

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 41 - Years of Service 1965 - 2006

AGENDA

MARCH 8, 2006 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

LARRY VIERHEILIG, **PRESIDENT**
MICHAEL WINN, **VICE PRESIDENT**
JUDITH WIRSING, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**
ED EBY, **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.*
- *District-prepared staff reports and documents are generally posted on the District's website {Nipomocsd.com} on the same date the agenda is posted.*

A. CALL TO ORDER AND FLAG SALUTE

NEXT RESOLUTION 2006-966

B. ROLL CALL

NEXT ORDINANCE 2006-106

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.

C-1) COMMANDER MARTIN BASTI OF SOUTH COUNTY SHERIFF STATION
Presentation of sheriff activities in the Nipomo area.

C-2) DAN ANDERSON, CDF BATTALION CHIEF, CALIFORNIA DEPARTMENT OF FORESTRY (CDF) Presentation of CDF activities in the Nipomo area.

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 February 22, 2006

D-3) RE-APPLICATION FOR SERVICE APN 092-130-071 [RECOMMEND APPROVAL]
Re-issue an Intent-to-Serve letter pursuant to District's updated Policies and Charges for on-going 4-way lot split single family residential development project.

E. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)

E-1) PROJECT UPDATE: INTER-TIE PIPELINE WITH SANTA MARIA, POLICY ISSUES
Staff will outline current policy issues related to Project environmental documentation and seek Board approval to provide direction to consultant.
Recommend Approval] – 1 hour.

Nipomo Community Services District
REGULAR MEETING
AGENDA

- E-2) PROJECT UPDATE: INTER-TIE PIPELINE WITH SANTA MARIA, TIMELINE REVIEW
Staff will provide an update on project status and seek Board direction on a number of critical path timelines. [No action recommended] – 1 hour.
- E-3) COUNTY RURAL PLANNED DEVELOPMENT POLICY COMMENT LETTER
Staff will outline a draft comment letter on County Rural Planned Development Ordinance and seek Board approval. [Approve letter] – 10 minutes.
- E-4) GENERAL MANAGER JOB DESCRIPTION
Consider and approve Personnel Sub-committee recommendation for General Manager job description. [Approve job description] – 20 minutes.
- E-5) INTERIM-GENERAL MANAGER PROCESS UPDATE
Staff will update Board of Directors on search for interim-General Manager and seek Board direction/approval of salary range and timing issues. [Approve salary range/process] – 20 minutes.
- E-6) SOUTHLAND FACILITY UPDATE REQUEST FOR ENGINEERING SERVICES
Staff will review a draft Request for Engineering Services to provide an upgrade to the Southland Wastewater facility [Approve request for services] – 30 minutes.

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 NCSO SANTA CLARA COUNTY CASE NO. CV 770214 AND
ALL CONSOLIDATED CASES.
- 2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
NCSO vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND
USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)
- 3. CONFERENCE WITH LEGAL COUNSEL Initiation of Litigation GC§54956.9
ACTION TO RECOVER DAMAGES FROM ARB INC. RESULTING FROM
BROKEN WATER MAIN.
- 4. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
MARIA VISTA VS. NCSO CASE NO. CV 040877

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 MARCH 22, 2006.

TO: BOARD OF DIRECTORS
FROM: MICHAEL LeBRUN *MLB*
DATE: MARCH 8, 2006



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]
Regular meeting February 22, 2006
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Re-issue an Intent-to-Serve letter pursuant to District's updated Policies and Charges for on-going 4-way lot split single family residential development project.

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2006\CONSENT 03-08-06.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS MARCH 8, 2006**

**AGENDA ITEM
D-1
MARCH 8, 2006**

HAND WRITTEN CHECKS

18856	03-01-06	L VIERHEILIG	50.00
18857	03-01-06	E EBY	50.00

**TOTAL COMPUTER
CHECKS
\$ 131,593.12**

VOIDED CHECKS

11734

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
11794	02/24/06	EMP01	EMPLOYMENT DEVELOP DEPT	421.08	.00	421.08	A60221	STATE INCOME TAX
11795	02/24/06	MID01	MIDSTATE BANK-PR TAX DEP	1966.20	.00	1966.20	A60221	FEDERAL INCOME TAX
				25.80	.00	25.80	1A60221	FICA
				546.16	.00	546.16	2A60221	MEDICARE (FICA)
			Check Total.....:	2538.16	.00	2538.16		
11796	02/24/06	MID02	MIDSTATE BANK - DIRECT DP	16382.30	.00	16382.30	A60221	NET PAY DEDUCTION
11797	02/24/06	PER01	PERS RETIREMENT	5518.58	.00	5518.58	A60221	PERS PAYROLL REMITTANCE
11798	02/24/06	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A60221	WAGE ASSIGNMENT
11799	02/24/06	STA01	STATE STREET GLOBAL	1230.00	.00	1230.00	A60221	457 DEFERRED COMP
011800	03/08/06	ADV01	ADVANTAGE ANSWERING PLUS	92.95	.00	92.95	74458	ANSWERING SERVICE
011801	03/08/06	ALX01	ALEXANDER'S CONTRACT SERV	2709.36	.00	2709.36	SAC 2-9	METER READING SERVICE
011802	03/08/06	AME03	AMERI PRIDE	57.49	.00	57.49	F605788	UNIFORMS
				61.99	.00	61.99	F611664	UNIFORMS ETC
			Check Total.....:	119.48	.00	119.48		
011803	03/08/06	AWW01	AWWA BOOKSTORE	72.50	.00	72.50	300961	CONSERVATION PROGRAM PUBL
011804	03/08/06	CAL12	CAL/OSHA COMPLIANCE ADV	267.00	.00	267.00	A60228	CAL/OSHA COMPLIANCE ADVIS
011805	03/08/06	CAN02	CANNON ASSOCIATES	226.00	.00	226.00	37891	PROF SERVICES NCS D INTERT
				4035.00	.00	4035.00	37895	PROP 50 PREAPPLICATION PR
			Check Total.....:	4261.00	.00	4261.00		
011806	03/08/06	COM02	COMMUNICATION SOLUTIONS	290.00	.00	290.00	3529	EXTRACT DATA TO EXCEL
011807	03/08/06	COR01	CORBIN WILLITS SYSTEMS	565.00	.00	565.00	A60215	PVX WORKSTATION ADDITION
				702.70	.00	702.70	A602151	MONTHLY SUPPORT AGREEMENT
			Check Total.....:	1267.70	.00	1267.70		
011808	03/08/06	CRE01	CREEK ENVIRONMENTAL LABS	24.00	.00	24.00	N0699	LAB TEST-BLWWTP
				24.00	.00	24.00	N0725	LAB TEST-BLWWTP
				24.00	.00	24.00	N0756	LAB TEST-BLWWTP
				24.00	.00	24.00	N0783	LAB TEST-BLWWTP
				24.00	.00	24.00	N0795	LAB TEST-BLWWTP
				120.00	.00	120.00	N0829	WATER SAMPLES
				24.00	.00	24.00	N0830	LAB TEST-BLWWTP
				24.00	.00	24.00	N0865	LAB TEST-BLWWTP
				24.00	.00	24.00	N0907	BL WWTP LAB
			Check Total.....:	312.00	.00	312.00		
011809	03/08/06	CUE01	CUESTA EQUIPMENT	80.62	.00	80.62	157142	AIR SYSTEMS FOR WELL LEVE
011810	03/08/06	CUL02	CULLIGAN WATER CONDITION	17.97	.00	17.97	022806	DELIVERY
011811	03/08/06	DEW01	J B DEWAR INC	250.30	.00	250.30	358321	OIL FOR WELLS
011812	03/08/06	DUN01	DUNBAR, MADONNA	29.37	.00	29.37	FEBRUARY	TRAVEL REIMBURSEMENT
011813	03/08/06	EBY01	EBY, ED	100.00	.00	100.00	030806	REGULAR BD MTG 3/8/06
011814	03/08/06	FER01	FERGUSON ENTERPRISES INC	511.02	.00	511.02	1025247	FLAPPER CHECK VALVE

