed the Public Comment period.

Motion: Director Hill made a motion to approve the warrants without the LCW invoice for approximately \$750.

Second: No second.

Action: Motion failed for lack of second.

Motion: Director Nicolls made a motion to approve the warrants; that the Faye Russo Accounting invoice be considered under item 5E.

Second: Chair Austin.

Action: Approved 2-1

Yes: Director Nicolls and Chair Austin

No: Director Hill

5B. Approval of Minutes of March 21, 2018

Director Hill commented about the minutes being referred to in staff reports.

Chair Austin opened the Public Comment period.

Julie Tacker suggested using “spoke in support of, or in opposition of,” and technical problems with AGP at the last meeting.

Chair Austin closed the Public Comment period.

Motion: Director Nicolls made a motion to approve the minutes of March 21, 2018.

Second: Director Hill; noting that the minutes should be explained somewhat.

Action: Approved 3-0

Yes: Director Nicolls, Director Hill, and Chair Austin

5C. & 5D. Redundancy Project: Kennedy/Jenks; Project Change Request 5 & Redundancy Project: Kennedy/Jenks; Project Change 6

Director Hill commented on the design schedule, the increased management efforts and the delay in the schedule.

Technical Consultant Karp responded to the questions when directed by the Chair.

Chair Austin opened the Public Comment period.

Julie Tacker commented on the TM-7 and the Flood Mitigation Measures.

Chair Austin closed the Public Comment period.

Motion: Director Hill made a motion to approve Kennedy/Jenks PCR 5 and PCR 6, with the additional request for staff to contact Bartle Wells regarding increases to funding needs.

Second: Director Nicolls.

Action: Approved 3-0

Yes: Director Hill, Director Nicolls, and Chair Austin.

5E. Validation of District Agreement with Faye Russo Tax Preparation, Accounting and Payroll

Director Hill commented on the agreement, seeing no way he can vote to validate the agreement beyond \$25,000 in expenditures.

Chair Austin commented on the agreement and is in favor of validating the agreement and payments as recommended by staff.

Director Nicolls commented on the \$25,000 amount, that the invoice which is currently due should be paid, and the need to complete the job through the term which expires in May.

Director Hill responded to Director Nicolls comments.

Chair Austin opened the Public Comment period.

Coleen Kubel, Patricia Price, Julie Tacker, and Mary Lucey provided comments on the agreement.

Chair Austin closed the Public Comment period.

Director Hill stated he could not support the staff recommendation to validate; and suggested that staff prepare an amendment in lieu of the existing agreement.

Director Nicolls questioned if Ms. Russo was assisting with the audit for 15/16.

Chair Austin also provided comments.

Motion: Director Nicolls made a motion to accept the billing and allow Faye Russo Accounting to finish the contract.

Second: Chair Austin.

Action: Approved 2-1

Yes: Director Nicolls and Chair Austin

No: Director Hill

5F. Status Update on 2015/2016 and 2016/2017 Financial Audits

Technical Consultant Karp provided the staff report and passed out a copy of a report from Glenn Burdette on the status of the audit which states the audit presentation should be ready at the second meeting in May.

Director Hill expressed frustration over the amount of time it has taken to receive the audit.

Chair Austin opened the Public Comment period.

Julie Tacker and Mary Lucey provided comments on the audit.

Chair Austin closed the Public Comment period.

Director Hill responded to the previous speaker's comment; and asked if there was a "Plan B" if the audit is not presented on May 16th.

Action: The Board received and filed the report.

6. ACTION ITEMS:

6A. TECHNICAL CONSULTANTS AND PLANT OPERATIONS REPORT

Technical Consultant Karp provided the staff report.

Director Hill commented about the I & I Study.

Chair Austin opened the Public Comment period.

Julie Tacker commented on brine disposal and the Cambria CSD (CCSD) application, requested copies of correspondence from CCSD residents supporting the application and its approval.

Patricia Price commented about the brine, and the number of operators working at the plant.

Chair Austin closed the Public Comment period.

Action: The Board received and filed the report.

Chair Austin called for a five minute recess at 7:27 p.m.

The Board reconvened and moved up Item 6C prior to Item 6B to accommodate the legal consultant who was present to address questions that may arise regarding the proposed Jones & Mayer contract.

