

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works		(2) MEETING DATE March 20, 2007	(3) CONTACT/PHONE John Waddell, Project Engineer (805) 781-5252	
(4) SUBJECT Request to Appoint Members to the Los Osos Wastewater Technical Advisory Committee				
(5) SUMMARY OF REQUEST The Board of Supervisors has approved a resolution forming the Los Osos Wastewater Project Technical Advisory Committee. The attached staff report submits the Public Works Department recommendations for appointments to the Committee.				
(6) RECOMMENDED ACTION It is our recommendation that your Honorable Board: 1. Adopt the attached resolution amending the Bylaws for the Los Osos Wastewater Project Technical Advisory Committee by expanding the Committee from eleven to fourteen members. 2. Approve the attached list of recommended appointments to the Los Osos Wastewater Project Technical Advisory Committee. 3. Receive public comment on issues related to the Los Osos Wastewater Project.				
(7) FUNDING SOURCE(S) General Fund		(8) CURRENT YEAR COST \$2,000,000 for this Phase	(9) ANNUAL COST N/A	(10) BUDGETED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): There are no other agencies involved.				
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____				
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input checked="" type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All		(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(15) Maddy Act Appointments Signed-off by Clerk of the Board <input checked="" type="checkbox"/> N/A	
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Board Business (Time Est. 45 MIN.)		(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	(22) Agenda Item History <input type="checkbox"/> N/A Date: December 19, 2006	
(23) ADMINISTRATIVE OFFICE REVIEW				

Reference: 07MAR20-BB-1



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

TO: Board of Supervisors

FROM: John Waddell, Project Engineer *JW*

VIA: Noel King, Director of Public Works *NK*

DATE: March 20, 2007

SUBJECT: Request to Appoint Members to the Los Osos Wastewater Project Technical Advisory Committee

Recommendation

It is our recommendation that your Honorable Board:

1. Adopt a resolution amending the Bylaws for the Los Osos Wastewater Project Technical Advisory Committee by expanding the Committee from eleven to fourteen members.
2. Approve the attached list of recommended appointments to the Los Osos Wastewater Project Technical Advisory Committee.
3. Receive public comment on issues related to the Los Osos Wastewater Project.

Discussion

At your Board's December 19, 2006 public hearing you approved a resolution forming the Los Osos Wastewater Project Technical Advisory Committee (TAC). The committee bylaws provide for a committee to be composed of eleven members:

- one (1) chair,
- one (1) vice chair (the Los Osos CSD District Engineer),
- three (3) engineering/water resource members,
- three (3) environmental members, and
- three (3) financial members.

After reviewing the qualifications of forty applicants for the ten committee positions other than the Vice Chair position which has already been filled by the Los Osos CSD District Engineer, staff believes that the project efforts would be better served by adding three additional positions to the committee. To take advantage of the expertise that is available, we recommend that each technical group be increased from three to four members.

Public Works Department staff closed the application period on March 2, 2007, in accordance with the approved bylaws. After reviewing the many applicants, the following individuals are recommended for appointment to this committee by the Public Works Director.

The recommended members are:

Chair	William Garfinkel
Vice Chair	Rob Miller
Engineering/ Water Resources	John Brady, John Fouche, Bob Semonsen, Russell Westman
Environmental	Don Asquith; Daniel Berman, Maria Kelly, Marshal Ochylski
Finance	George Call, James Furman, Rob Shipe, Karen Venditti

Other Agency Involvement/Impact

There is no other agency involved.

Financial Considerations

Today's recommended actions will not result in any additional project cost.

Results

Appointment of members to the Los Osos Wastewater Project TAC will help facilitate a livable community, and a well governed community by providing objective project alternative information to the members of the Los Osos Community.

Attachments: Exhibit A - Resolution
Exhibit B - Summary of Qualifications of Recommended Committee Members
Exhibit C - List of Applicants Not Being Recommended for Committee Appointment

File: CF 310.85.02 Los Osos Wastewater Treatment Plant

Reference: 07MAR13-BB-1

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.

RESOLUTION AMENDING THE BYLAWS OF THE: LOS OSOS WASTEWATER PROJECT TECHNICAL ADVISORY COMMITTEE

The following Resolution is now offered and read:

WHEREAS, on June 19, 2006, the Board of Supervisors adopted policies including a legislative platform containing key project elements and project strategies to provide guidance on input into Assembly Bill 2701 (Blakeslee) and to provide staff direction on project efforts including creation of a Technical Advisory Committee on the project; and

WHEREAS, on September 20, 2006, California Governor Arnold Schwarzenegger signed AB 2701 (effective January 1, 2007) providing your Board with the discretionary authority over the development of a wastewater project for the community of Los Osos; and

WHEREAS, on October 3, 2006, your Board approved a \$2.0 million budget for preliminary project efforts including preparing alternatives analysis, updating cost estimates, preliminary environmental efforts, a property owner (Proposition 218) vote on whether to authorize property-secured financing for the project, and some due diligence costs; and