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS MARCH 8, 2006**

**AGENDA ITEM
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MARCH 8, 2006
PAGE TWO**

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Payment Information	
							Invoice #	Description
011815	03/08/06	FGL01	FGL ENVIRONMENTAL	237.00	.00	237.00	601031A	LAB TEST-NIPOMO WWTP
				52.00	.00	52.00	601307A	LAB TEST-BLWWTP
				273.00	.00	273.00	601308A	LAB TEST-NIPOMO WWTP
				176.00	.00	176.00	601564A	LAB TEST-NIPOMO WWTP
				77.00	.00	77.00	601565A	LAB TEST-BLWWTP
			Check Total.....:	815.00	.00	815.00		
011816	03/08/06	GIL01	GLM, INC.	100.00	.00	100.00	022406	BL LANDSCAPE
				309.06	.00	309.06	022406B	LANDSCAPE WILSON OFFICE
			Check Total.....:	409.06	.00	409.06		
011817	03/08/06	GRA01	GRANDFLOW, INC.	1371.28	.00	1371.28	84391	FORMS
011817	03/08/06	GRA01	GRANDFLOW, INC.	372.82	.00	372.82	84392	FORMS
			Check Total.....:	1744.10	.00	1744.10		
011818	03/08/06	GRA03	GRAYBAR ELECTRIC CO	104.59	.00	104.59	915556466	ELECTRICAL PARTS
011819	03/08/06	GRO01	GROENIGER & CO	277.35	.00	277.35	536948	METER SUPPLIES
011820	03/08/06	GWA01	GWA INC	25.00	.00	25.00	60200659	MONTHLY ALARM MONITOR
011821	03/08/06	IMP02	IMPAC GOVERNMENT SERVICES	54.92	.00	54.92	022206B	TRAVEL EXPENSES
				5115.48	.00	5115.48	022206	COMPUTER SET UP
				395.68	.00	395.68	022206C	OPERATING SUPPLIES
			Check Total.....:	5566.08	.00	5566.08		
011822	03/08/06	IND02	INDEPENDENT ELEC SUPPLY	18.63	.00	18.63	310010162	SUPPLIES
011823	03/08/06	KAM01	KAMAN INDUSTRIAL TECH	160.88	.00	160.88	U353073	TUBING
011824	03/08/06	LAC01	LA CHEMICAL	878.88	.00	878.88	44421	SODIUM HYPOCHLORITE
011825	03/08/06	MCD01	McDONOUGH HOLLAND & ALLEN	5038.28	.00	5038.28	172301	LEGAL SERVICES
011826	03/08/06	MID05	MID STATE BANK PETTY CASH	64.23	.00	64.23	FEBRUARY	POSTAGE
				1.50	.00	1.50	FEBRUARY1	PARKING FEE
				91.77	.00	91.77	FEBRUARY2	SUPPLIES
			Check Total.....:	157.50	.00	157.50		
011827	03/08/06	NEX01	NEXTEL COMMUNICATIONS	317.03	.00	317.03	7314-051	CELLULAR SERVICES
011828	03/08/06	NIP09	NIPOMO MARKET PLACE	1668.21	.00	1668.21	320977	GASOLINE FOR FEBRUARY
011829	03/08/06	NUT01	NU TECH PEST MGMT	265.00	.00	265.00	55260	PEST CONTROL
011830	03/08/06	PRE01	PRECISION JANITORIAL	275.00	.00	275.00	147	JANITORIAL SERVICE FOR FE
011831	03/08/06	PRO01	PROTO DIE MANUFACTURING	475.00	.00	475.00	3090	LIFTING DEVICE
011832	03/08/06	QUI03	QUINN RENTAL SERVICES	23.81	.00	23.81	2070345	CURB STAKES
011833	03/08/06	REL01	RELIABLE	44.33	.00	44.33	XW254000	OFFICE SUPPLIES
				25.73	.00	25.73	XW254001	OFFICE SUPPLIES
			Check Total.....:	70.06	.00	70.06		
011834	03/08/06	RIC01	RICHARDS, WATSON, GERSHON	45587.12	.00	45587.12	144570	GROUND WATER LITIGATION
011835	03/08/06	SAN02	SANSONE COMPANY, INC	14832.20	.00	14832.20	FINAL	FINAL RETENTION BILLING
011836	03/08/06	SAN11	SAN LUIS PAPER CO.	133.12	.00	133.12	479828	CLEANING SUPPLIES
011837	03/08/06	SHI01	SHIPSEY & SEITZ, INC	10553.37	.00	10553.37	021506	LEGAL SERVICES
011838	03/08/06	SLO07	SLO CSDA CHAPTER	240.00	.00	240.00	ETHICS	ETHICS TRAINING MARCH 22,
011839	03/08/06	STA03	STATEWIDE SAFETY & SIGNS	42.60	.00	42.60	47023	FIRST AID KITS
011840	03/08/06	STR03	STRADLING YOCCA CARLSON	1500.00	.00	1500.00	2	PREP OF CONTINUING DISCLO
011841	03/08/06	THE01	THE GAS COMPANY	116.38	.00	116.38	A60228	OFFICE HEATING

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS MARCH 8, 2006**

**AGENDA ITEM
D-1
MARCH 8, 2006
PAGE THREE**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information-----	
							Invoice #	Description
011842	03/08/06	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	030806	REGULAR BD MTG 3/8/06
011843	03/08/06	VAL01	VALLEY SEPTIC SERVICE	2034.60	.00	2034.60	2734	JETTING SEWER LINES
011844	03/08/06	VER01	VERIZON	30.63	.00	30.63	021906A	BL PHONE
				29.36	.00	29.36	021906B	BL PHONE
Check Total.....:				59.99	.00	59.99		
011845	03/08/06	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	030806	REGULAR BD MTG 3/8/06
011846	03/08/06	WIN01	WINN, MICHAEL	100.00	.00	100.00	030806	REGULAR BD MTG 3/8/06
011847	03/08/06	WIR02	WIRSING, JUDY	100.00	.00	100.00	030806	REGULAR BD MTG 3/8/06
011848	03/08/06	XER01	XEROX CORPORATION	82.68	.00	82.68	15850095	COPIER MAINT
011849	03/08/06	\D006	DOLL HOUSE DESIGN,	360.00	.00	360.00	000A60301	MQ CUSTOMER REFUND
011850	03/08/06	\E003	DOUG ENLOE DRILLING,	291.20	.00	291.20	000A60301	MQ CUSTOMER REFUND
011851	03/08/06	\H005	HUNTERS LANDING,	39.16	.00	39.16	000A60301	MQ CUSTOMER REFUND
011852	03/08/06	\N006	NRA CONSTRUCTION,	409.85	.00	409.85	000A60301	MQ CUSTOMER REFUND

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 41 - Years of Service 1965 - 2006

D2

MINUTES

FEBRUARY 22, 2006 8:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

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

PRINCIPAL STAFF

MICHAEL LeBRUN, **GENERAL MANAGER**
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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.

00:00:00	A. CALL TO ORDER AND FLAG SALUTE President Vierheilig called the meeting to order at 8:00 a.m. and led the flag salute.
00:00:10	B. ROLL CALL At Roll Call, all Board members were present.
00:00:25	C. CLOSED SESSION ANNOUNCEMENTS Michael LeBrun, General Manager, announced the need to go into Closed Session to discuss the following case. 1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
00:00:26	D. PUBLIC COMMENT ON CLOSED SESSION ITEMS There was no public comment on the Closed Session item.
00:00:30	E. ADJOURN TO CLOSED SESSION The Board adjourned to the Conference Room for Closed Session.
10:00 A.M. RECONVENE TO	
Recording started over. 00:00:00	F. OPEN SESSION ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION The Board reconvened to Open Session in the regular Board room at 10:00 a.m. Jon Seitz, District Legal Counsel, reported that the Board heard an update from Special Water Counsel, Jim Markman, on the Santa Maria Valley Water Conservation District versus NCSD Santa Clara Case No. CV 770214. There will be a trial held Monday, February 27, 2006, in Santa Maria. There was no reportable action on the Closed Session.
00:00:50	G. PUBLIC COMMENT PERIOD PUBLIC COMMENT Judith Wirsing, NCSD resident - Mrs. Wirsing came to the podium with the intention to speak as a member of the public. President Vierheilig informed Mrs. Wirsing the item she intended to address was on the agenda so her comments would have to wait. Mrs. Wirsing made no public comment.

