

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 40 - Years of Service 1965 - 2005*

## AGENDA

DECEMBER 14, 2005 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### BOARD of DIRECTORS

LARRY VIERHEILIG, **PRESIDENT**  
ED EBY, **VICE PRESIDENT**  
MICHAEL WINN, **DIRECTOR**  
CLIFFORD TROTTER, **DIRECTOR**  
JUDITH WIRSING, **DIRECTOR**

### PRINCIPAL STAFF

MICHAEL LeBRUN, **GENERAL MANAGER**  
LISA BOGNUDA, **ASSIST. ADMINISTRATOR**  
DONNA JOHNSON, **BOARD SECRETARY**  
JON SEITZ, **GENERAL COUNSEL**  
DAN MIGLIAZZO, **UTILITY SUPERVISOR**

Mission Statement: The Nipomo Community Services District's mission is to provide the citizens of the District with quality, innovative, and cost-effective services through responsive and responsible local government to meet the changing needs of the community.

**NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.**

*Consistent with the Americans with Disabilities Act 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 the modification or accommodation in order to participate at the below referenced public meeting by contacting the District General Manager or Assistant Administrator at 805-929-1133.*

- A. CALL TO ORDER AND FLAG SALUTE                      NEXT RESOLUTION 2005-957
- B. ROLL CALL    NEXT ORDINANCE 2005-105
- C. PUBLIC COMMENT PERIOD  
PUBLIC COMMENT  
Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board.  
**Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.**
- D. CONSENT AGENDA *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in brackets.*
- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Regular meeting November 30, 2005
- D-3) ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS  
TRACT 2381 (VISTA ROBLE LLC) [RECOMMEND APPROVAL]
- D-4) ACCEPTANCE OF SEWER IMPROVEMENTS APN 090-093-024 (SOUZA)  
[RECOMMEND APPROVAL]
- D-5) RESOLUTION ELECTING TO ESTABLISH A HEALTH BENEFIT VESTING  
REQUIREMENT FOR FUTURE RETIREES UNDER THE PUBLIC EMPLOYEES'  
MEDICAL AND HOSPITAL CARE ACT [RECOMMEND APPROVAL]
- E. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)
- E-1) ELECTION OF BOARD OFFICERS  
Election of Board President and Vice President for 2006

**Nipomo Community Services District  
REGULAR MEETING  
AGENDA**

- E-2) **BASIN MONITORING CONTRACT**  
Consider approval of a contract for engineering services in support of Nipomo Mesa Groundwater management.
  
- F. **MANAGER'S REPORT**
- G. **COMMITTEE REPORTS**
- H. **DIRECTOR'S COMMENTS**
- I. **CLOSED SESSION ANNOUNCEMENTS**
  - 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
  - 3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 NCSD vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)
  - 4. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 CITIZENS AGAINST UNLAWFUL FEES vs. NCSD CASE NO. CV 050920
  - 5. PUBLIC EMPLOYEE APPOINTMENT AND CONTRACT NEGOTIATIONS GOV'T CODE §54957 - ASSISTANT TO GENERAL MANAGER
  
- J. **PUBLIC COMMENT ON CLOSED SESSION ITEMS**
- K. **ADJOURN TO CLOSED SESSION**
- L. **OPEN SESSION**  
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

ADJOURN

➤ **THE NEXT REGULAR BOARD MEETING IS JANUARY 11, 2006.**



TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN  
DATE: DECEMBER 14, 2005



CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately.

**Questions or clarification may be made by the Board members  
without removal from the Consent Agenda.**

The recommendations for each item are noted in brackets.

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
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- D-4) ACCEPTANCE OF SEWER IMPROVEMENTS APN 090-093-024 (SOUZA)  
[RECOMMEND APPROVAL]
- D-5) RESOLUTION ELECTING TO ESTABLISH A HEALTH BENEFIT VESTING REQUIREMENT  
FOR FUTURE RETIREES UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL  
CARE ACT [RECOMMEND APPROVAL]

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**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS DECEMBER 14, 2005**



**WARRANTS WILL BE DELIVERED MONDAY, 12/12/05**

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 40 - Years of Service 1965 - 2005*

## MINUTES

NOVEMBER 30, 2005 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

**BOARD of DIRECTORS**

LARRY VIERHEILIG, **PRESIDENT**  
ED EBY, **VICE PRESIDENT**  
MICHAEL WINN, **DIRECTOR**  
CLIFFORD TROTTER, **DIRECTOR**  
JUDITH WIRSING, **DIRECTOR**

**PRINCIPAL STAFF**

MICHAEL LEBRUN, **GENERAL MANAGER**  
LISA BOGNUDA, **ASSIST. ADMINISTRATOR**  
DONNA JOHNSON, **BOARD SECRETARY**  
JON SEITZ, **GENERAL COUNSEL**  
DAN MIGLIAZZO, **UTILITY SUPERVISOR**

00:00:00 A. CALL TO ORDER AND FLAG SALUTE  
President Vierheilig called the meeting of November 30, 2005, to order at 9:00 a.m. and led the flag salute.

