



**Nacimiento Project Commission  
Meeting and Agenda  
Thursday, May 24, 2012 – 4:00 pm  
Templeton Community Services District Offices**

---

1. Call to Order
  - a. Call to Order, Roll Call, and Flag Salute
2. Public Comment  
This is the opportunity for members of the public to address the Commission on items that are not on the agenda, subject to a three minute time limit.
3. Meeting Notes from April 19, 2012 (RECOMMEND APPROVAL)
4. COMMISSION INFORMATION ITEMS – written reports with brief verbal overview by staff or consultant. No action is required.
  - a. April 13, 2012 Pipe Section Rupture
  - b. Status of Construction Contracts
  - c. Invasive Species Prevention Program
  - d. District/County Fiber Optic MOU Status Update
5. PRESENTATIONS – no action required.
  - a. None
6. COMMISSION ACTION ITEMS  
(No Subsequent Board of Supervisors Action Required)
  - a. None
7. COMMISSION ACTION ITEMS  
(Board of Supervisors Action is Subsequently Required)
  - a. None
8. FUTURE AGENDA ITEMS DESIRED BY COMMISSION

Commissioners  
**John Hamon, Chair**, City of El Paso de Robles  
**Judy Dietch, Vice Chair**, Templeton CSD  
**Grigger Jones**, Atascadero MWC  
**Andrew Carter**, City of San Luis Obispo  
**Frank Mecham**, SLO County Flood Control & Water Conservation District

---

**Next Commission meeting scheduled for  
Thursday, August 23, 2012, at 4:00 pm at  
Templeton Community Services District Offices**

---



Nacimiento Project Commission  
May 24, 2012  
**Agenda Item 3 – Meeting Notes from April 19, 2012**

---

**Agenda Item 1.a – Call to Order, Roll Call, Flag Salute**

**Chairman Hamon convened the meeting at 4:01 p.m.**

Commissioners Present: Chairman John Hamon, City of Paso Robles  
Vice-Chairman Judith Dietch, Templeton Community Services District  
Frank Mecham, San Luis Obispo County Flood Control and Water  
Conservation District  
Andrew Carter, City of San Luis Obispo  
Grigger Jones, Atascadero Mutual Water Company

**Agenda Item 2 – Public Comments** There are no public comments.

**Agenda Item 3.a – Meeting Notes from February 23, 2012**

Commissioner Mecham moved to approve the meeting notes from the February 23, 2012, Commission Meeting, and Commissioner Carter seconded the motion. Motion passed unanimously.

**Agenda Item 4 – Commission Informational Items**

Dean Benedix, Utilities Division Manager, provided the Commission with the following discussion:

Nacimiento Pipe Break Photographs – Mr. Benedix updated the Commission on the pipe break that occurred in Santa Margarita on April 13, 2012. Operations staff discovered the leak after noticing that the pipe flow through the pipe was about 25% higher than normal and the level in Cuesta Tank was decreasing. The break occurred on Santa Margarita Ranch. A ten foot diameter hole was filled with mud and had to be de-watered. The pipe ruptured at 4 o'clock along the top of the pipe; the rupture was 30 inches long. A dent in the pipe may have created a stress point. Atascadero Mutual Water Company supplied an 18 inch ductile iron pipe to replace the damaged portion. The District installed this pipe as a temporary fix. Southern California Pipeline was contacted to provide design for permanent repair.

**Agenda Item 4.a – Fiber Optic Pull Box Modification Project Report**

Mr. Benedix stated that the District went back and modified 169 Fiber Optic Pull Boxes and saved about \$33,000 over the estimated budget of \$183,000. Rick Meeks provided the field inspection. Mr. Benedix believes that the pull boxes have been sealed, located and modified as appropriate to prevent rodent entrance.

**Agenda Item 4.b – Invasive Species Prevention Program**

Mr. Benedix briefly discussed the Resident Vessel Program; the program has been finished. The District is working with NRWAC on the Program and communicating with communities and residents. Monterey County talked of extending the 14 day permit period to 21 days.