MINUTES SUBJECT TO BOARD APPROVAL

Copy of document found at www.NoNewTaxes.com

**Nipomo Community Services District
REGULAR MEETING
AGENDA**

00:10:44

00:28:14

H. CONSENT AGENDA

- H-1) WARRANTS
- H-2) BOARD MEETING MINUTES
Regular meeting February 8, 2006
- H-3) SAFETY MEETING MINUTES
Safety meeting February 14, 2006
- H-4) RE-APPLICATION FOR SERVICE APN 090-143-005/007
Re-issue an Intent-to-Serve letter for on-going mixed-use development project.

Item H-4 was pulled for separate consideration.

There was no public comment. Upon motion of Director Eby and seconded by Director Winn, the Board unanimously approved Items H-1 through H-3 of the Consent Agenda, as amended in the Directors Comments of the Minutes. Vote 5-0

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

Item H-4 was discussed. Director Wirsing asked if the subject project has been considered in the residential water allocation. Mr. LeBrun said he would check that. She also asked if the language on the current Intent-to-Serve letter is the same as the one that is expiring. The answer was no. The language used in the current letter has changed. There was no public comment. Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously approved Item H-4 on the Consent Agenda. Vote 5-0

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

ADMINISTRATIVE ITEMS

I-1) Draft COUNTY RURAL PLANNED DEVELOPMENT POLICY

John Nall of the San Luis Obispo County Planning Department presented slides and information concerning the proposed Land Use Ordinance Amendment. The proposed ordinance will be presented to the SLO County Board of Supervisors in March or April. Mr. Nall stated that the entire report is on the County's website. After much Board discussion the Board directed staff to draft a letter to the SLO County Board of Supervisors recommending the County cease processing the ordinance. The letter should further state that should the County continue processing the amendment, a complete EIR of all the potential development sites subject to the proposed ordinance should be included.

The Board thanked Mr. Nall for his presentation.

**Nipomo Community Services District
REGULAR MEETING
AGENDA**

The Board took a break at 11:42 a.m. and then went into Closed Session at 12:00 p.m.

01:41:20
01:41:30
01:41:38
01:41:42
01:42:05

M. CLOSED SESSION ANNOUNCEMENTS

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

1. PUBLIC EMPLOYEE RELEASE/RESIGNATION GOV'T CODE §54957
2. LIABILITY CLAIM GOV'T CODE §54956.95 – CLAIMANT ESTATE OF ROBERTO HERNANDEZ, SR., CLAIM AGAINST NCSD

N. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment on the Closed Session items.

O. ADJOURN TO CLOSED SESSION

P. OPEN SESSION

The Board returned to Open Session at 1:10 p.m.

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Jon Seitz, District Legal Counsel, announced to an empty audience that the Board heard the two items above.

1. Mr. Seitz reported that the Board, on a 5-0 vote, regretfully accepted the resignation of General Manager, Michael LeBrun, effective May 19, 2006.
2. On a 5-0 vote, the Board rejected the claim against the District by R. Hernandez, Sr. and instructed legal counsel to provide appropriate notice.

President Vierheilg activated the Ad Hoc Personnel Committee for purposes of obtaining a General Manager. He appointed Director Wirsing and himself to the committee.

Director Trotter left the meeting at 1:12 p.m.

I-2) ANNUAL UPDATE OF BOARD OF DIRECTORS BY-LAWS

Jon Seitz, District Legal Counsel, reviewed the current and modified Board of Directors By-Laws. The Board considered staff recommendations to the update.

There was no public comment.

Upon motion of Director Eby and seconded by Director Winn, the Board unanimously approved Resolution 2006-965, adopting the amended By-Laws. Vote 4-0.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2006-965
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AMENDED BY-LAWS (2006 UPDATE)**

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

**Nipomo Community Services District
REGULAR MEETING
AGENDA**

01:58:10	<p>I-3) CONSERVATION/LANDSCAPE SUB-COMMITTEE ACTIVATION The Board discussed activation of the Conservation/Landscape Ad-Hoc Sub-Committee. President Vierheilg appointed Director Winn as chair and himself to the committee.</p>
02:03:00	<p>I-4) NIPOMO/SANTA MARIA WATERLINE INTER-TIE AD HOC SUB-COMMITTEE The Board discussed activation of the Nipomo/Santa Maria waterline inter-tie Ad-Hoc Sub-Committee. President Vierheilg appointed Director Eby as chair and Director Winn to the committee.</p>
02:08:15	<p>J. MANAGER'S REPORT Michael LeBrun, General Manager, reviewed the information in the written report.</p>
02:22:02	<p>K. COMMITTEE REPORTS Director Eby stated that he will try to meet on the Santa Maria Inter-tie Ad Hoc Sub-Committee, Thursday, March 2, 2006.</p>
02:23:00	<p>M. DIRECTOR'S COMMENTS <u>Director Winn</u> – Meeting with President Vierheilg and Supervisor Achadjian Feb 23, 2006. Groundwater adjudication settlement conference to be held in Santa Maria City Hall, Friday, Feb. 24, 2006. WRAC meeting March 1, 2006. <u>President Vierheilg</u> - Olde Towne Golf Classic, March 25, 2006. County Parks and Recreation update document is available on their website. Received notice from Laurie Ion, CSDA, about AB 1234, the required ethics training will be held March 22, 2006, from 2:30 – 4:30 p.m. in Templeton. All are invited to attend the March 4, 2006, Nipomo Native Gardens planting day. <u>Director Eby</u> – Land Conservancy dedication will be held March 4, 2006 at 9:00 a.m. to dedicate the newest Blacklake property acquisition. Ceremony takes place at the corner of Highway 1 and Callender Road.. <u>Director Winn</u> – NCAC, Monday, Feb. 27, 2006, will consider changing name to South County Advisor Council.</p>
02:31:47	<p>ADJOURN President Vierheilg adjourned the meeting at 1:58 p.m.</p>

➤ THE NEXT REGULAR BOARD MEETING IS MARCH 8, 2006.

TO: BOARD OF DIRECTORS
FROM: MICHAEL LeBRUN *MLB*
DATE: MARCH 8, 2006

**AGENDA ITEM
D-3
MARCH 8, 2006**

RE-APPLICATION FOR SERVICE APN 092-130-071

ITEM

Re-issue an Intent-to-Serve letter pursuant to District's updated Policies and Charges for an on-going 4-way lot split development.

BACKGROUND

On April 19, 2004, your Honorable Board issued an Intent-to-Serve letter to a 4-way lot split residential development on Frank Court in Nipomo (Attached). The project consists dividing a single, approximate 47,500 square foot lot, into four residential lots with an approximate size range of 9,000 to 13,000 square feet. The Intent-to-Serve letter is scheduled to expire on April 24, 2006.

The Applicant has submitted development plans, entered a Plan Check and Inspection Agreement with the District, paid a \$5,000.00 deposit, completed a number of plan review and revision iterations with the District, and continues to pursue the project with the County.

On February 13, 2006, the Applicant requested an extension to the Intent-to-Serve letter in writing and paid a \$50.00 administrative fee.

RECOMMENDATION

Staff recommends your Honorable Board direct staff to allocate water to the project (1.55 acre-feet) in accordance the District's water allocation policy and re-issue the Intent-to-Serve (ITS) letter for the project with the following conditions:

- A Will-Serve letter for the project will be issued after development plans are approved and signed by General Manager.
- Make a non-refundable deposit ("Deposit") at the time the District issues a Will-Serve letter in an amount equal to the then calculated Fees for Connection.
- Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and that the District has accepted improvements to be dedicated to the District, if applicable.
- Intent-to-Serve letters shall automatically terminate on the first to occur:
 - Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve letter is issued; or
 - Two (2) years. However, applicant shall be entitled to a one-year extension upon proof of reasonable due diligence in processing the project.
- This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.
- This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.

