

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 43 - Years of Service 1965 - 2008

MINUTES

DECEMBER 10, 2008 AT 9AM

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

MICHAEL WINN, **PRESIDENT**
JAMES HARRISON, **VICE PRESIDENT**
CLIFFORD TROTTER, **DIRECTOR**
LARRY VIERHEILIG, **DIRECTOR**
ED EBY, **DIRECTOR**

PRINCIPAL STAFF

BRUCE BUEL, **GENERAL MANAGER**
LISA BOGNUDA, **ASST. GENERAL MANAGER**
DONNA JOHNSON, **BOARD SECRETARY**
JON SEITZ, **GENERAL COUNSEL**
PETER SEVCIK, **DISTRICT ENGINEER**

Mission Statement: The Nipomo Community Services District's mission is to provide the community with reliable, quality and cost-effective services.

Vision Statement: The Nipomo Community Services District's vision is to manage the resources and future growth of the community.

00:00:00

A1. CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order and led the flag salute.

A2. ADMINISTER OATH OF OFFICE FOR MICHAEL WINN AND ED EBY

Bruce Buel, General Manager, administered the Oath of Office for Michael Winn and Ed Eby.

00:02:12

B. ROLL CALL

At Roll Call, all directors were present.

00:02:45

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) COMMANDER BRIAN HASCALL OF SLO COUNTY SHERIFF'S OFFICE

Commander Brian Hascall gave an update of the Sheriff's Department activities on the Nipomo Mesa. There was a burglary in the 100 block of Leaf Street on November 20th between 6:30 p.m. and 5:30 a.m.

A purse was stolen from a car parked at Jocko's Restaurant on Nov. 30th. The suspect was caught and the goods returned to the owner.

On November 17th a package delivered by UPS containing a DVD player worth \$150 was stolen from the front door of a home on Golden Hawk Lane.

There are check-mailing scams active now. A check is mailed saying you won the Canadian lottery and you need to send \$4,000 to claim your millions.

The Board thanked Commander Hascall for his report.

C-2) BATTALION CHIEF BILL FISHER OF CAL FIRE

Update re: Cal Fire Activities on the Nipomo Mesa

Battalion Chief Bill Fisher reviewed the Activity Report for September: The fire season was officially closed December 8th.

Nipomo Station 20 had a total of 111 calls: 11 fires, 10 vehicle accidents, 67 medical aids and 23 other calls.

Mesa Station 22 had a total of 54 calls: 7 fires, 6 vehicle accidents, 40 medical aids and 2 other calls.

Firefighters drilled with Conoco Philips for a second time on November 11.

The Board thanked Chief Fisher for his report.

C-3) BRAD NEWTON OF SAIC

Presentation re Fall NMMA Groundwater Storage Calculation

Bruce Buel, General Manager, announced that the Technical Group has not reviewed the information to be presented by Dr. Newton.

Dr. Brad Newton of Science Applications International Corporation (SAIC) presented information to the Board and public concerning the Nipomo Mesa Management Area groundwater storage. A handout titled "Rainfall Variability across the Nipomo Mesa" was given to the Board and made available to the public. (A copy is available for viewing in the District office.)

The Fall groundwater storage reading showed 1-10 feet below mean sea level near Highway 1 and Blacklake Canyon Road.

Dr. Newton answered questions from the Board. The chart on the handout showed quite a variation in rainfall amounts in different parts of the Mesa. He stated that the rainfall reporting accuracy does not affect the groundwater storage measurements.

The Board thanked Dr. Newton for the report.

C-4) DISTRICT ENGINEER PETER SEVCIK

Update re: District Engineer Activities

Peter Sevcik, District Engineer, reviewed the information presented in the Board letter outline of District Engineer activities for November 2008.

- Southland Wastewater Treatment Facility Upgrade
- Water and Sewer Master Plan Implementation
- Santa Maria Waterline Intertie Project
- Willow Road Waterline Extension Phase 1 Project
- Waterline Relocation for County Drainage Project
- Sewer System Management Plan
- Sundale Well
- Safety Program
- Development Plan Review
- Well reports, compliance reports, etc.