Commissioner Mecham stated that Heritage Ranch Home Owners Association will likely not extend their Resident Vessel Program permit to 21 days but will leave it at 14 days.



**Agenda Item 4.c – ASCE National Award [Hoover Dam Bypass]**

Mr. Benedix informed Commission that Nacimiento Water Project was nominated as one of five and the Hoover Dam Bypass won the award.

**Agenda Item 4.d – MCWRA Reservoir Release Update**

Mr. Benedix stated the Nacimiento Reservoir is approximately 73% full and MCWRA is releasing water at 300 cubic feet per second; the lake is expected to drop 10% in a month's time.

**Agenda Item 5. – Presentations (No Action Required)**

No presentations were scheduled nor made at the meeting.

**Agenda Item 6. – Commission Action Items (No Subsequent Board of Supervisors Action Required)**

No Action Items were scheduled nor made at the meeting.

**Agenda Item 7 – Commission Action Items (Board of Supervisors Action Subsequently Required)**

**Agenda Item 7.a – FY 2012/13 Nacimiento Water Operating Fund Budget**

Mrs. Hall discussed the Nacimiento Water Operating Fund Budget and the budget review process. Overtime money is being added to the Operations Reserve.

Commissioner Jones discussed the Water Quality reports and the need to analyze the costs and benefits of the current system. Commissioner Jones suggested considering outsourcing work next year as a way to lower the costs.

Chairman Hamon called for a motion to approve the Nacimiento Water Operating Fund Budget and to send it to the County Board of Supervisors in June. Commissioner Jones moved to approve the Nacimiento Water Operating Fund Budget and Commissioner Dietch seconded the motion. Motion passed unanimously.

**Agenda Item 7.b – Fiber Optic Use MOU with County Information Technology**

Mr. Benedix discussed the draft MOU with County Information Technology and revenue sharing. Mr. Benedix informed the Commission of the TSG's concerns about the revenue sharing. TSG wanted at a minimum of 10% to the District from the revenue made from the County's strands. The County Administration suggested that revenue sharing between the County and the District be set at 20%. Mr. Benedix stated that he would bring the MOU back to the TSG in May for their final edits if the Commission was satisfied with the agreement. Mr. Benedix stated that if there were controversial and/or significant issues in the MOU, he would bring it back to the Commission. The Commission deemed that the 20% revenue sharing was acceptable to them. Commissioner Deitch requested the MOU be brought back to Commission during the May meeting; Mr. Benedix consented to bringing the MOU to the meeting in May.

Mr. Benedix stated that the District is working on a Third Party MOU for Fiber Optic Use.

**Agenda Item 8 – Future Agenda Items Desired by Commission**

No Future Agenda Items were scheduled for future meetings.

Commissioner Hamon adjourned the meeting at 4:54 p.m.





SAN LUIS OBISPO COUNTY  
**DEPARTMENT OF PUBLIC WORKS**

Paavo Ogren, 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](mailto:pwd@co.slo.ca.us)

**TO: Nacimiento Project Commission**

**FROM: Scott Duffield, Utilities Project Manager**

**VIA: Dean Benedix, Utilities Division Manager**

**SUBJECT: April 13, 2012 Pipe Section Rupture**

**DATE: May 24, 2012**

**Discussion**

As reported in public comment at the April 19, 2012 Commission meeting, a section of pipe ruptured on Friday, April 13, 2012. The location of the rupture was on an overland section of the pipeline on the pastureland of Santa Margarita Ranch near Yerba Buena Avenue. The rupture did not cause any damage to person or property and sediment from the water release was contained to the easement area within the pastureland. The rupture was located, and emergency temporary repairs were made by the District. Water deliveries resumed by Tuesday April 17, 2012.

