A. CALL TO ORDER AND FLAG SALUTE

President Harrison called the Regular Meeting of January 26, 2011, to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present.

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) PRESENT RESOLUTION RECOGNIZING FORMER DIRECTOR BILL NELSON’S SERVICE TO NCSD

President Harrison presented former Director Bill Nelson with a Resolution recognizing him for his service with NCSD.

C-2) MIKE NUNLEY OF AECOM

Update re: Waterline Intertie Project

Mike Nunley, AECOM Project Manager, reviewed the report as presented in the Board packet. Michael LeBrun, Interim General Manager, and Mr. Nunley answered questions from the Board. The Board thanked Mr. Nunley for the report.

C-3) ALTERNATIVE ENERGY OPPORTUNITIES PRESENTATION

Charles Gulyash

Charles Gulyash, Solar Pacific Owner, gave a presentation on alternative energy opportunities. Mr. Gulyash answered questions from the Board. The Board thanked Mr. Gulyash for the presentation.

C-4) NCSD SUPERINTENDENT TINA GRIETENS

Update re: 2010 Summary of Utility Division Activities

Tina Grietens, NCSD Utility Superintendent, reviewed the report as presented in the Board packet and answered questions from the Board. The Board thanked Ms. Grietens for the report.
C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Vierheilig
◊ February 17, 2011 – San Luis Obispo County will host a Climate Action Plan Event at the County Government Center from 6:30-8:30 p.m.

Director Eby
◊ January 27, 2011 – At 11:00 a.m. The San Luis Obispo Planning Commission will have a presentation on the proposed Solar Power Plant at Carrizo.
◊ My LAFCO term ended in December 2010. LAFCO elections for the Special District seat will be coming up on February 28, 2011.
◊ The Climate Prediction center NOAA’s National Weather Service predicts less than normal rainfall for both February and March.

Director Winn
◊ On Wednesday, January 19, 2011, SLO County Management Over site Committee had a meeting on the particulate matter that’s coming off the Oceano Dunes, discussing the initial project to reduce PM10.
◊ I attended the Annual Land Use and Water Law Seminar at UCLA. The new water laws, legislation on the water laws, and new CEQA laws were discussed. A copy of the materials are in the District office.
◊ On Monday, January 24, 2011, SCAC named Dan Woodson Chairperson. During the meeting it became clear that the public needs accurate information on the Waterline Intertie Project.
◊ February 2, 2011 – The WRAC will meet in San Luis Obispo. The WRAC re-elected me for the fifth year, but I will be seated as a representative for the Nipomo CSD, not the 4th District.

Director Harrison
◊ January 27, 2011 – Fire Safe Counsel Meeting at 10:00 a.m. will be discussing the new Fire Protection Laws.
◊ The Rotary Club and the Nipomo High School Drama Club will have a Taste of Italy Dinner Fundraiser. It will be at 5:00 p.m. on January 30, 2011, at St. Joseph’s Catholic Church.
◊ February 2, 2011 – The Olde Towne Nipomo Association will meet. They will be discussing the status of the proposed Miller Park.

C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Daniel Diaz, NCSD customer, had questions about NCSD’s meters and staff.

Michael LeBrun, Interim General Manager, commented that any member of the District can ask questions to our staff and he explained the process of our contracted meter reading services.
D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES
   Approve Minutes of January 12, 2011 Regular Meeting

D-3) INVESTMENT POLICY-FOURTH QUARTER REPORT

D-4) AMEND PERSONNEL POLICIES AND PROCEDURES MANUAL RELATED TO PART-TIME POSITIONS

D-5) APPROVE ADDITIONAL WORK AUTHORIZATION FOR DOUG WOOD & ASSOCIATES, SOUTHLAND WASTEWATER TREATMENT FACILITY UPGRADE ENVIRONMENTAL CONSULTANT

Director Harrison pulled Items D-4 and D-5 for separate consideration.

Upon the motion of Director Winn and seconded by Director Eby, the Board members unanimously approved Items D-1, D-2, and D-3. There was no public comment.

Vote 5-0.

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The Board took a break from 10:30 to 10:40 a.m.

Item D-4

Michael LeBrun, Interim General Manager, and Lisa Bognuda, Finance Director, answered questions from the Board. There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Gaddis, the Board unanimously approved item D-4 as presented.

Vote 5-0.

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RESOLUTION NO. 2011-1207

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING THE DISTRICT PERSONNEL POLICY REGARDING PART-TIME POSITIONS

Item D-5

Michael LeBrun, Interim General Manager answered questions from the Board. There was no public comment.

Upon the motion of Director Eby and seconded by Director Vierheilig, the Board approved additional work authorization #2 (3) and directed staff to issue a task order budget augmentation in the amount of $1,460 and revise the project not to exceed to $104,530.

Vote 3-2.

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Copy of document found at www.NoNewWipTax.com
E. ADMINISTRATIVE ITEMS

The Board considered Item E-3 next.

E-3) RECEIVE BEST MANAGEMENT PRACTICES FOR WATER CONSERVATION CHECKLIST; AUTHORIZE CIRCULATION OF DRAFT 2010 URBAN WATER MANAGEMENT PLAN UPDATE

Peter Sevcik, District Engineer, reviewed the report presented in the Board packet. Jeffery Sytei, of Water Systems Consulting, and Mr. Sevcik answered questions from the Board. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board received the BMP reports and directed staff to circulate the Public Review Draft 2010 Urban Water Management Plan Update as required.