Mr. Sevcik included two attachments in his report – "NCSD Production Well Water Level and Rainfall" and "NCSD Production Well Pumping Status at Time of Level Measurement".

Director Trotter asked about seismic protection at the standpipe. Mr. Sevcik answered that it staff is evaluating the tank's structural integrity.

He explained about meeting with SLO County representatives coordinating the Willow Road extension and relocating NCSD's waterline.

Mr. Sevcik answered questions from Director Eby about well measurement timing and recovery time.

The Board thanked Mr. Sevcik for his report.

C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

Receive Announcements from Directors Items of District & Community Interest

Director Harrison

Olde Towne luncheon – December 11, 2008

Fire Safe Council - December 11, 2008

C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST (CONT)

Director Eby

LAFCo December 18th meeting has been canceled.

Santa Margarita Ranch project findings are posted on the web.

The findings for overriding consideration as a benefit to the community are: 1) the project will create jobs during construction, and 2) it will add 111 residences to the community.

³
Director Vierheilig

Nipomo Chamber of Commerce End-of-the-Year Mixer will be December 10, 2008 at 5:30 pm in the CVS parking lot area.

Director Winn

The SLO County Board of Supervisors met December 9, 2008. Item C-5 had two ordinances that were passed without a second reading. The BoS intends to enable affordable housing in Nipomo regardless of the LOS III status. It will be discussed in the NCSO Closed Session today if findings are met.

Monday, December 15, 2008, South County Advisory Council Land Use will be meeting at 9:00 a.m. and the Advisory Council will be meeting at 6:30 p.m. in the District boardroom.

Tuesday, December 16, 2008, the SLO County Board of Supervisors – appeal for the Santa Margarita Ranch ag cluster EIR.

Monday, January 7, 2009, Water Resources Advisory Committee will meet at San Luis Obispo City Hall at 1:30 pm. The three main issues to be discussed will be 1) Resource Management System (water supply, water system, and wastewater treatment) 2) Laetitia ag cluster and 3) an update for Conservation and Open Space Element and the Level of Severity III.

C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

John Snyder, Nipomo resident – stated that NCSO should adopt well measurement standards. He suggested a rain gauge CIMIS station at the wastewater treatment facility. He stated that the County does not have focus to run a CIMIS gauge. He is encouraged about the information provided in the SCADA data. NCSO should encourage Golden State to do the same with their wells.

01:27:11

D. CONSENT AGENDA

Director Eby asked to pull Item D-4 for separate consideration.

Director Vierheilig asked to pull Items D-5 & D-6 for separate consideration.

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of 11/26/08 Regular Meeting

D-3) CONFIRM CANCELLATION OF 12/24/08 MEETING

D-7) AUTHORIZE NEGOTIATION OF AGREEMENT WITH COUNTY OF SAN LUIS OBISPO REGARDING APPLICATION FOR STATE GRANT FUNDING FOR WATERLINE INTERTIE PROJECT

D-8) AUTHORIZE ADDITIONAL HIGH EFFICIENCY WASHER REBATES

Mr. Buel explained some items on the Warrants in response to Board questions. Upon motion by Director Harrison and seconded by Director Eby, the Board unanimously approved Items D-1, 2, 3, 7, and 8 of the Consent Agenda. There was no public comment. Vote 5-0.

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D. CONSENT AGENDA (CONTINUED)

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Eby, Vierheilg, Trotter, and Winn	None	None

D-5) AMEND PERSONNEL POLICY DESIGNATING CERTAIN POSITIONS WITH SENSITIVE POSITION DESIGNATION

The Board discussed Item D-5. Director Vierheilg stated that during the initial discussion of the proposed resolution, he had requested the words "and drug testing" in two places within 2000 Section 4 Paragraphs 6 & 7 "Pre-Employment Physical Examination" be deleted.