The District notified the contractor of the rupture and subsequently, the emergency temporary repairs, and informed them that permanent repairs shall be completed by the contractor. The notice to the contractor requested a response within 30-days. The pipe supplier, contractor and District are investigating the cause of the rupture. The District will provide status updates of the permanent repair and report the findings of the investigation to the Technical Support Group and your Commission.





# SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, 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](mailto:pwd@co.slo.ca.us)

**TO: Nacimiento Project Commission**

**FROM: Scott Duffield, Utilities Project Manager**

**VIA: Dean Benedix, Utilities Division Manager**

**SUBJECT: Status of Construction Contracts for Facilities, Pipeline North, and Pipeline South**

**DATE: May 24, 2012**

## Discussion

This report is presented as a status update of the subject Construction Contracts.

- Facilities, Mountain Cascade, Inc. – A Notice of Completion has been accepted by the District's Board of Supervisors on September 13, 2011. The District withheld Liquidated Damages in the amount of \$85,000, and Defective Work damages in the amount of \$7,300, from final payment to the Contractor. The Contractor filed a Complaint on January 20, 2012 and seeks to recover all damages, including the Liquidated Damages amount of \$85,000; therefore the net value of the claim is approximately \$7,300, plus attorney fees, costs of suit incurred, and other damages to be proven at time of trial. The District is moving forward with defense of the Complaint.
- Pipeline North, Teichert Construction, Inc. – A Notice of Completion has not been accepted by the District's Board of Supervisors. The District has withheld or assessed Liquidated Damages in the amount of \$1,497,200 from payments to the Contractor. The Contractor filed a Complaint on September 29, 2011, and seeks to recover approximately \$3,091,566, which includes the value of the withheld or assessed Liquidated Damages, other potential change order work and delay claims, and statutory penalties; therefore the net value of the claim is approximately \$1,594,366, plus attorney fees, costs of suit incurred, and other damages to be proven at time of trial. The District is moving forward with defense of the Complaint.
- Pipeline South, Southern California Pipeline, Inc. – A "Settlement Agreement and Release" (Agreement) with Southern California Pipeline, Inc. has been accepted by the District's Board of Supervisors, on April 4, 2012. The District had withheld



Liquidated Damages in the amount of \$2,427,160 from payments to the Contractor. The Contractor filed a Complaint on November 15, 2010, and looked to recover approximately \$4,900,000, which includes the value of the withheld Liquidated Damages, other potential change order work and delay claims, statutory penalties, attorney fees, costs of suit incurred, and other damages to be proven at time of trial. The Agreement provided for a Final Payment to the Contractor of \$2,875,000, which resulted in a change in Contract Price of \$241,825. The final Contract Price is within the Contract award and approved Project contingency value.

Future updates will be presented to the TSG and your Commission.





# SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, 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](mailto:pwd@co.slo.ca.us)

**TO: Nacimiento Project Commission**

**FROM: Carolyn Berg, Utilities Division Staff Engineer**

**SUBJECT: Mussel Prevention Program**

**DATE: May 24, 2012**

## **Recommendation**

Receive a status update on mussel prevention efforts and provide feedback and recommendations on how to address “community enrollment” of private ramps without community boards (i.e. where a ramp is established through easements that independently benefit multiple property owners).

## **Discussion**

District staff continues to work with representatives of Monterey County and the Nacimiento Regional Water Management Advisory Committee (NRWMAC) to implement the 2012 Mussel Prevention Program. The following are notable elements of the 2012 Mussel Prevention Program:

- Created and began community outreach for the newly offered, voluntary-enrollment Resident Vessel Program (RVP) – see discussion below on community enrollment.
- All vessels must undergo screening/inspection prior to launch OR be enrolled in and comply with the RVP.
- All vessels must maintain a current, valid Vessel Screening Permit (renewed at least every 21 days) OR carry a valid Resident Vessel Certificate and Affidavit (if enrolled).