6C. APPROVAL OF LEGAL SERVICES CONTRACT WITH THE LAW FIRM OF JONES & MAYER

Legal Counsel Trujillo provided the staff report.

Director Hill commented about a Request for Proposals (RFP); would approve the firm until an RFP could be solicited.

Director Nicolls and Chair Austin were impressed with the qualifications stated regarding the legal contractor.

Chair Austin opened the Public Comment period.

Julie Tacker objected to the sole source contract, agrees with an RFP.

Chair Austin closed the Public Comment period.

Motion: Director Hill made a motion to approve the replacement of District Co-Counsel Wendy Stockton with the firm of Jones & Mayer; and consider possibly pursuing an RFP for a new General Counsel after the new District Administrator is hired.

Second: Director Nicolls.

Action: Approved 3-0

Yes: Director Hill, Director Nicolls and Chair Austin

6B. DISCUSSION OF PERSONNEL POLICY MANUAL UPDATES

Technical Consultant Karp provided clarification regarding the definition of "Division" and "Department," versus the proposed change in text to "District."

Director Hill requested that a clarification or definition be provided in the PPM to define "Division" or "Department."

The Board discussed the Personnel Policy Manual updates, provided comments, and asked staff to correct the grammatical errors.

Chair Austin opened the Public Comment period.

Julie Tacker commented on the Personnel Policy Manual updates.

Chair Austin closed the Public Comment period.

The Personnel Policy Manual will be brought back to the next meeting and discussion will continue beginning with Section 5091 – Technology Usage.

6D. DISCUSSION OF EXPANDING THE MEMBERSHIP OF THE DISTRICT BOARD OF DIRECTORS

Technical Consultant Karp provided comments to the Board and then deferred to Legal Counsel Trujillo to provide the staff report.

Director Hill commented about a three member board versus a five member board as it relates to the Brown Act, and how the District is established by State legislature.

Director Nicolls questioned how other members would be identified if the Board expanded to five members.

Director Hill offered suggestions, possibly to include two of the Supervisors who represent the area bounded by the District perimeter.

Chair Austin opened the Public Comment period.

Julie Tacker and Patricia Price spoke in favor of expansion of the District Board.

Shirley Gibson and Mary Lucey spoke against the expansion of the District Board.

Chair Austin closed the public comment period.

Chair Austin stated she had requested the item be placed on the agenda for Legal Counsel to provide this information. She provided her comments about the District and feels that the operation of the plant is most important at this time and to bring this issue back at a later date.

Director Nicolls commented about a three or five member Board and feels that this should be brought back some future date after a new District Administrator is hired.

Director Hill stated he is opposed to waiting until a new Administrator is hired; respectfully disagreed that the plant is running just fine because he believes that being down to four operators and having a recent emissions violation.

Action: The Board received and filed the report.

Chair Austin called upon Technical Consultant Karp to respond to questions about the expenditure amount related to costs for the PPM. Mr. Karp stated the estimated amount at this time was \$9,000.

7. MISCELLANEOUS ITEMS

7A. Written Communications.

1. Correspondence was received from the City of Arroyo Grande requesting a Status Update on 2015/2016 and 2016/2017 Financial Audits.

8. BOARD MEMBER COMMUNICATIONS

None.

9. CLOSED SESSION:

PUBLIC EMPLOYEE APPOINTMENT

Title: District Administrator

Chair Austin opened the Public Comment period.

Julie Tacker and Patricia Price provided comments.

Chair Austin closed the Public Comment period.

Legal Counsel Trujillo announced Closed Session.

The Board adjourned to Closed Session at 8:58 p.m.

The Board reconvened from Closed Session at 9:30 p.m. District Legal Counsel Trujillo announced that there were no reportable actions.

10. ADJOURN MEETING

The meeting was adjourned at 9:31 p.m.

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

DRAFT



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**SUMMARY ACTION MINUTES
Special Meeting of Saturday, April 7, 2018
Board Room, Courtyard Marriott
1605 Calle Joaquin Rd., San Luis Obispo**

1. CALL TO ORDER AND ROLL CALL

Chair Austin called the meeting to order at 8:05 a.m.

Chair Austin called the roll:

Present: Linda Austin, Chair, Oceano Community Services District
Barbara Nicolls, Director, City of Grover Beach

Absent: Jim Hill, Director, City of Arroyo Grande

2. PUBLIC COMMENTS

Chair Austin opened the Public Comment period.