**RESOLUTION NO. 2008-1112
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT PERSONNEL POLICY
FOR SENSITIVE POSITIONS**

D-6) ADOPT AGREEMENT WITH COUNTY REVISING ZONE 1A SEWER CONTRIBUTION CAPACITY RE LATHROP DEVELOPMENT

The Board discussed the item. Director Eby asked that the Intent-to-Serve letter be marked as a "sample".

Upon motion by Director Vierheilg and seconded by Director Eby, the Board unanimously approved Items D-5 & D-6, as amended. There was no public comment. Vote 5-0.

**RESOLUTION NO. 2008-1113
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING AMENDMENT NO. 4 TO THE SERVICE AGREEMENT BETWEEN
SAN LUIS OBISPO COUNTY AND NIPOMO COMMUNITY SERVICES DISTRICT
FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE
OF THE NIPOMO SEWERAGE PROJECT**

YES VOTES	NO VOTES	ABSENT
Directors Vierheilg, Eby, Harrison, Trotter, and Winn	None	None

D-4) RATIFY STAFF'S RESPONSES TO LAFCO SPHERE OF INFLUENCE QUESTIONNAIRE

Director Eby asked about the drafted answers on the LAFCo Sphere of Influence Update Questionnaire to be sent to LAFCo. After much discussion, the Board agreed to come back to this item after the General Manager restructures one of the answers. Upon motion by Director Vierheilg and seconded by Director Eby, the Board unanimously agreed to table Item D-4 until the afternoon portion of this meeting.

After the Closed Session break, the Board resumed discussing Item D-4. The Board discussed and edited some of the answers on the questionnaire. Upon motion by Director Vierheilg and seconded by Director Harrison, the Board unanimously approved the submittal of the questionnaire, as edited. There was no public comment. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilg, Harrison, Eby, Trotter, and Winn	None	None

The Board considered Item E-9 next.

E. ADMINISTRATIVE ITEMS

The Board took a break at 10:55 a.m. and returned at 11:07 a.m.

01:50:16

- E-1) CONDUCT BLACKLAKE SEWER RATE INCREASE PROTEST HEARING, DETERMINE SUFFICIENCY OF PROTEST, AND, IF THERE IS NOT A MAJORITY PROTEST, SET 1/14/09 TO CONSIDER RESOLUTION IMPLEMENTING THE RATE INCREASE [DETERMINE SUFFICIENCY & SET HEARING]

Bruce Buel, General Manager, explained that on October 8, 2008, the Board tentatively adopted the Financial Plan, set a Public Hearing, and directed staff to circulate the notice required by law. Each Board member received a copy of the notice mailed to each property owner and eligible tenant. To date, NCSD has received thirteen protests. There are currently 556 parcels in the Blacklake Sewer Division. It would take 278 valid protests to constitute a majority protest.

President Winn opened the Public Hearing and asked for any new protests. There were no additional protests or comments delivered.

President Winn closed the Public Hearing.

Upon motion by Director Eby and seconded by Director Vierheilig, the Board unanimously agreed that thirteen (13) protests were received and a majority protest does not exist. A hearing was set for January 14, 2009, to consider adoption of a resolution implementing the rate increase, the sewer loan surcharge and repayment of the loan. There was no public comment. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Eby, Vierheilig, Harrison, Trotter, and Winn	None	None

01:55:43

- E-2) REVIEW AND EDIT REVISED SOUTHLAND WWTF UPGRADE MASTER PLAN, REVIEW DISPOSAL ALTERNATIVES TECHNICAL MEMORANDUM, SELECT PROPOSED PROJECT FOR ENVIRONMENTAL REVIEW AND AUTHORIZE REQUEST FOR PROPOSALS FOR PREPARATION OF FINAL DESIGN

Director Vierheilig recused himself because of a conflict of interest.