ATTACHMENT

April 19, 2004 Intent-to-Serve letter

NIPOMO COMMUNITY

BOARD MEMBERS

MICHAEL WINN, PRESIDENT
JUDITH WIRSING, VICE PRESIDENT
ROBERT BLAIR, DIRECTOR
CLIFFORD TROTTER, DIRECTOR
LARRY VIERHEILIG, DIRECTOR



SERVICES DISTRICT

STAFF

DOUGLAS JONES, GENERAL MANAGER
LISA BOGNUDA, ASSISTANT ADMINISTRATOR
JON SEITZ, GENERAL COUNSEL
DAN MIGLIAZZO, UTILITY SUPERVISOR

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

April 19, 2004

Dale and Wanda Federer
233 Frank Court
Nipomo, CA 93444

This is not a Will Serve letter

SUBJECT: INTENT-TO-SERVE WATER SERVICE FEDERER
PARCEL MAP CO 04-0186 APN 092-130-071
233 FRANK COURT, NIPOMO
4-WAY LOT SPLIT FOR RESIDENTIAL SINGLE FAMILY

An Intent-to-Serve letter for water and sewer service for your 4-way lot split, CO 04-0186, on Frank Court, Nipomo, APN 092-130-071, is granted subject to the following conditions:

1. Enter into a Plan Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
3. Pay all appropriate District water, sewer and other fees associated with this development.
4. Construct the improvements required and submit the following:
 - a. Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
 - b. Offer of Dedication
 - c. Engineer's Certification
 - d. A summary of all water and sewer improvement costs
5. This Intent-to-Serve Letter will expire two years from date of issuance.
6. This letter is void if land use is other than residential single family.

As required by Section 19.20.238 Title 19 of the San Luis Obispo County Code, the Nipomo Community Services District certifies that it will provide potable water service to CO 04-0186 and that it has sufficient water resources and sewer system capacity to provide such service. Notwithstanding any other language in this letter, the District certifies that (1) it will provide new service to the parcel(s) within the development on the same basis as it provides new service to any other legal parcel within the District's service area; and (2) once new service is established for a parcel(s) within the development, the District will provide service to said parcel on the same basis as it provides service to other customers within the same land use designation.

This is not a Will Serve letter

Dale & Wanda Federer
APN 092-130-071
Parcel Map CO 04-0186
Intent-to-Serve
April 19, 2004
Page Two

This is not a Will Serve letter

Notwithstanding to the above paragraph, notice is provided that Nipomo Community Services District has been made a party to that lawsuit entitled Santa Maria Valley Water Conservation District, et al. v. City of Santa Maria, et al., Santa Clara Superior Court Case No. CV 770214. The case involves competing claims to the right to produce water from and/or store water in the Santa Maria Valley Groundwater Basin, the water source from which Nipomo Community Services District derives the water, which it serves. The District is now unable to predict with any certainty the outcome of the above-referenced litigation. However, the litigation conceivably could result in a limitation on the availability of groundwater for the District's production and/or an increase in the cost of water, which the District serves to its water customers.

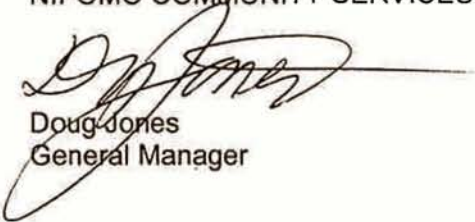
The County Planning & Building Department is directed to withhold the building permit until the District's fees have been paid.

This "Intent-to-Serve" letter shall be subject to the current and future rules, regulations, fees, resolutions and ordinances of the Nipomo Community Services District. This "Intent-to-Serve" letter may be revoked as a result of conditions imposed upon the District by a Court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors for the protection of the health, safety, and welfare of the District. The District reserves the right to revoke this "Intent-to-Serve" letter at any time.

A TWO YEAR EXPIRATION DATE IS IN EFFECT

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT


Doug Jones
General Manager

Will-Serve/Intent/CO 04-0186 Federer

TO: BOARD OF DIRECTORS
FROM: MICHAEL LeBRUN *MSL*
DATE: MARCH 3, 2006



PROJECT UPDATE: INTERTIE PIPELINE WITH SANTA MARIA, POLICY ISSUES

ITEM

Staff will outline current policy issues related to Project Environmental documentation and seek Board Approval to provide direction to consultant – 1 hour.

BACKGROUND

The Projects Assistant, Bruce Buel, requests that your Honorable Board review the attached draft Project Objectives (previously developed) and the attached potential edits to those draft Objectives. Staff's intent in suggesting these edits is to clearly state NCSD's intent to transport no more than 3,000 acre feet per year of the supplemental water initially and to transport up to 3,300 acre feet per year beyond the initial increment only after subsequent environmental review. Staff further requests that your Honorable Board agree on edits to the Objectives for use by the Environmental Consultant in preparation of the Draft Environmental Impact Report.

The Board should note that the Ad Hoc Environmental Review Committee discussed these Policy Issues at its 3/3/06 Meeting and Chair Eby may have committee recommendations to share with the Board at the Board Meeting.

RECOMMENDATION

Staff recommends that the Board receive staff's report, receive the Ad Hoc Committee's report; discuss relevant policy issues; amend the Project Objectives as appropriate; adopt additional policy determinations as appropriate; and direct staff to forward Board actions to the Environmental Consultant for incorporation into the Draft EIR.

ATTACHMENTS

1. Previously Developed Project Objectives
2. Proposed Project Objectives

SANTA MARIA SUPPLEMENTAL WATER PROJECT OBJECTIVES

The basic objective of the proposed City of Santa Maria/Nipomo Community Services District Waterline Intertie is to construct a pipeline connection from the City of Santa Maria water distribution system across the Santa Maria River to the existing water distribution system within the Nipomo Community Services District. In so doing, the proposed waterline intertie will also achieve the following objectives:

1. Augment current water supplies available to the Nipomo Community Services District.
2. Augment current water supplies available to other water purveyors on the Mesa.
3. Provide supplemental water consistent with proposed settlement agreements related to the groundwater adjudication mentioned above.
4. Provide a diversity of water sources available to the District.
5. Increase the reliability of water supply to the District through addition of a constant, non-fluctuating water source.
6. Respond to judicial directives that recognize the need for active management of groundwater sub-basins within the Santa Maria Groundwater Basin.
7. Respond to Local Agency Formation Commission requirements for securing supplemental water sources.
8. Assist in balancing groundwater levels in the Nipomo Mesa Management Area of the Santa Maria Groundwater Basin.
9. Avoid multiple waterline crossings of the Santa Maria River and associated environmental impacts, by constructing a single pipeline that would be capable of transporting sufficient water to balance the Groundwater Basin consistent with potential growth as identified in the South County Area Plan of the County of San Luis Obispo's General Plan.
10. Provide water supplies to new development within the current service area of the Nipomo Community Services District pursuant to the South County Area Plan.
11. Provide water supplies to new development within the Sphere of Influence of the Nipomo Community Services District pursuant to the South County Area Plan.
12. Provide water supplies to areas outside the current service area or Sphere of Influence of the Nipomo Community Services District and outside the service area of any private water purveyors in the area.

These project objectives play an important role in this EIR in that these objectives provide the basis for judging the merits of the proposed project. These objectives also assist in the evaluation (and possible adoption or rejection) of alternatives to the proposed project.