00:01:04 B. ROLL CALL  
At Roll Call, all Board members were present.

00:01:40 C. PUBLIC COMMENT PERIOD  
PUBLIC COMMENT  
The following member of the public spoke:  
Larissa Van Beurden-Doust, Staff Writer for The Tribune—introduced herself to the Board.

00:02:12 D. CONSENT AGENDA  
D-1) WARRANTS [RECOMMEND APPROVAL]  
D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Regular meeting November 16, 2005  
D-3) SAFETY MEETING MINUTES [RECOMMEND APPROVAL]  
All-staff safety meeting, November 17, 2005  
D-4) ENGINEERING SERVICES CONTRACT [RECOMMEND APPROVAL]  
Blacklake water plant engineering services contract  
There was no public comment.  
Upon motion of Director Eby and seconded by Director Winn, the Board approved the Consent Agenda. Vote 5-0

**RESOLUTION 2005-956  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AWARDING A CONTRACT TO BOYLE ENGINEERING CORP  
FOR ENGINEERING SERVICES IN SUPPORT  
BLACKLAKE WATER PLANT IMPROVEMENTS**

00:09:04 E. ADMINISTRATIVE ITEMS  
E-1) AUDIT REPORT FOR FISCAL YEAR 2004-2005  
Auditor, Carlos Reynoso, CPA, presented the District's Audit Report for Fiscal Year 2004-2005. The Board discussed the report with Mr. Reynoso. There was no public comment.  
Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to accept and file the report and extend appreciation to Mr. Reynoso and Staff for a job well done. Vote 5-0



00:47:19 E-2 BOARD REVIEW AND CONSIDERATION OF DRAFT 2005 SLO COUNTY  
RESOURCE MANAGEMENT SYSTEM REPORT

This item was added to the agenda as a Special Meeting and was considered at the same time as the regular meeting.

Michael LeBrun, District General Manager, discussed a letter drafted to John Hand of the San Luis Obispo County Planning Department, outlining the District's position on the County's Draft 2005 Resource Management System Summary Report. The Board discussed the letter and made suggestions for some additions to the letter. There was no public comment. Upon motion of Director Eby and seconded by Director Trotter, the Board agreed to direct Staff to edit the letter with the revisions suggested and send the letter to the Board of Supervisors in time for their December meeting. Vote 5-0.

## 01:28:22 F. MANAGER'S REPORT

Mr. LeBrun suggested a revision to the health care benefit package for new employees which would include vesting. A resolution will be forthcoming. The resolution will not affect current employees. He reviewed the Manager's Report as presented in the Board letter. The Board had questions about some of the items. There was no public comment.

## 01:59:21 G. COMMITTEE REPORTS

Director Eby and President Vierheilg (Annexation/Supplemental Water Committee) met with Supervisor Achadjian, Mr. Holloway and others to discuss the proposed annexation. Supervisor Achadjian recommended that Mr. Holloway talk to Greg Nester for information on the process.

## 02:03:10 H. DIRECTOR'S COMMENTS

Director Winn stated that he attended an all-day workshop organized by the Regional Water Quality Control Board in San Luis Obispo on November 19<sup>th</sup> discussing a development concept named Low Impact Development. Among other things the Low Impact approach encourages recharge of the water and therefore is of some interest to the District. The District should encourage the County to adopt these standards in the Nipomo area.

Director Trotter also attended part of the workshop and thought it was excellent.

Director Wirsing suggested adding wording such as "within the District boundaries" to the response to the requests for exemption to mandatory garbage service.

Director Eby – Nipomo Native Garden needs people to help plant on December 3<sup>rd</sup> at 9:00 a.m.

President Vierheilg reminded the Board that the next meeting will include election of Board officers.

AB 1234 – Ethics training early next year.

Garbage man's Ball December 9<sup>th</sup>. He will not be able to attend.

He stated that at other public agency meetings the directors still wear the cloak of the NCSB Board. Position of the Board should be stated accurately. If personal opinion is voiced, it should be stated that it is a personal opinion.

02:L13:35

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following items:

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
3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
NCSD vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE  
ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)
4. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
CITIZENS AGAINST UNLAWFUL FEES vs. NCSD CASE NO. CV 050920

02:14:55

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

The Board took a short break at 11:12 a.m. before adjourning to Closed Session.

02:15:00

K. ADJOURN TO CLOSED SESSION

Director Trotter left the meeting at 12:10 p.m.

02:15:00

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session. Jon Seitz, District Legal Counsel, announced that the Board heard an update on all the items on the Closed Session agenda but took no reportable action.

2:15:17

ADJOURN

President Vierheilg adjourned the meeting at 12:20 p.m.

➤ THE NEXT REGULAR BOARD MEETING IS DECEMBER 14, 2005.



TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *MSL*  
DATE: DECEMBER 14, 2005



ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS  
TRACT 2381 (VISTA ROBLE LLC)

**ITEM**

Acceptance of water and sewer improvements for Tract 2381 on Misty Glen Place

**BACKGROUND**

Upon completion of a developer's project, the District accepts improvements of the project after all requirements have been met. The developer (Vista Roble LLC) for Tract 2381, a 20-lot development on Misty Glen Place has installed water and sewer improvements and has met the District's conditions:

- Installed the improvements
- Paid associated fees
- Provided the necessary paperwork, including the Offer of Dedication and the Engineer's Certification

**RECOMMENDATION**

Staff recommends that your Honorable Board approve Resolution 2005-Accept Tr 2381, accepting the water and sewer improvements for Tract 2381.

**ATTACHMENT**

Resolution 2005-Accept Tr 2381

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**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2005- TR 2381**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS  
FOR THE FOR TRACT 2381 (VISTA ROBLE LLC)**

**WHEREAS**, the water and sewer improvements have been constructed and said improvements are complete and certified by the engineer; and

**WHEREAS**, on April 28, 2005, the Owner offered the water and sewer improvements to the Nipomo Community Services District; and

**WHEREAS**, this District has accepted such offer without obligation except as required by law, and

**WHEREAS**, all water and sewer fees for service, required in conformance with District ordinances, have been paid in full for Tract 2381 (Vista Roble, LLC).

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AS FOLLOWS:**

That the water and sewer improvements to serve the twenty lots created by Tract 2381 in Nipomo are accepted by this District.

On the motion by Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, and on the following roll call vote, to wit:

AYES: Directors  
NOES:  
ABSENT:  
ABSTAIN:

the foregoing resolution is hereby adopted this 14<sup>th</sup> day of December, 2005.

\_\_\_\_\_  
Lawrence Vierheilig, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
General Counsel

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *ML*  
DATE: DECEMBER 14, 2005



ACCEPTANCE OF SEWER IMPROVEMENTS  
APN 090-093-024 (SOUZA)

**ITEM**

Acceptance of sewer improvements for APN 090-093-024 on N. Thompson Avenue

**BACKGROUND**

Upon completion of a developer's project, the District accepts improvements of the project after all requirements have been met. The developer (Souza) for APN 090-093-024, a 1-lot development on North Thompson Avenue has installed sewer improvements and has met the District's conditions:

- Installed the improvements
- Paid associated fees
- Provided the necessary paperwork, including the Offer of Dedication and the Engineer's Certification

**RECOMMENDATION**

Staff recommends that your Honorable Board approve Resolution 2005-Accept Souza, accepting the sewer improvements for APN 090-093-024.

**ATTACHMENT**

Resolution 2005-Accept APN 090-093-024

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**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2005- Accept Souza**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE SEWER IMPROVEMENTS  
FOR THE FOR APN 090-093-024 (SOUZA)**

**WHEREAS**, the sewer improvements have been constructed and said improvements are complete and certified by the engineer; and

**WHEREAS**, on September 7, 2004, the Owner offered the sewer improvements to the Nipomo Community Services District; and

**WHEREAS**, this District has accepted such offer without obligation except as required by law, and

**WHEREAS**, all water and sewer fees for service, required in conformance with District ordinances, have been paid in full for APN 090-093-024 (Souza).

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AS FOLLOWS:**

That the sewer improvements to serve the lot created by APN 090-093-024 in Nipomo are accepted by this District.

On the motion by Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:           Directors  
NOES:  
ABSENT:  
ABSTAIN:

the foregoing resolution is hereby adopted this 14<sup>th</sup> day of December, 2005.

\_\_\_\_\_  
Lawrence Vierheilig, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
General Counsel

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LEBRUN *MSL*  
DATE: DECEMBER 14, 2005



RESOLUTION ELECTING TO ESTABLISH A HEALTH BENEFIT VESTING  
REQUIREMENT FOR FUTURE RETIREES UNDER THE PUBLIC EMPLOYEES'  
MEDICAL AND HOSPITAL CARE ACT

**ITEM**

Consideration of Resolution electing to establish a health benefit vesting requirement for future retirees under the Public Employees' Medical and Hospital Care Act.

**BACKGROUND**

On September 19, 1990, the Board of Directors of NCSD adopted Resolution Number 426 entitled,

RESOLUTION ELECTING TO BE SUBJECT TO PUBLIC EMPLOYEES'  
MEDICAL AND HOSPITAL CARE ACT AND FIXING THE EMPLOYER'S  
CONTRIBUTION AT AN AMOUNT GREATER THAN THAT PRESCRIBED  
BY SECTION 22825 OF THE GOVERNMENT CODE

The Resolution states that the employer's contribution for each employee or *annuitant* shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of eligible family members, in a health benefits plan or plans.

An annuitant is an employee and member of California Public Employee Retirement System (PERS) who retires from Nipomo Community Services District. To retire, an employee must be at least 50 years old and have worked for a PERS agency for five years. Currently, any NCSD employee that is eligible to retire under PERS, regardless of time in service to NCSD, receives the District's full health benefit.