Bruce Buel, General Manager, explained Southland WWTF Upgrade Project Committee met December 1, 2008. Copies of the November 2008 Revised Draft "Southland WWTF Master Plan" were distributed to the Board along with the packet for the December 1st Committee Meeting and are available for review at the NCSD office and on NCSD's website. In the revised draft report, AECOM is recommending the Biolac Treatment Process, although they have proposed to use external round clarifiers following completion of the wave oxidation process instead of the rectangular vessels originally proposed. AECOM's Phase I mid-point of construction-cost estimate has increased from \$11,260,000 to \$12,703,000. AECOM has included an additional cost allowance of \$4 million beyond the \$12,703,000 Phase 1 Collection/Treatment Cost for the proposed solar array.

Mike Nunley from AECOM presented the revised report. Copies of the slides presented are available for viewing in the District office and on the website. He stated that it is planned to construct the sewer improvements in conjunction with the Waterline Intertie Project to minimize the impact on South Frontage Road.

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- E-2) REVIEW AND EDIT REVISED SOUTHLAND WWTF UPGRADE MASTER PLAN, REVIEW DISPOSAL ALTERNATIVES TECHNICAL MEMORANDUM, SELECT PROPOSED PROJECT FOR ENVIRONMENTAL REVIEW AND AUTHORIZE REQUEST FOR PROPOSALS FOR PREPARATION OF FINAL DESIGN (CONTINUED)

The Board discussed the Master Plan and how the rate increases are based on the old costs. The rates will be studied again in 2012 and will incorporate the new costs. Mr. Nunley suggested that construction can begin possibly begin in 2010.

President Winn called for public comment on the treatment plant portion of this item, not the disposal. There was no public comment.

Director Eby asked about a study on whether solar power is cost effective. He would like to see the cost estimate for the treatment-facility upgrade include conventional power and see what the break-even point is when using solar power.

Upon motion by Director Trotter and seconded by Director Eby, the Board unanimously agreed to authorize the circulation of a Request for Proposal for final design of these works, including a cost-effective analysis of power technologies and excluding the sewer main in Frontage Road. Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Trotter, Eby, Harrison, and Winn	None	Director Vierheilig

Upon motion by Director Harrison and seconded by Director Eby, the Board authorized staff to negotiate with AECOM to amend AECOM's existing Waterline Intertie Project Final Design Agreement to design the works to the South Frontage Collection Main at the same time AECOM is designing the South Frontage Water Main Upgrades. Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Eby, Trotter, and Winn	None	Director Vierheilig

DISPOSAL OPTIONS

Bruce Buel, General Manager, explained Southland WWTF Upgrade Project Committee met December 1, 2008. Copies of the November 13, 2008 Public Outreach Meeting Summary, and the November 2008 Revised Draft "Preliminary Screening Evaluation of Southland WWTF Disposal Alternatives Technical Memorandum" were distributed to the Board along with the packet for the December 1st Committee Meeting and are available for review at the NCSD office and on NCSD's website.

Mike Nunley, from AECOM, presented the revised Technical Memorandum with disposal and reuse alternatives. Copies of the slides presented are available for viewing in the District office and on the website. He stated that data gaps exist. He answered questions from the Board.

Director Eby asked about the possibility of a problem with the bluff when considering the Pasquini property.

The following members of the public spoke:

John Snyder, Nipomo resident, stated that the level of analysis is not quite right.... Infiltration south of the bluff is a reasonable alternative. A huge amount of water quality data is available. You need to modify the aquitard. He suggested injecting the sewer water to the side of the holes rather than straight down and possibly beside the shafts. He suggested pumping on the east side of the freeway.

- E-2) REVIEW AND EDIT REVISED SOUTHLAND WWTF UPGRADE MASTER PLAN, REVIEW DISPOSAL ALTERNATIVES TECHNICAL MEMORANDUM, SELECT PROPOSED PROJECT FOR ENVIRONMENTAL REVIEW AND AUTHORIZE REQUEST FOR PROPOSALS FOR PREPARATION OF FINAL DESIGN (CONTINUED)

Ethel Landers, Nipomo resident, stated that in Table 8-2, the land cost was not presented. The Land Conservancy recently acquired 29 acres at a value of \$1.188 million. She also suggested using the Dana Adobe land and some farmers near there could possibly use some of the excess water from the treatment facility.