Proposed SMSWP OBJECTIVES (*edits in bold Italics*)

The basic objective of the proposed City of Santa Maria/Nipomo Community Services District Waterline Intertie is to construct a pipeline connection from the City of Santa Maria water distribution system across the Santa Maria River to the existing water distribution system within the Nipomo Community Services District. In so doing, the proposed waterline intertie will also achieve the following objectives:

1. Augment current water supplies available to the Nipomo Community Services District **by 2,000 acre feet per year without subsequent environmental review.**
2. Augment current water supplies available to other water purveyors on the Mesa **by 1,000 acre feet per year without subsequent environmental review.**
3. Provide supplemental water consistent with proposed settlement agreements related to the groundwater adjudication mentioned above.
4. Provide a diversity of water sources available to the District.
5. Increase the reliability of water supply to the District through addition of a constant, non-fluctuating water source.
6. Respond to judicial directives that recognize the need for active management of groundwater sub-basins within the Santa Maria Groundwater Basin.
7. Respond to Local Agency Formation Commission requirements for securing supplemental water sources.
8. Assist in balancing groundwater levels in the Nipomo Mesa Management Area of the Santa Maria Groundwater Basin.
9. Avoid multiple waterline crossings of the Santa Maria River and associated environmental impacts, by constructing a single pipeline that would be capable of transporting sufficient water to balance the Groundwater Basin consistent with potential growth as identified in the South County Area Plan of the County of San Luis Obispo's General Plan.
10. Provide **up to 2,000 acre feet per year** water supplies to new development within the current service area of the Nipomo Community Services District pursuant to the South County Area Plan.
11. Provide **up to 3,300 acre feet per year of water supplies beyond the initial 3,000 acre feet per year to new Nipomo Mesa development outside of NCSD's current service area pursuant to the South County Area Plan only after subsequent environmental review.**

These project objectives play an important role in this EIR in that these objectives provide the basis for judging the merits of the proposed project. These objectives also assist in the evaluation (and possible adoption or rejection) of alternatives to the proposed project.

Note: Objectives 11 and 12 merged and edited.

TO: BOARD OF DIRECTORS
FROM: MICHAEL LeBRUN *MSL*
DATE: MARCH 3, 2006



PROJECT UPDATE: INTERTIE PIPELINE WITH SANTA MARIA, TIMELINE REVIEW

ITEM

Staff will provide an update on Project Status and seek Board direction on a number of critical path timelines – 1 hour.

BACKGROUND

The Projects Assistant, Bruce Buel, has prepared the attached rough draft SMSWP Strategic Plan Outline and Request for Proposal (RFP) for Design Engineering Services. Staff desires to present the Outline to your Honorable Board and to discuss the underlying assumptions and policy choices. Staff further desires to initiate discussion of the RFP at this meeting so that your Honorable Board can authorize circulation at its March 22, 2005 meeting.

The Board should note that the Ad Hoc Environmental Review Committee discussed the Outline at its 3/3/06 Meeting and Chair Eby may have committee recommendations to share with the Board at the Board Meeting.

RECOMMENDATION

Staff recommends that the Board receive the presentation; discuss each element of the Outline, and determine if one or more of the elements should be referred to the Santa Maria Supplemental Water Project Standing Committee for a recommendation back to the Board. Staff further recommends that the Board set an item on the March 22, 2006 Board Meeting to consider authorizing circulation of the RFP.

ATTACHMENTS

1. Rough Draft SMSWP Strategic Plan Outline
2. Rough Draft RFP for SMSWP Design Engineering Services

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER WATERLINE INTERTIE TIMELINE DISCUSSION.DOC

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Rough Draft SMSWP Strategic Plan Outline

2/28/06

- I. CEQA Timeline
- II. Design Timeline
- III. Permit Timeline
- IV. Land & ROW Timeline
- V. Funding Timeline
- VI. Critical Path
- VII. 2006 Board/Committee Meetings

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I. Rough draft SMSWP CEQA TIMELINE

1. ADEIR

- A. Preparation 1/12/06
- B. Committee Review 3/3/06
- C. Board Review (?) 3/8/06 Note: Policy Issues

2. DEIR

- A. Preparation 3/9/06 to 3/27/06 (18 days)
- B. NOC/Circulation 3/31/06 to 5/10/06 (48 days)
- C. Presentation Board 4/12/06
- D. Hearing(s) 4/26/06 and/or 5/10/06

3. FEIR

- A. Committee Review #1 5/12/06
- B. Prep Ad Draft Responses 5/10/06 to 6/9/06 (30 days)
- C. Committee Review #2 6/16/06
- D. FEIR Preparation 6/16/06 to 6/30/06 (14 days)
- E. Presentation to Board 7/12/06

4. PROJECT SELECTION

- A. Committee Review 7/14/06
- B. Board Review 7/26/06

5. CERTIFICATION

- A. Findings & MMP 8/9/06 or 8/23/06
- B. Notice of Determination 8/9/06 or 8/23/06

II. Rough Draft SMSWP Design Timeline

1. DESIGN TEAM SELECTION

- A. Prepare Draft Design Services RFP 3/17/06
- B. Board Review RFP and Concept 3/22/06 (See Footnote No. 1)
- C. Circulate Design Services RFP 3/24/06 (See Footnote No. 2)
- D. Receive Design Services Proposals 4/21/06
- E. Committee Review of Proposals 4/28/06
- F. Screen to Short List 5/5/06
- G. Short List Interviews 5/19/06
- H. Board Selection/Authorize Negot 5/24/06

2. DESIGN SERVICES AGREEMENT

- A. Negotiate Design Agreement 5/25/06 to 6/15/06
- B. Board Review 6/28/06
- C. Execute Agreement 7/5/06

3. QUALITY CONTROL (QA/QC) TEAM SELECTION

- A. Circulate QA/QC RFP 5/25/06
- B. Receive QA/QC Proposals 6/15/06
- C. Board Review 6/28/06
- D. Execute Agreement 7/5/06

4. DESIGN

- A. Issue NTP#1 TBD
- B. Research & 30% Design 120 Days from NTP#1
- C. 30% Review & Issue NTP#2 TBD (See Footnote #3)
- D. 90% Design Submittal 120 Days from NTP#2
- E. 90% Review & Issue NTP#3 TBD
- F. 100% Design Submittal 21 Days from NTP#3
- G. Printing 7 Days

5. CONSTRUCTION MANAGEMENT (CM) TEAM SELECTION

- A. Circulate CM RFP TBD
- B. Receive CM Proposals TBD
- C. Board Review TBD
- D. Execute Agreement TBD

II. Rough Draft SMSWP Design Timeline (Continued)

6. ENGINEERING SERVICES DURING CONSTRUCTION (ESDC)

- A. Negotiate ESDC BUDGET TBD
- B. Board Review TBD
- C. Execute Agreement TBD

7. BIDDING

- A. Advertise TBD
- B. Open Bids and Resolve Protest TBD
- C. Award Bids TBD
- D. Execute Contracts/Secure Bonds, TBD
- E. Issue NTP TBD

NOTE #1: Assumes no Value Engineering Exercise and CM is not done by Design Team

NOTE#2: Potential Design Firms –Cannon; Boyle; Wallace; EDA; RRM; Penfield Smith; SAIC; MNS; Provost & Pritchard; Malcolm Pirnie; Carollo; MWH; Black and Vetch; Kennedy Jenks;

NOTE #3: Assumes 30% Submittal instead of the 75% proposed by Cannon (June 2005)

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III. Rough Draft SMSWP Permit Timeline

1. INITIAL CONTACTS & CONFIRMATIONS

- A. Letter to Each Agency 3/17/06 (See Footnote #1)
- B. Calls/Meetings with Each Agency 3/24/06
- C. Determine Time Sensitive Research 3/24/06
- D. Secure Proposals Perform Research 4/14/06
- E. Board Consideration of Proposals 4/26/06
- F. Execute Agreements 4/28/06
- G. Perform Research & Secure Results TBD
- H. Summary of Results TBD

2. DEIR COMMENT REVIEW

- A. Review DEIR Comment Submitted 5/10/06
- B. Calls/Meetings with Each Agency 5/11/06 to 5/25/06
- C. Summary of Results 5/31/06

3. PERMIT PROCESSING

- A. Prepare and Submit Application 8/24/06
- B. Interact with Agency 8/26/06 to 9/15/06
- C. Negotiate Potential Conditions 9/15/06 to 10/6/06
- D. Committee Review Policy Issues TBD
- E. Board Review of Policy Issues TBD
- F. Secure Permits TBD