Julie Tacker claimed the meeting violates requirements of the Brown Act.

Patricia Price reiterated Ms. Tacker's claims.

Ron Arnoldsen claimed that the City of Arroyo Grande has facilities that would accommodate the needs of the meeting.

Kris Victorine stated that she has issues with the selection process.

Chair Austin, noting no additional speakers, closed the Public Comment period.

Chair Austin then adjourned the meeting to Closed Session by citing the justification for Closed Session as noted on the special agenda at 8:20 a.m.

Chair Austin reconvened the Special Meeting at 3:40 p.m. Technical Consultant Sweet announced that there was no reportable action.

3. ADJOURNMENT

Motion: Director Nicolls made a motion to adjourn the special meeting.

Second: Chair Austin

Action: Approved 2-0

Yes: Director Nicolls and Chair Austin
Absent: Director Hill

The special meeting was adjourned at 3:45 p.m.

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

DRAFT



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STAFF REPORT

Date: April 18, 2018
To: Board of Directors
From: Richard Sweet and Paul J. Karp, Technical Consultants
Subject: **2018-19 FISCAL YEAR; BUDGET PREPARATION SCHEDULE**

RECOMMENDATION:

That the Board receive the schedule for preparation of the 2018-19 Fiscal Year (FY) Budget.

BACKGROUND AND DISCUSSION:

The District is presently developing line item projections, and, maintenance and capital projects, for creation of the 2018-19 FY Budget. The schedule is:

Meeting

May 2, 2018	Gather Board input
May 16, 2018	Present Draft Budget to Board
June 6, 2018	Present Budget to Board
June 20, 2018	Board adopts Budget

FISCAL CONSIDERATIONS:

Adoption of a budget is essential to achieve the policies and goals of the District.

OPTIONS:

1. Provide other direction to staff.



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STAFF REPORT

Date: April 18, 2018
To: Board of Directors
From: Richard Sweet and Paul J. Karp, Technical Consultants; Mychal Jones, Interim Plant Superintendent
Subject: **TECHNICAL CONSULTANTS AND PLANT OPERATIONS REPORT**

This report represents ongoing information on the latest District staff activities on major capital projects and studies, programmatic initiatives, regional collaboration, National Pollutant Discharge Elimination System discharge permit renewal, and Plant Operations report detailing our operation and maintenance activities. *Updates since the last report are provided in italics below:*

Major Capital Projects:

Headworks:

Status: Operational. Requires upgrades to meet specifications.

Significant efforts are underway to bring the project into conformance with specifications. It has been determined that recent upgrades have not resulted in satisfactory discharge of material. New nozzles have been installed to attempt to refine the discharge. Staff met with the engineer, contractor, and supplier to take input about how completion of this project might be expedited. Coordination between the supplier, contractor, and engineer continues in an effort to reduce the fecal content of the discharge. A remanufactured discharge chute has been installed that replaces a chute that was damaged due to faulty discharge. This work is occurring at no charge to the District.

Redundancy Project:

Design: On March 16, 2016, the Board approved a design contract with Kennedy/Jenks for Phase I of this project. On June 21, 2017, the Board approved proceeding with the remaining phases under the contract, including final design.

Technical Memo 7 (TM-7) has been prepared by Kennedy/Jenks to evaluate a Membrane Bioreactor (MBR) process that would facilitate the Regional Groundwater Sustainability Project (RGSP). TM-7 was presented to the Board on November 15, 2017. The Board directed the pursuit of the original Redundancy Project and to meet with member agencies regarding their input on possible features as the plant that might support RGSP.

Operational staff has evaluated Technical Memo 3, pertaining to recommendation of the sludge thickening process, and Technical Memo 5, dealing with flood protection of critical facilities.

Coastal Commission Permitting: Thirty-year Coastal Development Permit approved.

Financing State: All portions of the State Revolving Fund loan package application have been submitted to State Water Resources Control Board. A number of additional items have been requested to make the application more favorable. Michael K. Nunley & Associates is pursuing completion of those items.

Federal: (United States Department of Agriculture): The District may be eligible for grants and loans up to one-third of the amount needed for the Redundancy Project through a disadvantaged community program.

The Board, at its meeting of February 21, 2018, adopted a resolution authorizing and directing the Board Chair to enter into a contract with Rincon Consultants of San Luis Obispo in the amount of \$34,449 for Environmental Services in support of funding opportunities for the Redundancy Project.