Bill Nelson, NCSD resident – stated that the District is already pumping treated wastewater onto the Blacklake golf course. If the District plans to bring large amounts of wastewater from Southland to Blacklake, the District may get more interest from the Regional Water Quality Control Board.

Anna-Lise Thuse, NCSD resident, stated that she is opposed to Option 3 on Table 8-2.

Bruce Buel, General Manager, stated that CEQA requires the District to evaluate a reasonable range of disposal concepts/locations to get an adequate basis to pick alternatives.

The Board discussed the Pasquini and the Kaminaka properties as possible percolation options and eliminated the others on the list. Director Eby would like to put the Mesa Road option back as a sub-surface option.

Upon motion by Director Harrison and seconded by Director Eby, the Board agreed to accept staff's recommendations to continue investigating the alternatives listed and include an analysis of irrigating land on the east side of the freeway.

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Eby, Trotter, and Winn	None	Director Vierheilig

ENVIRONMENTAL REVIEW

Bruce Buel, General Manager, stated that Mr. Seitz would like to modify beginning paragraph of the "Draft Project Objectives" listed in the Board packet to say the following: (the change is in *italics*)

The basic objective of the proposed Nipomo Community Services District Southland Wastewater Treatment Facilities Improvements is to construct additional collection, treatment and disposal facilities necessary to serve both existing and future wastewater treatment demands generated within the Southland WWTF service area of the Nipomo Community Services District. In so doing *consistent with the South County Area Plan (Inland) (most recent-Mr. Seitz will add the date)*, the project will also:

Item 6 needs to have the word "augment" replace the word "replenish".
The Board discussed Item 7 needing to be reworded to include *to the extent feasible mitigate the use of additional fossil fuels or just take out the word solar*.

President Winn asked for the opinion from Greg Burns who was in the audience. He asked if when you go before members of Congress, are they looking for statements of use of alternative sources of energy?

Greg Burns, lobbyist with the Van Scoyoc Associates firm, told the Board that when one goes before a funding agency, "green is in". It would make any project more enticing to a governmental agency, but no focus on one particular type of technology.

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E-2) REVIEW AND EDIT REVISED SOUTHLAND WWTF UPGRADE MASTER PLAN, REVIEW DISPOSAL ALTERNATIVES TECHNICAL MEMORANDUM, SELECT PROPOSED PROJECT FOR ENVIRONMENTAL REVIEW AND AUTHORIZE REQUEST FOR PROPOSALS FOR PREPARATION OF FINAL DESIGN (CONTINUED)

Upon motion by Director Eby and seconded by Director Harrison, the Board agreed to adopt the Project Objectives, as amended. Vote 3-1 with Director Winn voting no. Mr. Seitz asked if the "no" vote is based on #7 not being green enough. Director Winn said that was correct.

The Board discussed changing the objectives to delete the word "solar" Upon motion by Director Trotter and seconded by Director Eby, the Board agreed to adopt the "Project Objectives" as modified above and to strike the word "solar". Vote 4-0. #7 would read "To the extent feasible, minimize the use of additional fossil fuels by offsetting project-related increased power utilization with more sustainable energy."

YES VOTES	NO VOTES	ABSENT
Directors Trotter, Eby, Harrison, and Winn	None	Director Vierheilig

Upon motion by Director Eby and seconded by Director Harrison, the Board agreed to the following three modifications to the Project Objectives, as recited by Mr. Seitz.

1. The basic objective of the proposed Nipomo Community Services District Southland Wastewater Treatment Facilities Improvements is to construct additional collection, treatment and disposal facilities necessary to serve both existing and future wastewater treatment demands generated within the Southland WWTF service area of the Nipomo Community Services District. In so doing consistent with the South County Area Plan (Inland) (most recent-Mr. Seitz will add the date), the project will also:
2. #6 replaces the word "replenish" with the word "augment".
3. "To the extent feasible, minimize the use of additional fossil fuels by offsetting project-related increased power utilization with more sustainable energy."