4. PERMIT IMPLEMENTATION

- A. Secure Proposals for New Research TBD
- B. Board Consideration of Proposals TBD
- C. Execute Agreements TBD
- D. Perform Research & Secure Results TBD
- E. Integrate Conditions/Research into Design TBD
- F. Integrate Conditions into Construction TBD

NOTE #2 – Permit Agencies: US ACE (Section 404 & NPDES); Ca DFG (1601); CCRWQCB (401 & NPDES); USFWS (7g/10); Caltrans (Encroachment); City Santa Maria (Encroachment Permit); County Santa Barbara (Encroachment Permit); County of SLO (Encroachment Permit);

IV. Rough Draft SMSWP Land & ROW Timeline

1. INTIAL CONTACTS

- A. Letter to Each Owner 3/17/06
- B. Calls to Each Owner 3/24/06 to 3/31/06
- C. Summary of Results 4/7/06

2. ROUGH APPRAISAL

- A. RFQ/RFP Potential Appraisers 3/17/06 (See Footnote #1)
- B. Receive Proposals 4/7/06
- C. Board Selection re Rough 4/26/06
- D. Execute RA Agreement 4/28/06
- E. Secure Rough Appraisal 5/31/06
- F. Board Review (Closed Session) 6/14/06

3. DETAILED APPRAISAL

- A. Board Authorization Detailed 7/26/06
- B. Execute D A Agreement 7/28/06
- C. Secure Detailed Appraisal 9/6/06
- D. Board Review (Closed Session) 9/13/06

4. NEGOTIATIONS

- A. Tender Offers 9/15/06
- B. Negotiate w Prop Owners 9/18/06 to TBD
- C. Board Review 10/11/06
- D. Open Escrows 10/18/06 to TBD
- E. Board Review TBD

5. FUNDING

- A. Secure Funding 10/15/06
- B. Board Adopt Notice Acceptance 10/25/06
- C. Close Escrow TBD
- D. Secure Title/File Documents TBD

NOTE #1 – Potential Appraisers: Reeder Gilman; Schenberger et al

V. Rough Draft SMSWP Funding Timeline

1. EVALUATION OF OPTIONS

- A. Project Connection Charge Revenues 2/28/06 to 3/17/06
- B. Describe Potential Grants/Approp. 2/28/06 to 3/17/06 (Note #1)
- C. Describe Low Interest Loans 2/28/06 to 3/17/06 (Note #2)
- D. Describe Municipal Bond/COP Options 2/28/06 to 3/17/06 (Note #3)
- E. Summary of Results 3/24/06

2. INITIAL REVIEW OF OPTIONS

- A. Committee Review 3/31/06
- B. Board Review 4/12/06

3. FUNDING DEVELOPMENT

- A. Connection Charge Monitoring Ongoing
- B. Grant Monitoring & Applications Ongoing
- C. Process Loan/Bond/COP Paperwork TBD
- D. Secure Funds TBD

NOTE #1 – Prop 50 w County; Prop 50 NCSD; Fed WRDA

NOTE #2 – Ca SRF; CIEDB; USDA

NOTE #3 – Assessment Bond; Revenue Bond; COP w CSDA; COP NCSD

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VI. Rough Draft SMSWP Critical Path

ELEMENT	TIMEFRAME
ADEIR	1/12/06 to 3/8/06
DEIR	3/9/06 to 3/27/06
Permit Scoping	3/28/06 to 6/29/06
Time Sensitive Research	3/28/06 to 6/29/06
Land Option Evaluation	3/28/06 to 6/29/06
Funding Option Eval	3/28/06 to 6/29/06
Project Selection	6/30/06 to 7/26/06
FEIR Certification	7/27/06 to 8/23/06
30% Design	8/24/06 to Jan 07
Permits and Conditions	8/24/06 to Jan 07
Funding Procurement	8/24/06 to Jan 07
Land Acquisition	8/24/06 to Jan 07
90% Design	Feb 07 to May 07
Bidding	June 07
Contract Award	June 07
Permit Final	June 07 to July 07
NTP	July 07

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VII. Rough Draft 2006 SMSWP Board/Committee Meetings

Board Meeting Date	Committee Meeting Date	TOPIC
3/8	3/3	ADEIR Policy Issues & Timelines ADEIR Policy Issues & Timeline
3/22		Design Services RFP
4/12	3/31	Funding Options DEIR Presentation & Funding Options
4/26		DEIR Hearing; Retain Appraiser; Env
	Studies	
5/10	4/28	Review Design Proposals DEIR Hearing
5/24	5/12	Review Comments to DEIR Select Design Team
6/14		Review Appraisal Results
6/28	6/16	Discuss FEIR Design Team Agreement & QA/QC Team Selection
7/12		Review FEIR
7/26	7/14	Project Selection Project Selection & Authorize Detailed Appraisals
8/9		FEIR Certification #1
8/23		FEIR Certification #2
9/13		Review Appraisal Results
9/27		
10/11		Property Negotiations
10/25		Notice of Acceptance

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DRAFT RFP for Engineering Services



NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET
POST OFFICE BOX 326
NIPOMO, CA 93444 – 0326
(805) 929-1133 FAX (805) 929-1932
Web site address
www.nipomocsd.com

MEMORANDUM

TO: *VARIOUS ENGINEERING FIRMS*
FROM: MICHAEL LEBRUN
GENERAL MANAGER

DATE: MARCH 2, 2006

RE: REQUEST FOR PROPOSAL FOR ENGINEERING SERVICES

Nipomo Community Services District intends to construct a water pipeline inter-tie between our potable water system and the City of Santa Maria potable water system. The purpose of this inter-tie is to deliver between 3,000 AFY and 6,300 AFY of Santa Maria water to various interests, including NCSD, on the Nipomo Mesa.

The District has entered into a Memorandum of Understanding with the City of Santa Maria for the purchase of water (September 2004; available at Nipomocsd.com; News and Information; Supplemental Water) and has prepared a Waterline Feasibility Study (March 2005; available at Nipomocsd.com). The District expects to circulate a Draft EIR in April 2006 (to be posted on the District's website) and Certify the Final EIR in August 2006. The District Board is expected to select the pipeline technology and general routing as well as the related facility locations through the environmental review process. Attached is a rough draft Strategic Plan Outline displaying the expected timelines for project CEQA Review, Design, Permitting, Land/ROW acquisition, and funding.

SERVICES REQUESTED

The District requires engineering services to:

- Compile and submit 20 Sets of the pre-design studies prescribed in the EIR;
- Prepare and submit 20 Sets of the concept design (30% design) and concept cost estimate;
- Assist in Preparing Permit Applications and interact with permit agencies;
- Assist in Preparing Funding Applications and interact with funding agencies;

- Assist in Providing Information to Land Owners and Acquisition Team re Land Purchase;
- Interact with District Staff and QA/QC Engineering Firm on all submittals;
- Assist the District Board in finalizing the Concept Design;
- Prepare and Submit 10 copies of an Administrative Draft Narrative Report Describing the Proposed Works;
- Edit the Narrative to incorporate NCSD Comments and Submit 100 Copies of Final;
- Prepare and Submit 20 Sets of the 90% Design, bid specifications, and cost estimate;
- Assist in Securing Permits;
- Prepare and Submit 20 Sets of the 100% design, Bid specifications, and cost estimate;
- Provide all services necessary to advertise, interact with bidders and open bids;
- Provide for Electronic Bid Plans and Specifications Clearinghouse;
- Assist the District in resolving an bid protests;
- Present Bids/Recommendations to the Board for Award;
- Assist in Securing Required Contract Submittals;
- Provide all required engineering services during construction
- Prepare and submit 20 copies of Monthly Progress Report
- Participate in at least One Board Meeting per month;
- Participate in Committee Meetings and Forums as requested;
- Submit electronic copy of all work product deliverables in a format acceptable to NCSD;

The District does not expect to perform value engineering as part of this contract.

The District does not intend to pre-qualify contractors.

The District will conduct a separate recruitment for a Construction Management firm, however, the selected design firm may compete for this work as well.