WHEREAS, on December 19, 2006, your Board adopted a resolution forming the Los Osos Wastewater Project Technical Advisory Committee, which included the committee bylaws and established that the committee would be comprised of eleven (11) members; and

WHEREAS, the Public Works Department has received an unexpectedly high level of applicants who can provide valuable input to your Board and believes the project efforts will be better served by adding three (3) additional positions to the committee.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the San Luis Obispo County, County of San Luis Obispo, State of California, as follows:

1. The Bylaws of the "Los Osos Wastewater Project Technical Advisory Committee" are hereby amended for the purpose of providing an additional member position to each of the three (3) technical areas of the committee, namely, Engineering/Water Resources, Environmental, and Financial.
2. The amended Bylaws attached hereto as "Attachment A," are hereby adopted.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: Walter Jensen
Chief Deputy County Counsel

Dated: March 9, 2007

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STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20 _____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By _____
Deputy Clerk.

ATTACHMENT A - BYLAWS

1. Name

The name of this organization shall be **“Los Osos Wastewater Project Technical Advisory Committee”**, hereafter referred to as the Committee.

2. Purpose and Authority

- a. On June 19, 2006, the Board of Supervisors adopted policies including a legislative platform containing key project elements to provide guidance on input into Assembly Bill 2701 (Blakeslee) and project strategies to provide staff direction on project efforts including creation of a Technical Advisory Committee on the Project.
- b. The committee is created within the meaning of a Task Force under existing Board policy, established on July 13, 1993 (Item B-13), which provides exemptions from the requirements of Government Code Section 54970 et seq. for certain committees. Committee appointments shall nevertheless be based on an open application process as provided herein, with recommendations developed by the Director of Public Works for the Board of Supervisors, and appointment by the Board. The Committee shall sunset no later than June 30, 2008.
- c. The Committee exists under the authority of the Board of Supervisors. The committee and its members are not empowered to commit the County to any action, participation, or financial involvement. The Committee is not authorized to take any legal action on behalf of the County, or to legally bind the County in any way.
- d. The purpose of the Committee is to assist in the development of a Pro/Con analysis of Project alternatives, receive public input, and make recommendations to the Board on that Pro/Con analysis.

3. Areas of Responsibility

- a. The Committee shall be responsible for making recommendations to the Board of Supervisors in the following areas:

- i. As its "First Priority," recommendations on the Pro's and Con's of the Project Alternatives developed by the Department of Public Works and consultants that comprise the "Project Team."
 - ii. The Board recognizes that the Committee may, in its review, develop opinions regarding the Project Team's development of Project alternatives, and in addition to the Committee's First Priority, the Committee may also provide the Board with input on the Project Team's efforts and performance in developing Project alternatives.
 - iii. Informing, and seeking the input from, the community on matters regarding the Project alternatives.
 - iv. Reviewing information provided by County staff and communicating this information to the Board of Supervisors.
 - v. The Committee is not intended to develop a recommendation on which Project alternative should be implemented by the County since the County intends to conduct a community advisory vote for that purpose.
- b. The Committee and its members shall conduct its meetings and discussions with respect to the diversity of opinions, to its members, and to all individuals from the public and other organizations.

4. Membership

- a. Membership is by appointment of the Board of Supervisors.
- b. The Committee will have ~~eleven~~ fourteen members including the following:
 - Committee Chair
 - District Engineer
 - ~~Three (3)~~ Four (4) Engineering / Water Management members
 - ~~Three (3)~~ Four (4) Environmental Members
 - ~~Three (3)~~ Four (4) Financial Members

- c. The Board of Supervisors will avoid appointment of public officials whose duties are incompatible within the membership on the Committee, within the meaning of the doctrine of incompatible offices, as codified in California Government Code Section 1099.
- d. The term of membership shall be for the duration of the Committee, beginning on the effective date that members are appointed by the Board, and which shall continue through the period in time leading up to the community advisory vote targeted for the first half of calendar year 2008.
- e. No member may assign or transfer their membership on the Committee.
- j. Vacancies in membership will be noticed by the Department of Public Works in a newspaper of general circulation within the community for four consecutive weeks. Persons seeking to fill posted vacancies will submit application resumes to the Public Works Department within 15 days of the final notice. The Public Works Department will transmit the Application resumes to the Board of Supervisors together with recommendations for appointment.
- k. Committee members shall serve without compensation except that the District Engineer shall serve under a professional services agreement with the County.

5. Officers

- a. The Committee Chair shall be appointed by the Board. The Committee Vice-Chair shall be the District Engineer. The Secretary to the Committee, who is not a member of the Committee, shall be the Project Director or designee.
- b. It shall be the duty of the Committee Chair to:
 - i. Preside over meetings.
 - ii. Prepare the agenda for all Committee meetings.
 - iii. Call special meetings when necessary.
- c. It shall be the duty of the Vice Chairperson to:
 - i. Preside over meetings in the absence of the Chairperson.