YES VOTES	NO VOTES	ABSENT
Directors Eby, Harrison, Trotter, and Winn	None	Director Vierheilig

The Board considered Closed Session next.

04:16:27

• CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced an additional item will be added to the Closed Session agenda. He announced the Board will consider the following items as well as the additional item. The additional item will be considered because yesterday, December 9, 2008, the San Luis Obispo County Board of Supervisors approved Agenda Item #C5 on its agenda to which the District had previously registered objections. The item was an ordinance amending Title 22 (Land Use Ordinance), Title 23 (Coastal Zone Ordinance) and Title 18 (Public Facilities Fees) all relating to "affordable housing" and additional water demand. This action took place after the posting of the NCS D agenda. There is a need to potentially take action before the next regular meeting of the Nipomo Community Services District on January 14th, 2009.

I. CLOSED SESSION ANNOUNCEMENTS

Upon motion by Director Harrison and seconded by Director Eby, the Board unanimously agreed to add an additional item to the agenda as potential litigation with the finding that it came to this District's attention that the vote of the Supervisors was subsequent to the posting of the NCSD agenda and there may be a need to take immediate action prior to the Board's next meeting. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Eby, Vierheilig, Trotter, and Winn	None	None

1. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSD (CASE NO. CV 040877), MARIA VISTA VS. NCSD (CASE NO. CV 061079), AND MARIA VISTA VS. LINDA VISTA FARMS, NCSD ET AL. (CASE NO. CV 040150);
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; MARIA VISTA ESTATES VS. NCSD ET AL. (CASE NO. ND07-10362RR IN UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT, NORTHERN DIVISION)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present to comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 1:42 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board returned at 2:49 p.m.

Jon Seitz, District Legal Counsel, announced that the Board heard an update on the items listed above and had no reportable action. The additional item was discussed. With a 5-0 vote, the Board directed staff to retain the services of McDonough, Holland and Allen to assist in the potential litigation.

04:21:33

E-3) REVIEW DESIGN CONCEPT FOR PHASE 1 OF WILLOW ROAD WATERLINE PROJECT AND CONSIDER A DRAFT REIMBURSEMENT AGREEMENT WITH SLO COUNTY

Bruce Buel, General Manager, explained that the proposed agreement with San Luis Obispo County has been modified.

Peter Sevcik, District Engineer, noted that the County is structuring the agreement to relate to 60 percent of the design, then the County will have more of their design complete and the agreement will correspond.

Jon Seitz, District Legal Counsel, stated that the agreement shows the County that the District is serious about the design and agreement.

Director Trotter asked if there were any connections to be added to the line.

Mr. Sevcik stated that the waterline is outside the District and no new connections are planned.

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- E-3) REVIEW DESIGN CONCEPT FOR PHASE 1 OF WILLOW ROAD WATERLINE PROJECT AND CONSIDER A DRAFT REIMBURSEMENT AGREEMENT WITH SLO COUNTY (CONTINUED)

Director Winn stated that the District should put in laterals for fire hydrants wherever CalFire designates so the road will not have to be torn up later.

The Board agreed by consensus that the agreement, as modified, seems good.

04:59:04

- E-4) CONDUCT SECOND READING AND ADOPT ORDINANCE ADDING LANDSCAPE AND IRRIGATION REVIEW PROCEDURES TO DEVELOPMENT PROCESS

Bruce Buel, General Manager, explained that the Water Conservation Committee, on October 20, 2008, unanimously recommended that the Board amend Section 3.05 of the District Code to enable District review and approval of landscape plans and irrigation systems for new non-residential development. This recommendation results from recent construction with heavy water use landscapes. The County has revised standards for new development and adoption of a draft ordinance would allow for NCS D to ensure that the new construction actually implements the new Title 19 and 22 requirements. The ordinance adds desirable processes to ensure that the initial landscaping and irrigation systems at new commercial development are water efficient.