Staff has inquired about implementing vesting for health benefits the NCSD offers to its retirees. If adopted, the proposed vesting program would apply to employees hired on or after the effective date of the resolution electing vesting method. The vesting schedule would require the following:

- A minimum of ten years of PERS service credit is required to receive 50% of the employer contribution.
- Five of those ten years must be performed at NCSD.
- Each additional year of service credit after ten years increases the District contribution by 5% until 20 years at which time the retiring employee is eligible for 100% of the District's health care benefit.

By electing this vesting, new District employees must complete 20 years of PERS eligible service, with at least 15 of those years with the District, in order to receive the District's medical benefit in retirement. This change is intended to ensure an employee's longevity of service is commiserate with the level of health care benefit the District provides in retirement. The proposed change also encourages longevity in employment.

**RECOMMENDATION**

Approve resolution.

**ATTACHMENTS**

- Draft Resolution
- Code Section 22893



**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION 2005-PERS HEALTH**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ELECTING TO ESTABLISH A HEALTH BENEFIT VESTING REQUIREMENT FOR FUTURE  
RETIREES UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**

**WHEREAS**, Government Code 22893 provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act may amend its resolution to provide a post retirement vesting requirement to employees who retire for service, and

**WHEREAS**, Nipomo Community Services District certifies employees are not represented by a bargaining unit and there is no applicable memorandum of understanding, and

**WHEREAS**, the credited service for purposes of determining the percentage of employer contributions shall mean service as defined in Section 20069, except that not less than five years of that service shall be performed entirely with the Nipomo Community Services District; and

**WHEREAS**, the contribution for active employees cannot be less than what is defined in Section 22892(b);

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** by the Board of Directors of the Nipomo Community Services District, San Luis Obispo County, California, as follows:

1. That the employer's contribution for each retired employee first hired on or after the effective date of this resolution shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan or plans up to a maximum of 100 percent of the weighted average of the health benefits plan premiums for employees or annuitants enrolled for self alone plus 90 percent of the weighted average of the additional premiums required for enrollment of family members in the four health benefits plans that have the largest number of enrollments during the fiscal year to which the formula applied plus Administrative fees and Contingency Reserve Fund, and be it further
2. That the percentage of employer contribution payable for post retirement health benefits for each retired employee shall be based on the employee's completed years of credited service based upon Government Code Section 22893; plus administrative fees and Contingency Reserve Fund assessments.

Upon motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

the foregoing Resolution is hereby adopted this 14<sup>th</sup> day of December 2005.

\_\_\_\_\_  
Lawrence Vierheilig, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
District Legal Counsel

**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT LAW**

22893. (a) Notwithstanding Section 22892, the percentage of employer contribution payable for postretirement health benefits for an employee of a contracting agency subject to this section shall, except as provided in subdivision (b), be based on the member's completed years of credited state service at retirement as shown in the following table:

Credited Years of Service	Percentage of Employer Contribution
10	50
11	55
12	60
13	65
14	70
15	75
16	80
17	85
18	90
19	95
20 or more	100

This subdivision shall apply only to employees who retire for service and are first employed after this section becomes applicable to their employer, except as otherwise provided in paragraph (6). The application of this subdivision shall be subject to the following provisions:

(1) The employer contribution with respect to each annuitant shall be adjusted by the employer each year. Those adjustments shall be based upon the principle that the employer contribution for each annuitant may not be less than the amount equal to 100 percent of the weighted average of the health benefit plan premiums for an employee or annuitant enrolled for self-alone, during the benefit year to which the formula is applied, for the four health benefit plans that had the largest state enrollment, excluding family members, during the previous benefit year. For each annuitant with enrolled family members, the employer shall contribute an additional 90 percent of the weighted average of the additional premiums required for enrollment of those family members, during the benefit year to which the formula is applied, in the four health benefit plans that had the largest state enrollment, excluding family members, during the previous benefit year. Only the enrollment of, and premiums paid by, state employees and annuitants enrolled in basic health benefit plans shall be counted for purposes of calculating the employer contribution under this section.

(2) The employer shall have, in the case of employees represented by a bargaining unit, reached an agreement with that bargaining unit to be subject to this section.

(3) The employer shall certify to the board, in the case of employees not represented by a bargaining unit, that there is not an applicable memorandum of understanding.

(4) The credited service of an employee for the purpose of determining the percentage of employer contributions applicable under this section shall mean state service as defined in Section 20069, except that at least five years of service shall have been performed entirely with that employer.



(5) The employer shall provide the board any information requested that the board determines is necessary to implement this section.

(6) The employer may, once each year without discrimination, allow all employees who were first employed before this section became applicable to the employer to individually elect to be subject to the provisions of this section, and the employer shall notify the board which employees have made that election.

(b) Notwithstanding subdivision (a), the contribution payable by an employer subject to this section shall be equal to 100 percent of the amount established pursuant to paragraph (1) of subdivision (a) on behalf of any annuitant who either:

(1) Retired for disability.