- ii. Assist the Chairperson in any of the chairperson's duties as the Chairperson may require.
- d. The Secretary shall keep notes of all meetings and be responsible for correspondence.
- e. Any member may resign their position at any time by submitting a written letter of resignation to the chairperson or vice-chairperson.
- f. If any member misses three consecutive Committee meetings, the Committee may recommend that member for removal.

6. Standard Meetings

- a. Meetings shall be held on a schedule established by the Committee. The frequency of meetings will be determined by the Committee. Meetings shall be noticed and held in a manner consistent with applicable law, including the Brown Act, California Government Code Sections 54950 et seq.
- b. A majority of the appointed membership shall constitute a quorum.
- c. Special meetings may be called by the Chairperson or by the Director of Public Works, personally or by mail, of written notice to each member and to each local newspaper, radio or television station requesting such notice in writing. Such notice shall be received at least 24 hours before the time of such meeting, as specified by notice.
- d. All regular and special meetings will be open to the public, and a portion of each meeting will be reserved for public comment.
- e. Any decision or recommendation to the Board of Supervisors shall require a majority vote of the committee members present.
- f. Minutes of each meeting are to be submitted to the Clerk of the Board. All minutes, agendas, reports, proposals and material relating to the Committee's business shall be accessible to the public.

**Exhibit B – Summary of Qualifications of
Recommended Committee Members**

NAME	TECHNICAL AREA	SUMMARY OF QUALIFICATIONS
William Garfinkel	Chair	Retired business manager for industrial operations—Rockwell Automation; LOCAC member (2005-pres.), Vice-Chair—Land Use Sub-Comm., Chair—Community Outreach Sub-Comm.
John Brady	Eng/Water Resources	M.S. Environmental Engineering; Registered Civil Engineer; U.S. Patent holder; Water Quality Engineer—Golden State Water Co.; Redistricting Advisory Comm. Member (2002)—San Luis Coastal School District
John Fouche	Eng/Water Resources	M.S. Civil and Environmental Engineering; Registered Civil Engineer; Senior Transportation Engineer—Caltrans; LOCSD Board Vice-President (2005-2006)
Bob Semonsen	Eng/Water Resources	B.S. Architecture; Owner of Bob Semonsen Assoc.; LOCSD Board member (2004); LOCAC member (1990-2002); former member of LOCSD WW Comm.; County Citizens Trans. Advisory Comm. Member (pres.)
Russell A. Westmann	Eng/Water Resources	Ph.D. Civil Eng; Registered Civil Engineer; Registered Mechanical Engineer; Retired Professor and Associate Dean—UCLA School of Engineer; Civil Engineering Lecturer—Cal Poly SLO
Don Asquith	Env	Ph.D. Geology; Certified Engineering Geologist; Registered Professional Geologist; Retired Environmental Consultant—Morro Group; Principal author of Final EIR, CSA 9 (Los Osos), Wastewater Treatment Facilities, 1989
Daniel Berman	Env	B.A. Marine Biology; Program Director—Morro Bay National Estuary Program
Maria M. Kelly	Env	B.S. Liberal Studies, Legal Assistant—Environmental Law firm; LOCSD Board candidate (2006)—first runner-up
Marshall E. Ochylski	Env	Masters Landscape Architecture; J.D. Law; Licensed Landscape Architect; Attorney-at-Law—specializing in CEQA compliance

**Exhibit B – Summary of Qualifications of
Recommended Committee Members (cont.)**

NAME	TECHNICAL AREA	SUMMARY OF QUALIFICATIONS
George A. Call	Finance	Retired business owner for financial and estate planning—Call Company; Chartered Financial Consultant
James E. Furman	Finance	Retired business executive for several water and wastewater industry companies—Phase Metrics (Vice-President), Eco Resources (President and C.E.O.), Baker Hughes Process Technologies (President), and Wemco (President)
Rob R. Shipe	Finance	Business owner of Absolute Janitorial; former member of LOCSD WW Sub-Comm. (2006); CDO recipient from Regional Water Quality Control Board; LOCSD Board candidate (2006)
Karen J. Venditti	Finance	Retired senior loan officer—Washington Mutual; Calif. Insurance License; Series 66 Calif. Securities License; Chair—LOCSD Adhoc Grants Comm. (2006)

**Exhibit C – List of Applicants Not Being
Recommended for Committee Appointment**

NAME
John Alexander
Charles R. Ashley Jr.
Craig Baltimore
Alfred Barrow
Don Bearden
William Bianchi
Brent Earl Bosserman
Mitch Cooney
Fred Dellagata
Paul DeMello
Jeff Edwards
Frank Freiler
Martha Goldin
Shaun Kelly
Gail McPherson
Eric Michielssen
Steve Paige
Alon Mark Perlman
Tina Peterson
Thomas A. Ruehr
Patrick Ryan
George Sheffield
Everett A. Shong
Gordon Taylor
James Tkach
Ben Wells
Bill Woodson