Given present project estimates and the Board's desire to evaluate set aside funding, the Board, at its meeting of February 7, 2018, engaged Bartle Wells to prepare a financial plan update. The update is funded with remaining funds from a prior financial update.

Project Change Requests (PCR) 5 and 6 regarding scheduling changes, design of critical facilities flood protection design, and potholing coordination were approved by the Board at its meeting of April 4, 2018.

Biosolids Concrete Slab:

This project is required to accommodate a repaired centrifuge. The District is in the final stages of defining the centrifuge repair. The Board, at its meeting of February 7, 2018, approved awarding the contract to the low bidder, Whitaker Construction, in the amount of \$45,810. Final executed contract documents have been received from Whitaker Construction and the project is moving to construction.

Primary Digester No. 1 Rehabilitation:

A request for additional budget allocation of \$466,000 was approved by the Board on January 17, 2018. With the additional budget allocation approved, Calls for Bids for the two projects, (1) Recoating the Digester; and (2) Replacement of the Digester Mixing Valves; were approved by the Board at its meeting of February 7, 2018. Award of contract for the two projects was approved by the Board at its meeting of March 21, 2018. *Executed contract documents have been received and the project is moving to construction.*

Centrifuge Repair:

The District-owned centrifuge requires repair. Agreement to repair the centrifuge has been executed per District purchasing guidelines. Work has begun on this task.

Raise Manholes to Grade:

The County repaved a portion of Valley Road. The paving covered District manholes. MKN is in the final stages of design for a project to raise the manholes to grade to allow District access.

Programmatic Initiatives:

Human Resources/Personnel Policy Manual (PPM) Update:

All sections of the PPM have now been reviewed (including legal input), and updated with significant and comprehensive revisions. The Board considered the update at the meeting of December 6, 2017, and directed that staff return the PPM to the Board for further consideration in sections. This matter is presently before the Board.

Financial Initiative:

Annual Fiscal Year 2015-2016 Audit. District auditors Glenn Burdette continue to work with staff to complete the audit. On March 2, 2018, staff received correspondence from Glenn Burdette with one open item to complete. A status update report on the 2015/16 and 2016/17 Financial Audits was provided to the Board at its meeting on April 4, 2018.

Regional Collaboration:

Regional Groundwater Sustainability Project (RGSP):

This project consists of a potential future regional recycling project in the South San Luis Obispo County area in conjunction with the City of Pismo Beach and the District (with participation of our member agencies: Cities of Arroyo Grande, Grover Beach, and Oceano CSD). On June 20, 2017, the Pismo Beach City Council approved a memorandum of understanding between the City of Pismo Beach and the District. The City also awarded a contract for a joint environmental impact report to Rincon Consultants at that same meeting. Technical Memo 7 was presented to the Board at the November 15, 2017 meeting. The Board directed that the Redundancy Project proceed as originally envisioned minus the membrane bio-reactor (MBR) option. The District is evaluating a request for additional sampling in support of development treatment parameters for a RGSP project. Technical Consultants continue to meet with stakeholders to coordinate efforts in support of the RGSP. The City of Pismo Beach has prepared a memorandum of understanding for the District's consideration to reserve space at the District's plant for the RGSP project. *A representative from the City of Pismo Beach will make a presentation to the Board at an upcoming meeting.*

Zone 1/1A Flood Control Advisory Committee:

The Committee's focus is to provide input and coordination on proposed improvements and maintenance of the Zone 1/1A flood facilities, working with the Coastal San Luis Resource Conservation District. The Board appointed Paul J. Karp, Technical Consultant to the District, to the Flood Control Advisory Committee. The Committee met in January and discussed creek clearing projects by County Public Works and the cooperative effort by the Sheriff's Department to patrol the areas.

Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) Permit Renewal:

Staff revised the Sewer System Management Plan Audit Report to come into compliance with our Waste Discharge Requirement (WDR). The WDR requires an Audit be completed every two years. This audit report describes our planned activities under the Plan for the upcoming year.

District's Brine Disposal Program:

A revised Brine Disposal Plan is on site. The Plan has been submitted for comment to the Regional Water Quality Control Board (RWQCB) staff.