PROPOSAL REQUIREMENTS

Ten copies of the proposal package must be received by NCSD in a sealed envelope by 4 pm on Friday 4/21/06 to be considered. The exterior of the envelope must identify the proposal as "Santa Maria Supplemental Water Project Design Services Proposal". Faxes, E-Mails, proposals not enclosed in a sealed/labeled envelope, and proposals received after 4pm on Friday 4/21/06 will be returned to the submitter. The main proposal shall be limited to 20 pages, with the exception of resumes and project lists, and include as a minimum the following:

1. Introduction
 - Present your understanding of the project and the services requested.
 - Discuss any proposed scope amendments.
 - Briefly discuss the team's qualifications.

2. Scope of Services and Timeline

- Detail your proposed approach to the assignment.
- Describe your proposed timeline for execution of the requested services.

3. Personnel

- Identify and define the experience of the design team leader and provide resume.
- Include an organization chart depicting the name and position of all team members including employees of sub-consultants and provide resumes.
- Describe the role of each team member.

4. Experience

- Describe your teams experience with compiling environmental documentation required for design; design of water distribution systems; design of water treatment systems; bid processing; and provision of engineering services during construction.
- Describe your success in meeting project budgets and timelines over the past two years and explain circumstances resulting in failures.

5. References

- Provide references for projects of similar scope and nature performed within the past five years.
- List the client's name, address, and a description of the work performed. Include the name, phone, and e-mail for the client's key contact on the project.

6. Signature

- The proposal shall be signed by an official authorized to bind the firm and shall contain a statement that the proposal is valid for ninety (90) Days.

In addition to the main proposal as described above, submit in a separate sealed envelope inside the main envelope an anticipated cost summary. Identify the proposed basis of fees and charges along with the hourly rates of all team members and a breakout of professional service costs and out-of-pocket expenses. NCSD will negotiate the final budget with the top ranked submitter.

SELECTION PROCESS

NCSD will use a quality based selection process. NCSD will screen proposals and select a short list for interviews. Interviews are tentatively scheduled for the middle of May. The Board is tentatively scheduled to select a firm for negotiation at its May 24, 2006 Meeting. Assuming the negotiation with the top ranked firm is successful,

consideration of the agreement by the NCSD Board is tentatively scheduled for June 28, 2006.

PROPOSAL EVALUATION

Proposals will be evaluated on the following:

- Responsiveness to Request for Proposal.
- Work Product Timeliness.
- Team Qualifications and Expertise.
- Prior Experience in Providing similar services to CA Local Government.
- References.

Notes:

This is a time sensitive project. The District requires prompt attention to these matters.

The District uses a standard consulting agreement for all engineering services. Attached is a sample copy of the agreement that LOCSD will expect to execute with the selected design firm for this project.

NCSD reserves the right to reject all submittals and/or re-open submittals at its discretion.

NCSD reserves the right to negotiate with lesser ranked firms if the negotiation with the top ranked firm is unsuccessful.

The submitter retains no interest in the proposal once received by NCSD.

For more information on the project or this RFP, contact NCSD Project Assistant Bruce Buel at 805-929-1133 or bbuel@nipomocsd.com.

Attachments:

- Rough Draft SMSWP Strategic Plan Outline
- Standard Consulting Agreement

T:/Documents/Projects/Supplemental Water/SMSWP/Request for Eng Services – SMSWP 3/2/06

TO: BOARD OF DIRECTORS
FROM: MICHAEL LeBRUN *MSL*
DATE: MARCH 8, 2006



COUNTY RURAL PLANNED DEVELOPMENT POLICY COMMENT LETTER

ITEM

Staff will outline a draft comment letter on County Rural Planned Development Ordinance and seek Board approval. [Approve letter] – 10 minutes

BACKGROUND

County staff provided a presentation on the status of San Luis Obispo County's proposed Rural Planned Development Ordinance at the February 22, 2006 Board Meeting. Following the presentation, your Honorable Board directed staff to draft a comment letter.

RECOMMENDATION

Consider the draft comment letter; amend and approve.

ATTACHMENTS

Draft Comment Letter

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2006\RPD LETTER.DOC

NIPOMO COMMUNITY

BOARD MEMBERS

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



SERVICES DISTRICT

STAFF

MICHAEL LeBRUN, GENERAL MANAGER
LISA BOGNUDA, ASSISTANT ADMINISTRATOR
JON SEITZ, GENERAL COUNSEL

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: NipomoCSD.com

March 9, 2006

Mr. John Nall
Senior Environmental Planner
San Luis Obispo County Planning and Building Dept.
County Government Center, Room 300
San Luis Obispo, CA 93408

Dear Mr. Nall:

SUBJECT: DRAFT SAN LUIS OBISPO COUNTY RURAL PLAN DEVELOPMENT ORDINANCE

The Nipomo Community Services District Board of Directors greatly appreciates your time in making a presentation on the subject item at our February 22, 2006, Regular Meeting.

Following consideration of your presentation and the draft Ordinance, our Board recommends the County discontinue processing this Ordinance. If the County decides to further pursue the Ordinance, a full-scale environmental impact report is appropriate. Among the many impacts that must be evaluated, the District feels water resources impacts are near the top of the list.

Any such environmental review would require the County to first clearly define the number of "legal lots" which currently underlie parcels which would be affected by the Ordinance. A determination of the increase in water resource, should every lot ultimately be developed in accordance with the proposed ordinance amendment, would then be possible. This level of environmental review is likely to cost County taxpayers upwards of a million dollars or more as opposed to the two-hundred to two-hundred fifty thousand dollars (\$200,000.00 - \$250,000.00) estimated in your June 28, 2005 staff report.

Again, we express our sincere appreciation for the presentation and your consideration of the above comments. Please add the District to your interested parties list for this project. If you have any questions, please don't hesitate to call.

Sincerely,

Lawrence Vierheilig
President
Nipomo Community Services District Board of Directors

T:\ADMINISTRATIVE\AGENCIES\SLO COUNTY\RURAL PLANNED DEV ORD.DOC

TO: BOARD OF DIRECTORS
FROM: MICHAEL LeBRUN *msl*
DATE: MARCH 8, 2006



GENERAL MANAGER JOB DESCRIPTION

ITEM

Consider and approve Personnel Sub-committee recommendation for a General Manager job description. [Approve description] – 20 minutes.

BACKGROUND

The personnel sub-committee (Directors Vierheilig and Wirsing) met to discuss the path forward for hiring a new General Manager. The Committee drafted a job description and process timeline (both attached).

RECOMMENDATION

Consider the Committee recommendation, draft Job Description, and Timeline. Amend and approve the Job Description.

ATTACHMENTS

- Draft Job Description
- Draft Timeline

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2006\GENERAL MANAGER JOB DESCRIPTION.DOC

NIPOMO COMMUNITY

BOARD MEMBERS

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GENERAL MANAGER

NIPOMO COMMUNITY SERVICES DISTRICT
NIPOMO, CALIFORNIA

Salary \$78,000 to \$90,000 annually, DOQ
with an excellent benefits package

The Nipomo Community Services District is located on the California Central Coast between the incorporated cities of Arroyo Grande and Santa Maria. The District provides water, wastewater treatment, solid waste disposal, limited drainage, street lighting, and street landscaping services to approximately 13,000 residents in an unincorporated area of San Luis Obispo County. The District has twelve employees and an annual budget of approximately \$3.5 million.

The ideal candidate will possess political awareness, in-depth knowledge of water supply and distribution, water rights, wastewater operations, solid waste issues, California environmental regulations, an understanding of fiscal responsibility and accountability, technical, financial and management skills. The successful candidate must have the ability to work well with the elected Board of Directors, District staff and the community.

Candidates must have a bachelor's degree in public administration, business administration or a related field, experience in administering public utilities projects and a minimum of five years of increasingly responsible experience in a governmental agency. Technical and administrative experience in water and wastewater operations is highly desirable. The current General Manager is resigning.