(2) Retired for service with 20 or more years of service credit entirely with that employer, regardless of the number of days after separation from employment. The contribution payable by an employer under this paragraph shall be paid only if it is greater than, and made in lieu of, a contribution payable to the annuitant by another employer under this part. The board shall establish application procedures and eligibility criteria to implement this paragraph.

(c) This section does not apply to any contracting agency, its employees, or annuitants unless and until the agency files with the board a resolution of its governing body electing to be so subject. The resolution shall be adopted by a majority vote of the governing body and shall be effective at the time provided in board regulations.

TO: BOARD OF DIRECTORS  
 FROM: MICHAEL LEBRUN *MSL*  
 DATE: DECEMBER 14, 2005

**AGENDA ITEM  
 E-1  
 DECEMBER 14, 2005**

ELECTION OF OFFICERS  
 BOARD OF DIRECTORS

**ITEM**

Election of Board President and Vice President for 2006

**BACKGROUND**

Chapter 2.04 of District Code requires that the Board elect a President and a Vice-President for the upcoming year at the last regular meeting of the calendar year. The term of office for the President and Vice-President shall commence January 1, 2006.

**RECOMMENDATION**

Staff recommends that the presiding President administer the election of the officers of the Board of Directors.

The following is the recommended procedure:

- Nominations taken for the President of the Board
- Vote taken for the President
- Nominations taken for the Vice President of the Board
- Vote taken for the Vice President

These officers will conduct the January 11, 2006, Board meeting. At that time, the President may appoint ad hoc committee members, as deemed necessary or advisable (Section 9 of the Board By-Laws). The following committees were established for the year 2005. These committees may be revised for appointment or reappointment in January for the year 2006.

<b>Delegates to Community Committees (1 member &amp; 1 alternate)</b>	<b>Member</b>	<b>Alternate</b>
Nipomo Community Advisory Committee (Includes NCAC Water Committee and Land Use Committee)	Ed Eby	None per NCAC Bylaws- no alternate allowed
Water Resources Advisory Committee	Michael LeBrun	Ed Eby
Chamber of Commerce	Cliff Trotter	Mike Winn
Nipomo Creek Watershed Steering Committee (Central Coast Salmon Enhancement)	Larry Vierheilig	Ed Eby
West Tefft Corridor Design Committee	Larry Vierheilig	Mike Winn
Parks	Michael Winn	
<b>Standing Committee Assignments (2 members)</b>	<b>Chairperson</b>	<b>Member</b>
Finance/Audit	Larry Vierheilig	Cliff Trotter
Santa Maria Supplemental Water	Ed Eby	Larry Vierheilig
Water Resources- Other	Michael Winn	Judith Wirsing
Incorporation	Michael Winn	Judith Wirsing
Conservation/Landscape Design	Michael Winn	Larry Vierheilig
Community Projects Grant Funding	Michael Winn	Larry Vierheilig
Personnel	Michael Winn	Larry Vierheilig



TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *msl*  
DATE: DECEMBER 14, 2005



## BASIN MONITORING CONTRACT

### ITEM

Consider approval of a contract for engineering services in support of Nipomo Mesa Groundwater management.

### BACKGROUND

On July 7, 2005, your Honorable Board authorized signature of the Stipulation which proposes a settlement to the ongoing adjudication of the Santa Maria Groundwater basin. Among other things, the Stipulation outlines the formation of the Nipomo Mesa Management Area (NMMA) and NMMA Technical Group and development of a monitoring program to continually evaluate the health of the groundwater basin underlying the Nipomo Mesa.

Specifically the stipulation states:

“The NMMA Technical Group shall include representatives appointed by NCSO, SCWC, ConocoPhillips, Woodlands Mutual Water Company and an agricultural Over-lying Owner who is also a Stipulating Party.”

And furthermore:

“The NMMA Technical Group functions shall be funded by contribution levels to be negotiated by NCSO, SCWC, RWC, ConocoPhillips, and Woodlands Mutual Water Company. In-lieu contributions through engineering services may be provided, subject to agreement by those parties. The budget of the NMMA Technical Group shall not exceed \$75,000 per year without prior approval of the Court pursuant to a noticed motion.”

In addition to meeting envisioned basin management requirements of the stipulation, the District needs to improve current understanding of basin conditions in order to provide assurances the current policy of allowing “conjunctive use” is not causing or threatening to cause irreparable damage to the our single source of water supply.

In order to begin this process, your Honorable Board directed staff to bring forward an engineering contract for monitoring services. Based on the nature of the project and the District’s ongoing contractual relationship with Science Applications International Corporation (SAIC) regarding groundwater basin issues (Engineering services in support of ongoing adjudication, Contract to update Urban Water Management Plan), staff developed a draft scope of work and budget with Mr. Bob Beeby of SAIC.

The draft budget is considered “worst case” for the given scope of work. Additionally, as indicated in the excerpts from the stipulation included above, staff expects many aspects of the projects tasks and costs will be shared among the other members of the NMMA Technical group who share responsibility for funding basin management efforts.