Staff has received a first draft of an application to discharge brine at the South San Luis Obispo County Sanitation District from Cambria Community Services District (CCSD). Additional items have been requested by staff to make the application complete. It is staff's intent to process the application as usual. This matter has been discussed by members of the public at previous Board meetings. At this writing, staff is not aware of any brine being delivered to the District for disposal from CCSD regardless of previously submitted applications. *Upon collection of the*

required fees, the District has renewed the CCSD brine permit.

Staff met on February 14, 2018 with Brad Snook and Cynthia Replogle, representing Surfrider Foundation, to review the brine program. Surfrider asked, and staff agreed, to seek input from counterparts in the field of brine disposal regarding the method of sampling brine from delivery vehicles. Staff also agreed to compare practices used by the District to any standard that may be discovered; and to draft a standard operating procedure for the practice used to process the discharge of brine delivered to the District plant for disposal. That work has been ongoing.

Recruitment of District Administrator:

CPS HR was engaged by the Board to recruit a new District Administrator. The Board has directed modifications to the recruitment brochure. Review of applications by the Board is completed. *Initial interviews have occurred.*

Recruitment of Laboratory Technician:

Staff, along with the Human Resources Consultant, are in the process of screening 76 applications to determine the most qualified candidates for the Laboratory Technician position. Interviews will be scheduled with the top qualified candidates in the near future.

Upcoming Agenda Items:

- 2015-16 Fiscal Year Audit
- Continuation of PPM Chapters Review
- Amendment to Kennedy/Jenks (K/J) Contract to implement PCR's 5 and 6 approved at the April 4, 2018 Board meeting
- RGSP – Presentation from City of Pismo Beach at an upcoming meeting

Plant Operations Report

During this reporting period (April 1 – April 11, 2018) the District’s facility continues to regularly meet its Permit limitations as required under the State of California’s National Pollutant Discharge Elimination System (NPDES) Permit issued to the District. *All process values (lab test results) were within permit limits.*

Plant Data (Monthly Data as of April 11, 2018)

April 2018	INF Flow MGD	INF Peak Flow MGD	INF BOD mg/L	EFF BOD mg/L	BOD % Removal	INF TSS mg/L	EFF TSS mg/L	TSS % Removal	Fecal Coliform MPN/100mL	Chlorine Usage lbs/day
Low	2.28	3.3	265	26.9		518	15.8		< 1.8	125
High	2.57	4.7	265	20.2		568	19.3		5	375
Average	2.39	3.82	265	18.6	93	543	17.6	96.8	<1.8	239
April 2017 AVG	2.5	3.8	488	25.2	94.8	456	27	94.1	31	166
Limit	5.0			40/60/90	>80		40/60/90	>80	2000	

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

Operation and Maintenance Projects

- Drained water in bisulfite secondary containment.
- Checked and marked Underground Service Alerts (U.S.A.'s).
- Washed all chemical probes in chlorine contact chamber.
- Cleaned and prepared parts for bladder tank.
- Rinsed out polymer totes.
- Rinsed out 3" trash pump.
- Ordered new shafts for new centrifuge auger.
- Began monthly safety walk-through.
- Completed monthly Spill Prevention Control & Countermeasures inspection.
- Continued troubleshoot of gas monitor docking station.
- Removed sludge from drying bed and dumped in storage bed.

Work Orders Completed

- Completed monthly work orders for clarifier drive maintenance.
- Test ran emergency generator and emergency bypass pump.
- Grabbed oil samples from effluent pumps and sent to LubeWatch for analysis.
- Grabbed oil samples from fixed film reactor and sent to LubeWatch for analysis.

Training

- Operations staff participated in training on slips, trips, and falls.

Call Outs

- No call outs this reporting period.

Brine Program

- Continued draft of standard operating procedure (SOP) for brine sampling.
- Contacted wastewater and water agencies that discharge and receive brine waste.

APCD Violation

Began draft of operating plan per San Luis Obispo County Air Pollution Control District violation.



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STAFF REPORT

Date: April 18, 2018

To: Board of Directors

From: Gilbert A. Trujillo, General Counsel
Paul J. Karp, Technical Consultant
Richard Sweet, Technical Consultant

Subject: **BROWN ACT CURE AND CORRECT DEMAND LETTER DATED APRIL 10, 2018**

RECOMMENDATION:

District General Counsel recommends that the Board of Directors unconditionally commit that it will cease, desist from, and not repeat the challenged past action of holding a meeting beyond the District's boundaries and authorize the Chair to execute an unconditional commitment letter pursuant to Government Code §54960.2.