Vote 5-0.

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The Board considered Item E-4 next.

E-4) CONSIDER TRANSFER OF OUTSIDE USERS AGREEMENT TRACT 2650

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Greg Nester, of Greg Nester Homes, Jon Seitz, District Legal Counsel, and Mr. Sevcik answered questions from the Board. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board adopted the Resolution approving the consent to the transfer of outside user agreement providing water and solid waste service to tract 2650.

Vote 4-1. (Director Eby abstained, pursuant to section 2.9 of the NCSD's by-laws; an abstained vote is counted as a no vote.)

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RESOLUTION NO. 2011-1208

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT APPROVING CONSENT TO THE TRANSFER OF THE OUTSIDE USER AGREEMENT FOR WATER AND SOLID WASTE SERVICE TO TRACT 2650

The Board considered Item E-1 next.

E-1) REVIEW WATERLINE INTERTIE PROJECT – CONSIDER THE FOLLOWING: (A) DELIVERY VOLUME FOR PROPOSED ASSESSMENT; AND (B) NEXT STEPS AND SCHEDULE

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, Peter Sevcik, District Engineer, and Mr. LeBrun answered questions from the Board.

The Board considered closed session next and will resume Item E-1 after Item E-6.
I. CLOSED SESSION ANNOUNCEMENTS  
Jon Seitz, District Legal Counsel, announced the following to be considered in Closed Session.

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS  
There was no public comment.

K. ADJOURN TO CLOSED SESSION  
President Harrison adjourned to Closed Session at 12:25 p.m.

L. OPEN SESSION  
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION  
The Board came back into Open Session at 1:15 p.m. Jon Seitz, District Legal Counsel, announced that the Board discussed the one item listed above for closed session, but took no reportable action. There was no public comment.

E-6) WORKSHOP PRESENTATION ADMINISTRATIVE DRAFT EIR SOUTHLAND WASTE WATER TREATMENT FACILITY UPGRADE PROJECT BY DOUG WOOD AND ASSOCIATES  
Douglas Wood, Douglas Wood and Associates, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, Mike Nunley, AECOM Project Manager, and Mr. Wood answered questions from the Board. Mr. Wood took comments from the Board. There was no public comment.

The Board took a break from 2:52 to 3:00 p.m.

The Board considered continuing Item E-1.

E-1) REVIEW WATERLINE INTERTIE PROJECT – CONSIDER THE FOLLOWING: (A) DELIVERY VOLUME FOR PROPOSED ASSESSMENT; AND (B) NEXT STEPS AND SCHEDULE  
Michael LeBrun, Interim General Manager, continued to review the report as presented in the Board packet.

The following member of the public spoke: Vince McCarthy, NCSD customer, gave his analysis and questioned the cost of water per acre foot.

Jon Seitz, District Legal Counsel, Peter Sevcik, District Engineer, and Mr. LeBrun answered questions from the Board.

Upon the motion of Director Eby and seconded by Director Winn, the Board directed staff to use 2,000 acre feet per year as the delivery basis for the Assessment proceedings.

Vote 3-2.

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E-2) APPROVE LICENSE AGREEMENT WITH SANTA BARBARA COUNTY FOR SANTA MARIA RIVER ACCESS FOR THE WATERLINE INTERTIE PROJECT

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, Peter Sevcik, District Engineer, and Mr. LeBrun answered questions from the Board. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board approved the agreement and directed staff to forward it to Santa Barbara County Board of Supervisors for approval.

Vote 4-1.

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E-5) CONSIDER DESIGNATING A BOARD/DISTRICT REPRESENTATIVE TO ATTEND FEB. 12, 2011 NIPOMO INCORPORATION COMMITTEE FOR EDUCATION WORKSHOP

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, and Mr. LeBrun answered questions from the Board. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board directed staff to draft a letter thanking them for the invitation; however, at this time NCSD does not wish to send an official representative. Board members are encouraged to attend as private citizens.

Vote 5-0.

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E-7) CONSIDER LETTER OF SUPPORT FOR CA RURAL WATER ASSOCIATION

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board packet and answered questions from the Board. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilig, the motion of approving the draft letter of support as amended and directing staff to forward the letter to CRWA did not pass.

Vote 2-3.

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F. GENERAL MANAGER’S REPORT

Michael LeBrun, Interim General Manager, reviewed the Manager’s Report as presented in the Board packet. Peter Sevcik, District Engineer, and Mr. LeBrun answered questions from the Board. There was no public comment.

G. COMMITTEE REPORT

There were no Committee reports.
H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENT REPORTS

**Director Gaddis**
- Requested a critical path be on the construction schedule that is more obvious.

**Director Eby**
- Requested a comparison on how our supplemental water rates from the City of Santa Maria will track Santa Maria's Tier I rates are for each year, as many years as we know.
- Questioned why we would be paying any capital costs, in our water rates, after 30 years.

**Director Winn**
- Supervisor Paul Teixeira's office might approach staff regarding the lighting funding in the Olde Towne and elsewhere.
- Working on the $100,000 commitment for the restrooms at Miller Park.
- Requested the coordination of a Board tour the J. Lohr Winery to see their installation of solar electricity.

**ADJOURN**

President Harrison adjourned the meeting at 5:20 p.m.