The attached draft scope of work and budget represent an amendment to the District's current contract with SAIC for updating the District's Urban Water Management Plan. The proposed budget exceeds \$25,000.00 and therefore, in accordance with District policy (Resolution 2005-932), would require the District enter a competitive bid process prior to awarding the contract. While it is the District's intent to follow policy, on occasion and for good reason, exceptions to policy are made. In this case, staff is recommending an exception to the bid process for the following reasons:

- SAIC has extensive experience and expertise particular to the specific tasks the District seeks to be carried out.
- The action proposed represents an amendment to an existing contract (UWMP update) which was competitively bid.
- The UWMP contract was won by SAIC based on their experience and expertise with Nipomo Mesa groundwater technical issues.

**RECOMMENDATION**

Approve the draft scope of work and budget Contract amendments with the condition the final amendments will be substantially similar in regard to scope and budget.

**ATTACHMENT**

Draft proposed contract amendment



December 8, 2005

Mr. Michael LeBrun, General Manager  
Nipomo Community Services District  
148 S. Wilson Street  
P. O. Box 326  
Nipomo, CA 93444

*Subject: SAIC Request for Contract Modification and Proposal to Provide Professional Services*

Dear Mr. LeBrun:

Science Applications International Corporation (SAIC) and Nipomo Community Services District (NCSD) have a letter agreement dated August 10, 2005, for SAIC to develop an update of the Urban Water Management Plan. The total budget for that activity is \$56,814. Current billings are \$32,934 leaving a balance of \$23,880. It is anticipated that the update of the Urban Water Management Plan will be completed within budget and in accordance with the planned schedule.

In accordance with our recent discussion, this letter is to request a modification to that letter agreement and to present the SAIC proposal to provide additional technical services related to the development of water monitoring program for the Nipomo Mesa Management Area and general consulting services as required and requested by NCSD. SAIC proposes that the existing letter agreement between NCSD and SAIC along with this Request for Contract Modification 001 serve as the contract vehicles to cover a range of consulting services, each of which would be identified as separate tasks. Mr. Robert G. Beeby, P. E. will serve as the SAIC Program Manager and be the point of contact for NCSD. It is understood that you will serve as the point of contact for NCSD for both administrative and technical issues.

## **SCOPE OF WORK**

The general scope of this new SAIC assignment is to provide technical expertise to support the efforts of NCSD, and other interested parties, in the development of a monitoring program that will provide reliable data on the condition of ground water supplies underlying the Nipomo Mesa Management Area. Ground water conditions are affected by land use and precipitation and these items, as well as other factors that affect the supply of ground water, will be addressed. The nature of the proposed technical support will be defined for each specific task and may include the following type of activities:

1. Evaluation of the reliability of existing data and data collection activities.

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2. Evaluation of technical aspects and monitoring requirements associated with imported, local surface, and ground water resources as potential water supplies.
3. Evaluation of technical aspects and monitoring requirements associated with present land uses and water requirements.
4. Participation in meetings, as directed by NCSD.
5. Presentation of expert testimony before regulators or for litigation support.

SAIC proposes that as specific tasks are identified, in addition to those identified below, time and expense budgets will be developed and submitted to NCSD for approval and authorization. For purposes of this Request for Contract Modification 001, SAIC proposes to establish one task for General Consultation and three tasks associated with the monitoring activities. Each task will be assigned a specific job code or sub code to facilitate budget tracking and cost control. These specific tasks and requested budgets for each are described in the following sections.

#### **TASK 000 - GENERAL CONSULTATION**

Task 1, General Consulting, is proposed to allow for SAIC activities that do not fall precisely under a specifically identified technical task or assignment. Establishment of Task 1 provides flexibility to both the client and consultant in addressing issues that cannot be anticipated in advance.

**Proposed Task 1 Budget: \$5,000**

#### **TASK 600 - ESTABLISHMENT OF HYDROLOGIC MONITORING PROGRAM**

The initial focus of the development of a water monitoring program for the Nipomo Mesa Area will be on ground water elevations and quality but other hydrologic parameters such as surface water inflow and outflow and land use may also be included in the investigation leading to the development of the monitoring program to be submitted to the Court. Specific activities associated with this effort will include meeting with other technical consultants, review of existing geohydrologic information, development of the analytical tools to locate the monitoring wells and conducting analyses to identify the red and yellow "triggers" identified by the Court. It is anticipated that SAIC will participate in the development of the document describing the proposed monitoring program and costs for a brief summary-type report have been included in this SAIC Request for Contract Modification 001 and budget augmentation.

SAIC proposes to set up separate sub task numbers for the various activities to be undertaking for Task 600, Establishment of Hydrologic Monitoring Program. These are specifically described below.

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It is noted that the level of interaction with the other participants within the NMMA, regarding data availability, collection and compilation, by SAIC staff cannot be predicted with great accuracy. The proposed budgets reflect reasonable estimates of the level of effort required.