BACKGROUND:

The Board of Directors held a Special Closed Session meeting on April 7, 2018, at the Courtyard Marriott located in the City of San Luis Obispo to interview candidates for the position of District Administrator. On April 10, 2018, the Sanitation District received a Brown Act Cure and Correct letter alleging that the meeting outside the boundaries of the District was improper and not noticed correctly pursuant to the Brown Act.

The District retained CPS HR Consulting ("Recruiter") to search for a District Administrator. One of the candidates was located out of state and the Recruiter recommended interviewing this candidate by video conferencing. The Recruiter indicated that she would like to use a facility that had video conferencing capabilities so that the Board would not have to conduct the interview on a small screen. It was determined at that time that only the City of Grover Beach had that capability. CPS HR Consulting sought to use Grover Beach's facility to conduct the interviews and was advised that the facility was not available on April 7th. The Consultant then began a search of nearby hotels with video conferencing facilities. The Consultant ultimately reserved rooms at the Courtyard Marriott in San Luis Obispo and notified the candidates.

The Notice of the Special Meeting was timely posted on the District's website on April 5th at approximately 5:00 p.m. and at the Oceano Community Services District, just after the office

opened at 8:00 a.m. on April 6th. No notice was posted at the reserved conference room at the Courtyard Marriott. Staff learned of the potential Brown Act violation on Friday, April 6th after 5:00 p.m. There was no time to re-notice the Special Meeting to a location within the District boundaries and to notify the candidates many of whom were in transit Friday evening to the hotel.

The Special Meeting was called to order at 8:05 a.m. on April 7th with Director Hill absent. Four members of the public spoke during the Public Comment period and all objected to the Closed Session meeting going forward because of Brown Act issues. The Board then proceeded with the interviews of the candidates. No action was taken by the Board to appoint a District Administrator. The Board identified the top candidates for the position and is prepared to recommend finalists for further consideration by the entire Board. At the conclusion of the Closed Session, it was reported that there was no reportable action. On April 10th, the Board was served with a cure and correct demand.

DISCUSSION:

Government Code §54960.2 provides that the District may issue an unconditional commitment letter that it will not in the future attempt to hold a meeting outside of its district boundaries. This provision of the Brown Act provides that an unconditional commitment letter must contain the following language: "In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the [name of legislative body] hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above." If the District issues this unconditional commitment letter, any interested party is precluded from filing an action to challenge the District's Special Meeting on April 7, 2018.

Staff is recommending the issuance of this unconditional commitment letter. The District unintentionally and in good faith located the Special Meeting outside the District boundaries. The District subsequently learned that the City of Arroyo Grande has video conferencing equipment located at the City Hall conference room that can be used by the District in the future if necessary.

With respect to the demand that the District "cure" any Brown Act violations by holding the special meeting a second time inside the District's boundaries and after notice has properly been given, no cure is required or even possible because the Board took no "action" at the April 7, 2018 special meeting. Government Code Section 54952.6 defines "action taken" as "a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance." Because none of these actions occurred at the April 7, 2018 meeting, there can be no cure. Improperly locating and noticing a meeting is not considered "action" that is subject to cure, nor are the deliberations that may have occurred there. *Boyle v. City of Redondo Beach*, 70 Cal. App. 4th 1109, 1118 (1999).

The agenda was timely posted to the District's website and at the Oceano Community Services District in substantial compliance with the Brown Act. The District acknowledges that no agenda was posted at the Courtyard Marriot. Staff will fully attempt to comply in good faith with the noticing requirements of the Brown Act in the future.

FISCAL CONSIDERATIONS:

There is no fiscal impact by authorizing the issuance of the unconditional commitment letter.

OPTIONS:

1. The Board may decline to issue the unconditional commitment letter. This direction is not recommended since it could expose the District to costly and pointless litigation.
2. The Board may direct staff to re-notice the Closed Session and invite the candidates to interview for a second time.
3. The Board may provide other direction to staff.