Upon motion by Director Harrison and seconded by Director Vierheilig, the Board unanimously approved Ordinance 2008-110. There was no public comment. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Vierheilig, Trotter, Eby, and Winn	None	None

**ORDINANCE NO. 2008-110
AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE RULES AND REGULATIONS
FOR ALLOCATION OF INTENT-TO-SERVE LETTERS
CHAPTER 3.05 OF THE DISTRICT CODE**

04:37:42

- E-5) SELECT LOBBYIST TO REPRESENT DISTRICT IN SECURING FEDERAL FUNDING FOR WATERLINE INTERTIE PROJECT AND AUTHORIZE EXECUTION OF AGREEMENT

Bruce Buel, General Manager, explained that the Board terminated the 2008 Lobbyist Contract this Fall and directed staff to solicit proposals for 2009 services. Two firms, Marlowe and Van Scoyoc submitted the proposals. Both firms are qualified and could provide representation to offset a portion of the local share of the cost of the Waterline Intertie Project. Marlowe and Company proposes to provide services at \$3,750 per month (\$45,000 per year) with up to three visits to the District. Van Scoyoc Associates proposes to provide services at \$4,500 per month (\$54,000 per year) with one visit to the District. Greg Burns, now with Van Scoyoc, was the individual who provided the day-to-day coordination with NCS D in 2008.

Greg Burns, of Van Scoyoc Associates, spoke with the Board about the services to be provided to the District.

There was no public comment.

Upon motion by Director Trotter and seconded by Director Vierheilig, the Board unanimously approved the retention of Van Scoyoc Associates to perform lobbying services for the District. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Trotter, Vierheilig, Harrison, Eby, and Winn	None	None

05:02:20

E-6) AUTHORIZE HETRICK CLEAN UP PROJECT AND TRANSFER RESERVES TO PAY FOR PROJECT COSTS

Bruce Buel, General Manager, explained that at the November 26, 2008 meeting the Board agreed, in concept, to participate in the Hetrick Right-of-Way Clean-Up Project and authorized staff to negotiate an agreement with the California Conservation Corps (CCC) to perform the work on a time-and-materials basis with a not-to-exceed expenditure limit of \$7,700 and to present a resolution transferring \$7,700 from solid waste reserves to solid waste operations. The draft agreement with the CCC and a draft resolution ordering the transfer are proposed.

Upon motion by Director Vierheilig and seconded by Director Harrison, the Board unanimously approved the agreement authorizing the project and the transfer; approved the resolution; and directed staff to implement the agreement. There was no public comment. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Harrison, Eby, Trotter, and Winn	None	None

RESOLUTION NO. 2008-1114
A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS
APPROVING THE HETRICK RIGHT OF WAY CLEAN UP PROJECT AND
AMENDING THE DISTRICT FY08-09 BUDGET TO PROVIDE FOR THE
TRANSFER OF FUNDS FROM THE SOLID WASTE RESERVE TO FUND #300.

05:04:50

E-7) CONSIDER LARSEN INTENT-TO-SERVE APPLICATION FOR WATER AND SEWER SERVICE FOR COMMERCIAL PROJECT AT 146 NORTH THOMPSON

Peter Sevcik, District Engineer, reviewed the request from Mr. Greg Larson, representing the 146 N. Thompson Partnership for water and sewer service for the conversion of an existing residence at 146 N. Thompson Avenue to a commercial project (restaurant).

The Board asked questions of the applicant.

Greg Larson, owner/applicant for the project, answered questions about the size of the restaurant, number of seats planned, and times to be open.

Upon motion by Director Trotter, seconded by Director Harrison, the Board unanimously approved the issuance of an Intent-to-Serve letter with the conditions listed in the Board letter, as amended to include prohibition of a self-regenerative water softener. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Trotter, Harrison, Vierheilig, Eby, and Winn	None	None

Director Vierheilig requested that a form be provided for #16 of the Intent-to-Serve Application.