### **SUB TASK 601 COORDINATION WITH OTHER STAKEHOLDERS**

The purpose of this subtask is to provide for meeting with other stakeholders, principally Conoco/Phillips, Rural Water Company and Golden State Water Company. There may also be meetings with staff from the County of San Luis Obispo and representatives from the other parties to the litigation such as the City of Santa Maria and others. The amount of time required for these meetings cannot be determined with any accuracy but for purposes of this request for budget augmentation is based on a total of ten days of meetings attended by one or two SAIC staff.

**Proposed Task 601 Budget: \$10,000**

### **SUB TASK 602 DATA BASE COMPILATION**

The purpose of this task will be to update the various data bases already in the SAIC files using available data and compile all the data into a master data base. Maps based on Geographic Information Software will be developed to graphically represent the findings. Data to be entered into the data base includes, but is not limited to, (1) well physical characteristics (well depth, bowl depth, diameter, horsepower, production records; (2) well locations; and, (3) land use data. Land use data will be obtained from available aerial photography.

The quality of the data in the data base will also be evaluated and ranked for the appropriate use for the monitoring program. For example, a well with a long-term record of water level readings that show some level of consistency would be given a higher ranking than a well with a short-term record or one that shows great fluctuation in levels for no obvious reason.

The proposed deliverable for Sub Task 602 will be an electronic copy of the data base and a technical memo documenting its use.

**Proposed Task 602 Budget: \$35,000**

### **SUB TASK 603 EVALUATE MONITORING NEEDS**

The data base developed in Sub Task 602 will be reviewed in order to identify key wells in the NMMA that should be included in the monitoring program. Key wells may include those owned and operated by NCSO as well as wells owned and operated by other

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Mr. Michael LeBrun  
Nipomo Community Services District  
December 8, 2005  
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stakeholders. Wells identified will be plotted on maps in order to determine if additional monitoring wells are needed and if they are where they should be located.

Another activity that is included in Sub Task 603 is the development of a preliminary sampling plan or standard operation procedures for collecting the data required for the monitoring program. It is anticipated that this deliverable will be a 10-15 page technical memorandum and that it will be submitted to NCS D for review and comment prior to being circulated to the other stakeholders

The budget proposed does not include funds for design or construction of any new facilities.

**Proposed Task 603 Budget: \$15,000**  
**Proposed Total Budget for Task 600 (Tasks 601- 603): \$60,000**  
**Proposed Total Budget for Contract Modification: \$65,000**

## **TASK 700 ON-GOING MONITORING ACTIVITIES**

Task 700 will be an on-going activity that will require data collection, updating of the data base and the preparation of an annual report. The monitoring plan developed through Task 600 will be evaluated during the course of the yearly monitoring activities and the plan may need to be modified to provide a more comprehensive program than can be developed at this stage. It is estimated that the NCS D annual costs of operating and maintaining the monitoring program may be on the order of \$30,000 per year. This amount is not included as part of this SAIC Request for Contract Modification.

## **BUDGET**

SAIC proposes a Time and Material budget of \$65,000 be established for completion of Sub Task 601 through Sub Task 603. We also propose to be able to move funds from one task to another without requesting a contract modification and will notify you in advance of any transference of funding. We will bill monthly on a time and expense basis in accordance with the attached schedule of fees for 2006. We will not exceed the total budget of \$65,000 without prior authorization.

I look forward to continuing our work with you and the NCS D and thank you for your confidence in the staff here at SAIC. Please contact me at (805) 564-6139 to discuss any technical aspect of this proposal, proposed scope of work or budgets. If the proposed Scopes of Work, Budgets and Fee Schedule are acceptable, please have an authorized representative of NCS D sign this agreement and return one copy. The other copy is for your files.

Sincerely,



Mr. Michael LeBrun  
Nipomo Community Services District  
December 8, 2005  
Page 5 of 5



SAIC ENGINEERING, INC.

Robert G. Beeby, P. E.

Approved: \_\_\_\_\_ Agreed: \_\_\_\_\_  
Diane L. Keep Michael LeBrun  
Contracts Manager NCSD General Manager

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Enclosures (Fee Schedule)

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Reference B

**SCIENCE APPLICATIONS INTERNATIONAL CORPORATION**  
*Environmental Sciences & Infrastructure Business Unit*

<b>SAIC DIRECT LABOR</b>	<b>Fully Burdened Hourly Rate</b>
Sr. Principal Consultant	\$205.00
Principal Consultant I	\$195.00
Principal Consultant II	\$185.00
Sr. Program Manager I	\$175.00
Sr. Program Manager II	\$165.00
Sr. Program Manager III	\$155.00
Program Manager I	\$150.00
Program Manager II	\$140.00
Program Manager III	\$130.00
Sr. Project Manager	\$125.00
Project Manager	\$115.00
Sr. Consultant I	\$145.00
Sr. Consultant II	\$135.00
Sr. Consultant III	\$125.00
Sr. Consultant IV	\$115.00
Sr. Consultant V	\$110.00
Staff Consultant I	\$100.00
Staff Consultant II	\$95.00
Staff Consultant III	\$90.00
Staff Consultant IV	\$85.00
Staff Consultant V	\$80.00
Associate Consultant I	\$75.00
Associate Consultant II	\$70.00
Associate Consultant III	\$65.00
Associate Consultant IV	\$60.00
Associate Consultant V	\$55.00
Technician I	\$50.00
Technician II	\$45.00
Technician III	\$40.00
Technician IV	\$35.00
Sr. Project Administration I	\$95.00
Sr. Project Administration II	\$90.00
Project Administration I	\$85.00
Project Administration II	\$75.00
Project Administration III	\$65.00
Project Administration IV	\$55.00
Project Administration V	\$45.00
M&S Handling Charge	12%

Lodging, meals, mileage and other out-of-pocket expenses billed at SAIC cost.