Attachment: Unconditional Commitment Letter



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April 18, 2018

JULIE TACKER
PO Box 6070
Los Osos, CA 93412

Dear Ms. Tacker, Mr. Arnoldsen, Ms. Peterson, Ms. Price, Ms. Kubel, Mr. Clemons, Ms. Victorine, and Mr. Panaro, P.G.:

Re: April 10, 2018 Cure and Correct Demand Letter

The South San Luis Obispo Sanitation District (the "District") has received your cure and correct letter dated April 10, 2018 alleging that the April 7, 2018 special meeting of the Board of Directors was improperly held outside the boundaries of District's jurisdiction and was improperly noticed.

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Board of Directors of the South San Luis Obispo Sanitation District hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The Board of Directors may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment or may be mailed to an address that you have designated in writing.

MS. JULIE TACKER et al
Page 2

With respect to your demand that the District “cure” any Brown Act violations by holding the special meeting a second time inside the District’s boundaries and after notice has properly been given, no cure is required or even possible because the Board took no “action” at the April 7, 2018 special meeting. Government Code Section 54952.6 defines "action taken" as "a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance." Because none of these actions occurred at the April 7, 2018 meeting, there can be no cure. Improperly locating and noticing a meeting is not considered “action” that is subject to cure, nor are the deliberations that may have occurred there. *Boyle v. City of Redondo Beach*, 70 Cal. App. 4th 1109, 1118 (1999).

Very truly yours,

Linda Austin, Chair, Board of Directors
South San Luis Obispo County Sanitation District

c: Board of Directors, SSLOCSD



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STAFF REPORT

Date: April 18, 2018
To: Board of Directors
From: Richard Sweet and Paul J. Karp, Technical Consultants
Subject: **DISCUSSION OF PERSONNEL POLICY MANUAL UPDATES**

RECOMMENDATION:

That the Board of Directors continue to discuss the current draft revisions to the Personnel Policy Manual (PPM) as distributed at the Board meeting of February 7, 2018; and continue discussion of the draft revision at the Board meeting of April 18, 2018.

BACKGROUND:

On November 15, 2017, staff presented the Board of Directors with a comprehensive update of the District Personnel Policy Manual (PPM). The last complete update of the Personnel Policy Manual occurred in April 2005.

The Board reviewed updates, modifications, and additions to the draft update of the Manual, and provided staff with direction to modify specific areas and bring the full document back for the second reading. The second reading of the PPM was scheduled for the Board meeting of December 6, 2017. Rather than adopt the final document, the Board directed staff to bring the PPM back for further discussion.

DISCUSSION:

The Chair should take comments from the public. The Chair should then close the public comment period and the Board should review and discuss the PPM. The Board Secretary will record proposed changes from the discussion and maintain a "working copy" until the Board determines it has completed its review and the document is ready for adoption. The "working copy" will be used to revise the draft PPM. The District employee members contributed significantly to many of the modifications that appear in the current draft. Any changes will be referred to the Service Employees International Union (SEIU) for input. The final document will be forwarded to the Board for adoption at a future regular Board meeting. The PPM is a comprehensive document that has been drafted by consulting human resources professionals

employed by the District. The document was then referred to District Counsel for review. The final draft was reviewed by professional staff who represent public employees throughout San Luis Obispo and Santa Barbara Counties. Many of the terms and procedures follow protocol developed over time in the industry. Specific clauses and terms contain significance in both statutes and case law. The Board should consult with District Counsel prior to making changes to avoid rendering the document unenforceable.

At the Board meeting of April 4, 2014, the Board provided comments up to page 5091-1 of PPM. The Board is poised to proceed with review of the PPM starting with page 5091-1.



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April 9, 2018

MR. JAMES A. BERGMAN
City Manager
City of Arroyo Grande
300 East Branch Street
Arroyo Grande, CA 93420

Re: March 19, 2018 Request for Status Update on 2015/16 and 2016/17 Financial Audits

Dear Mr. Bergman:

The most recent estimate for delivery of the 2015/16 financial audit by Glenn Burdette, the auditor under contract with the South San Luis Obispo County Sanitation District to produce same, is May 16, 2018. We are further advised by Glenn Burdette that work on the 2016/17 audit will commence soon thereafter. A delivery date has not been proposed for completion of the 2016/17 audit. The District will inquire as to the estimated delivery date of the 2016/17 audit during the auditor's Board presentation of the 2015/16 audit.

Sincerely,

/s/ Paul J. Karp

PAUL J. KARP
TECHNICAL CONSULTANT

c: Board of Directors