05:17:06

E-8) AUTHORIZE SUBMITTAL OF COMMENTS TO SLO COUNTY RE DRAFT TRANSFER OF DEVELOPMENT REPORT

Bruce Buel, General Manager, explained that on November 18, 2008, the Board of Supervisors set a hearing to discuss the attached Transfer of Development Credit Blue Ribbon Committee Final Report at the Board's January 13, 2009 Meeting. Mr. Buel requested authorization to comment in writing and to present comments at the January 13, 2009 meeting.

E-8) AUTHORIZE SUBMITTAL OF COMMENTS TO SLO COUNTY RE DRAFT TRANSFER OF DEVELOPMENT REPORT

The Board discussed the points proposed for the letter.

1. No receiving site in an area designated as a RMS Water Supply Level of Severity II or III should be eligible.
2. No receiving site within the South County Planning Area should be approved without the approval of the South County Advisory Council.
3. No receiving site within the Nipomo Mesa Water Conservation Area should be approved unless the County satisfies all the conditions of approval set forth in County Ordinance 3090.

Upon motion by Director Eby and seconded by Director Harrison, the Board unanimously agreed to authorize staff to write a letter to the Planning Department including the above listed points to consider. There was no public comment. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Eby, Harrison, Trotter, Vierheilig, and Winn	None	None

05:24:26

The Board went back to consider Item D-4 of the Consent Agenda. See Page 5.

E-9) ELECT 2009 BOARD OFFICERS

Bruce Buel, General Manager, explained the process to elect Board officers for the upcoming year of 2009, as dictated in the Board By-Laws.

Director Trotter nominated Director Eby for President.

Director Vierheilig nominated Director Harrison for President.

After ballots were counted (3-2), it was determined that Director Harrison would be President in 2009.

Director Eby nominated Director Vierheilig for Vice President.

Director Vierheilig nominated Director Eby for Vice President.

After ballots were counted (3-2), it was determined that Director Vierheilig would be Vice President in 2009.

05:54:53

F. MANAGER'S REPORT

Bruce Buel, General Manager, added a few points to the submitted Manager's Report.

The podium now has a new microphone stand.

Monday, December 15, 2008, there will be a Supplemental Water Project Committee meeting.

A packet has been placed in the directors' mailboxes.

Director Eby asked when the agreement will be finalized. Mr. Buel stated that a red-lined version will be sent to the City and the Board. A series of meetings will be held in January. The District must certify the EIR.

05:57:43

G. COMMITTEE REPORT

1. 11/24/08 SWP Committee Meeting
2. 12/1/08 Southland WWTF Upgrade Project Committee Meeting

The Committee Reports are as submitted in the Board packet. There were no questions.

05:57:56

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig

He asked about the status of the Miller Park. NCSD has followed all the steps necessary. Christmas in Nipomo will be Saturday, December 13th at the Catholic Church.

Director Harrison

He asked the other Board members to let him know if they wanted to continue on the same standing or ad hoc committees to please send him an email. He also asked if the directors have a preference to sit in a different place at the table to let him know. He will be meeting with the general manager to set the agenda. He asked staff for a copy of the standing committees. He stated that he would be attending the Board of Supervisors meetings when possible but would like the Board's concurrence at the next meeting that Director Winn would be the alternate.

He would like a rain gauge for Southland.

Director Winn

He asked for staff to research who owns the material that has been sent to the landfill.

He would like to know about the sludge regulations.

Asked Public Health about sludge ordinance draft to Board.

How can we get the measurement of the volume of groundwater below mean sea level?

What is the County's written description of protocol of taking well water measurements?

He would like the staff to research the District obtaining reliable water measurement gauges.

Mr. Snyder mentioned a CIMIS station at the sewer plant but the gauge needs to have turf around it. Could staff look into one for NCSD at a better location – possibly Blacklake?

ADJOURN

President Winn adjourned the meeting at 4:45 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS JANUARY 14, 2009.****TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Preview SCADA Upgrades
- Initiate Development of Preventative Maintenance Program
- Southland WWTF Upgrade Project Environmental Review
- Blacklake Sewer Rate Increase Ordinance