Rates Effective: January 2006 thru December 2006



TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *MLB*  
DATE: NOVEMBER 30, 2005



## MANAGER'S REPORT

### ITEM

Standing report to your Honorable Board

*Period covered by this report: November 23, 2005 through December 9, 2005.*

### DISTRICT BUSINESS

#### Administrative

*Service Requests/Allocation Accounting:* It is Staff's hope and intent to use the "quiet" holiday period as an opportunity to update that allocation spreadsheet for Board presentation. Minimal water allocations have been authorized this water year (commenced October 1, 2005). No new allocations during the reporting period.

*Conservation Position:* Interviews to be conducted on December 13<sup>th</sup> and 20<sup>th</sup>.

*Limited-term Project Manager:* District Counsel is working with the General Manager to draft an employment contract for a limited-term, project manager/assistant to the General Manager. Staff intends to have the position filled by mid-February. The position will be focused on supporting and facilitating the District's major capital improvement projects, including the supplemental water project.

*Urban Water Management Plan Update:* The draft plan is complete. A broad announcement of availability will be made once copies are received and distributed to Directors and other interested parties. The electronic file size (20 MB) may prohibit posting on the District web site. Disk copies will be made available to all interested parties. Plan adoption is scheduled for January 25, 2006.

*Vehicle:* Staff completed purchase of an admin vehicle on December 1, 2005. The General Manager's contract was revised to eliminate the \$300.00 per month car allowance, effective the same date.

*Boulevard Trees:* The District is required to replace the three boulevard trees with six new trees as a condition of the tree removal permit. Staff has sought bids to repair damage to the sidewalk from the previous trees and cutting for new trees. Following concrete work, new trees will be placed.

#### *Meetings/Training:*

General Manager attended the following meetings:

December 1: meeting with representative of Maria Vista Estates to go over final "punch list" items.

December 7: WRAC

***Rainfall totals:*** No updates – will commence as rainy season progresses.

#### Safety Program

No injury reports during the period.

### Field Activity

#### Wastewater

*Blacklake Lagoon #1.* Lagoon is on line and being filled. Following a final inspection and sign-off by project engineer Jim Garing, a Notice of Completion will be filed.

*Blacklake Salt Violations:* Efforts continue to address salt violations at Blacklake sewer plant discharge. General Manager continues to interface with Blacklake community leaders and speak at community forums on the issue. Next meeting scheduled for December 15, 2005 at District offices.

#### Water

##### *Hermreck Well*

Maggiore Brothers Drilling Inc. is on site and expected to finish abandonment by December 16, 2005.

##### *Santa Maria Pipeline*

Work on the Pipeline EIR by Doug Wood and Associates continues; an administrative draft is scheduled for completion by January 10, 2006. Staff makes regular calls to and correspondence with the EIR consultant to stay on top of the time line for the project.

Staff contacts City of Santa Maria Staff regularly to maintain communication on project process. Meetings are scheduled as necessary to discuss issues and concerns. The next milestone for the District is the circulation of a request for engineering design proposals. Staff expects the request to be prepared and circulated in early 2006, concurrent with the timing of the administrative draft EIR and public draft EIR.

##### *Telemetry system*

This project is substantially complete. Well-level data is being added and system settings are being refined. District Staff has already realized significant operational oversight improvement with the system. Staff will be calibrating this information and bringing additional well-level data on line over the next 30 days.

#### Solid Waste (Garbage)

The County is actively coordinating the installation of waste receptacles in Olde Towne. Once installed, District Staff will arrange for regular pick up services. District Staff has made arrangements with the Garbage Company for identification and pick up of illegally dumped trash in the community. The procedure will be maintained "low profile" to avoid unintended promotion of illegal dumping.

Staff has contacted the County's solid waste coordinator to discuss the County schedule for implementing mandated garbage service for the urbanized areas surrounding the District. A copy of the District's recently adopted ordinance has been shared with the County. County Staff has committed to moving forward with a similar ordinance.

##### *Street Sweeping*

Staff is once again pursuing the County with options for coordinating and co-funding the operation of the County-owned street sweeper within the District service area. No response was received from a previous request for street sweeping services (private entity request). Prior to re-circulating the request, Staff is exploring coordinating efforts with the County.

### RECOMMENDATION

Staff seeks direction and input from your Honorable Board.

### ATTACHMENTS

No Attachments