Resident Vessel Program Community Enrollment. After receiving policy support of a RVP from your Commission and the District Board of Supervisors, Staff worked with Monterey County and NRWMAC to finalize the RVP and to include it in the Monterey County Parks’ 2012 Mussel Prevention Program Standards. The RVP was published and distributed to eligible communities on May 11, 2012. If the ramp is interested in participating in the RVP, they must execute a resolution thereby enrolling the ramp (and allowing eligible residents to apply) into the program. Staff received input from NRWMAC Director Phil Humfrey expressing disappointment with the requirement that all residents of ramps without community boards execute a resolution.



During the policy discussions, community enrollment into the RVP was identified and discussed, but privately-owned ramps without community boards (i.e. where a ramp is established through easements that independently benefit many property owners) were not originally identified and discussed. While Staff remains committed to addressing this detail as the RVP moves forward, the RVP has been released for eligible communities to consider before Memorial Day weekend and begin implementing in the early boating season. In order to address private ramps established via multiple easements, Staff will have to follow up with Monterey County to develop concurrence on how to address this detail while staying consistent with prior policy discussions. Currently, the RVP requires:

*“If ramp does not have an elected board of directors, use the sample resolution, which shall be signed by all owner(s), easement holder(s), or development member(s) of the ramp.”*

Community Enrollment Approach and Reasons. In addition to remaining consistent with prior discussions and policy direction, Staff anticipates that some or all of the following reasons for requiring signatures from all easement holders may be considered:

- *Protect the Lake:* It only takes one unaware or non-compliant boater to infest Lake Nacimiento with mussels.
- *Risk of Ramp Closure:* Incidents of non-compliance by individuals could be grounds for ramp’s removal from the RVP and for ramp closure, if the ramp’s owners/easement holders are exposing the lake to undue risk [SLO Co. Ord. 11.20.120.10(h)].
- *All Residents Prepared to Meet Community Requirements:* Ensuring that all responsible for ramp use are adequately informed of and prepared to meet “community” requirements provides consistency with what is required of communities with governing boards.
- *Ensure All Residents Understand Who is Participating:* If a resident of a ramp without a governing board is allowed to sign a resolution individually, it is unknown whether the ramp’s remaining owners/easement holders would understand that individual’s intent to participate in the RVP. Therefore, owners/easement holders may be unaware of the community’s requirement to monitor the individual’s compliance and more importantly, may be unaware of the consequences if that individual does not comply with RVP requirements.

Of course, the District will consider individual scenarios presented by ramps if the easement holders find difficulty in getting certain individuals to execute a resolution. It is anticipated that program details will be addressed or refined during initial implementation.

In the meantime, the implementation of the general Mussel Prevention Program continues. Notably, the most common resident concern after last boating season has been addressed with the extension of the 14-day inspection renewal period to 21 days.

Mussel Prevention Program Implementation. The 2012 Mussel Prevention Program continues to include a strong public outreach element that involves: roadway/highway signage, informational brochures, presentations to communities, and media outreach. NRWAC continues to provide fundamental support by participating in informational



meetings and presentations with various lakeside communities. For more information, please visit:

[http://www.slocounty.ca.gov/PW/NacWP/Quagga-Zebra\\_Mussel\\_Info.htm](http://www.slocounty.ca.gov/PW/NacWP/Quagga-Zebra_Mussel_Info.htm)

Along the lines of program outreach, Staff wishes to express gratitude for NRWMAC's participation in the 2012 Mussel Prevention Program planning and implementation. The NRWMAC Board of Directors have led the initial outreach to lakeside communities and voluntarily had four of their Directors trained as Level II Inspectors at Lake Mead, in order to help District and Monterey County staff conduct training and education courses this season. The following list conveys recent public information meetings and certified screener training sessions:

*Information Meetings—Mussel Prevention Program (via NRWMAC Directors):*

February 10 <sup>th</sup> - Heritage Ranch	April 16 <sup>th</sup> - Tri-Counties
April 5 <sup>th</sup> - Heritage Ranch	April 21 <sup>st</sup> - Oak Shores
April 8 <sup>th</sup> - Ranchos del Lago	April 28 <sup>th</sup> - Running Deer Ranch
April 8 <sup>th</sup> - South Nacimiento Roads Assoc.	May 6 <sup>th</sup> - Northshore S&B
April 14 <sup>th</sup> - Cal Shasta Boat Club	Several dates/times with various
April 15 <sup>th</sup> - Laguna Vista Boat Club	individual private ramps

*Certified Screener Training Sessions—Mussel Prevention Program:*

- May 6<sup>th</sup>, 10:00 am at Heritage Ranch HOA Rec Barn
- May 18<sup>th</sup>, 1:00 pm at San Antonio South Shore Conference Room
- May 19<sup>th</sup>, 9:00 am and 1:00 pm at Cal Shasta Club House

Current efforts are on schedule to meet the 2012 Prevention Program start date (Memorial Day Weekend). Ongoing activities beyond those stated above include:

- Enroll communities/ privately owned launch ramps in Resident Vessel Program; subsequently, enroll eligible residents associated with these ramps in the program.
- Schedule and begin conducting Mussel Awareness Class (RVP) with NRWMAC.
- Determine if other modes of RVP "community" enrollment of private ramps without community boards are acceptable to partner agencies (i.e. other than having all easement holders execute a resolution to enroll in the RVP).

### **Financial Considerations**

Prevention program costs are included in the approved FY 2011-2012 budget and are included in the FY 2012-2013 proposed budget. The costs will be funded in the Nacimiento Operation and Maintenance Fund (2200002000).

### **Summary**

Continuing support of the invasive species prevention efforts will ensure a healthy, safe, well-governed community.

File: E.5.4.3.1





# SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, 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](mailto:pwd@co.slo.ca.us)

**TO: Nacimiento Project Commission**

**FROM: Scott Duffield, Utilities Project Manager**

**VIA: Dean Benedix, Utilities Division Manager**

**SUBJECT: Status Update on the Memorandum of Understanding of the Fiber Optic Communication Element for the Nacimiento Water Project, Between the San Luis Obispo County Flood Control and Water Conservation District and San Luis Obispo County**

**DATE: May 24, 2012**

## Discussion

During the Nacimiento Water Project (Project) design phase, the San Luis Obispo County General Services Agency (County) expressed interest in having a dedicated number of fiber optic strands installed in conjunction with the Project fiber optic system. The County identified that it would benefit the public to install an additional seventy two (72) strands in combination with the Project's twenty four (24) strands. The County also identified three possible loop connections with existing fiber optic lines that could be used to provide redundancy and backup capabilities to both the Project and County communications. It was agreed that a Memorandum of Understanding (MOU) between the County and the San Luis Obispo County Flood Control and Water Conservation District (District) be crafted.

The Project fiber optic system consists of two components; (1) the fiber optic cable, hardware, and accessories (cable) component, and (2) the fiber optic conduit (conduit) component. The total number of fiber optic strands installed by the Project is ninety six (96).

The MOU was discussed at the April 12, 2012 Technical Support Group (TSG) meeting. The TSG asked District staff several questions and their primary issue of concern was a provision regarding revenues that may be generated from the additional 72 fiber strands that were to be used by the County (strands 25-96). The TSG suggested that a minimum of 10% of the net revenue be returned to the Project.

This item was presented to your Commission at the April 19, 2012 meeting. At the meeting staff advised that the County proposed 20% of any net revenue from the use of the additional 72 fiber strands be returned to the Project. The Commission unanimously concurred with the proposed 20% revenue repayment. The Commission also discussed that any other significant MOU modifications would be reviewed by the TSG and if there were issues



needing further Commission review and discussion, this item would be returned to the Commission at the May 24, 2012 meeting. As a result, this item is placed on the agenda as a status update for further discussion if your Commission deems it appropriate.