Application deadline: ?? March 31, 2006 ?? Résumés are welcome, but will not be accepted in lieu of a completed District application and supplemental questionnaire. Postmarks not accepted.

Nipomo Community Services District, PO Box 326, Nipomo, CA 93444, or email lbognuda@nipomocsd.com or call (805) 929-1133.

FILE PATH: L:\PERSONNEL\GENERAL MANAGER\2006\GM AD ON LETTERHEAD.DOC

NCSD General Manager Timeline

- * March 8, 2006: Job Description finalized and approved by Board of Directors.
- * March 8, 2006: Board approval for obtaining the services of a professional recruiter.
Cost not to exceed \$7,000.
- * March TBD: Develop GM evaluation criteria.
- * March TBD: Evaluate professional recruiter's proposals.
- * March 22, 2006: Selection of professional recruiter by Board of Directors.

TO: BOARD OF DIRECTORS
FROM: MICHAEL LeBRUN *msl*
DATE: MARCH 8, 2006

AGENDA ITEM
E-5
MARCH 8, 2006

INTERIM-GENERAL MANAGER PROCESS UPDATE

ITEM

Staff will update Board of Directors on search for interim-General Manager and seek Board direction/approval of salary range and timing issues. [Approve salary range/process] – 20 minutes.

BACKGROUND

At the February 22, 2006 meeting, your Honorable Board directed staff to investigate the process for hiring an interim-General Manager. The interim appointment is needed to fill the General Manager position prior to May 19, 2006, and until such time a permanent replacement is hired.

Staff envisions requesting applications by circulating the attached draft announcement/job description. Circulation via industry e-newsletters and bi-monthly publications and the District's listing of local CSDs and agencies are expected to yield timely response.

A start date of May 1, 2006, would provide three full working weeks of overlap with the outgoing General Manager. An application deadline of April 10, 2006, would provide a week for screening applications, a week for interviews, and a week for the successful applicant to meet pre-employment physical requirements. It is assumed the Personnel Sub-committee would conduct the application screening and interview process.

In order to provide reasonable time for response, the announcement/solicitation needs to be sent out on Monday March 13, 2006, if at all possible.

RECOMMENDATION

Amend and approve the draft Announcement/Job Description and set a Salary Range.

ATTACHMENTS

- Draft Announcement/Job Description

NIPOMO COMMUNITY

BOARD MEMBERS

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



SERVICES DISTRICT

STAFF

MICHAEL LeBRUN, GENERAL MANAGER
LISA BOGNUDA, ASSISTANT ADMINISTRATOR
JON SEITZ, GENERAL COUNSEL

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: NipomoCSD.com

Interim-GENERAL MANAGER

NIPOMO COMMUNITY SERVICES DISTRICT
NIPOMO, CALIFORNIA

Salary \$6,500 to \$9,000 monthly, DOQ
with an excellent benefits package.

The Nipomo Community Services District is located on the California Central Coast between the incorporated cities of Arroyo Grande and Santa Maria. The District provides water, wastewater treatment, solid waste disposal, limited drainage, street lighting, and street landscaping services to approximately 13,000 residents in an unincorporated area of San Luis Obispo County. The District has twelve employees and an annual budget of approximately \$3.5 million.

The District requires the services of an interim-General Manager while the Directors are recruiting a permanent replacement for the current General Manager who is resigning effective May 19, 2006. The successful candidate will be required to begin work with the District no later than May 1, 2006. The interim General Manager will work on a month to month contract basis. Employment will continue until a permanent replacement has been hired (approximately six months).

The ideal candidate will possess substantial experience in Special District/City management and administrative process. The interim-General Manager will be responsible for the overall coordination of District operation, public meeting agenda preparation, public meeting administration, and day-to-day operation of the District. A competent and seasoned staff is in place. The successful candidate must have the ability to work well with the elected Board of Directors, District staff and Community.

Candidates must have a bachelor's degree in public administration, business administration or a related field, experience in administering public utilities projects and a minimum of ten years of increasingly responsible experience in Special District/City management. Technical and administrative experience in water and wastewater operations is highly desirable.

Application deadline: April 10, 2006. Résumés are welcome, but will not be accepted in lieu of a completed District application and supplemental questionnaire (Attached). Postmarks not accepted.

TO: BOARD OF DIRECTORS
FROM: MICHAEL LeBRUN *ML*
DATE: MARCH 8, 2006

**AGENDA ITEM
E-6
MARCH 8, 2006**

SOUTHLAND FACILITY UPDATE REQUEST FOR ENGINEERING SERVICES

ITEM

Staff will review a draft Request for Engineering Services to provide an upgrade to the Southland Wastewater facility. [Approve request for services]– 30 minutes.

BACKGROUND

On February 7, 2006, the District received a Notice of Violations from the Regional Water Quality Control Board for the Southland Wastewater Facility. The Notice responds to elevated Biochemical Oxygen Demand (BOD) levels in the Facility discharge which on seven occasions in the past year have exceeded Regional Board set limitations.

The Regional Board's Notice directs the District to "... immediately take actions necessary to ensure compliance with Order No. 97-75. As soon as possible, but not later than March 6, 2006, submit a report of actions needed to correct wastewater treatment facility deficiencies and discharge violations. The report shall include, but not be limited to; 1) a summary of actions needed to maintain compliance; 2) design of facility improvements; and 3) schedule for completing necessary corrective actions.

Staff discussed with Regional Board staff, and provided a written explanation to (within recent annual discharge report and December 2005 monthly report) the high BOD readings. These explanations are based on the widely recognized fact that the BOD parameter has many shortcomings. In the District's case, it appears nitrifying bacteria populations within the secondary ponds increase in the fall and winter months. When large populations of nitrifying bacteria are present in a BOD sample, an oxygen demand is exerted by the bacteria and an erroneously high biochemical oxygen demand is reported.

Nonetheless, the explanation does NOT fix the "problem" and both Regional Board staff and District staff recognized the Southland Facility is in need of process upgrade. Additionally, plant expansion is on the 2-5 year horizon. With upgrade/expansion, a new permit from the Regional Board can be expected (current permit issued in 1997). With the new permit, more and tighter limits are expected.

The District welcomes the new permit limits in recognition that the discharge from the plant ultimately becomes part of the District's supply equation and thus producing the highest quality effluent reasonably achievable is in the District's best interest. To thoroughly respond to the Regional Board Notice and embark on the process of plant upgrade and expansion, staff is recommending a comprehensive Feasibility Study be performed. District Counsel transmitted a request for extension of the Notice response timeline to the Regional Board on March 1, 2006 (Attached).

RECOMMENDATION

Amend and approve the draft Request for Proposal and direct Staff to circulate.

ATTACHMENTS

- Draft Request for Proposals
- March 1, 2006 Shipsey and Seitz letter

NIPOMO COMMUNITY

BOARD MEMBERS

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



SERVICES DISTRICT

STAFF

MICHAEL LeBRUN, GENERAL MANAGER
LISA BOGNUDA, ASSISTANT ADMINISTRATOR
JON SEITZ, GENERAL COUNSEL

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: NipomoCSD.com

March 9, 2006

Various Engineering Firms

SUBJECT: REQUEST FOR PROPOSAL FOR ENGINEERING SERVICES – SOUTHLAND WWTF UPGRADE FEASIBILITY STUDY

Nipomo Community Services District (NCSD) intends to upgrade its Southland Wastewater Treatment Facility (Southland) to achieve a higher level of discharge treated wastewater quality and to comply with the RWQCB Notice of Violation (NOV) dated February 7, 2006 (attached).

NCSD is seeking proposals to investigate the causes of the violations, to identify options for curing these problems, to compare the cost effectiveness of those options, and to recommend the best apparent option. NCSD will expect the consultant to interact with District staff, RWQCB staff and the District Board to develop new treated wastewater discharge standards more stringent than those specified in RWQCB Waste Discharge Order 97-75 (attached) and to use these new standards as the basis of design for a facility upgrade. NCSD will also expect the consultant to develop an expedited timeline for environmental review, design, and construction of the recommended upgrade.

SERVICES REQUESTED

The District requires engineering services to:

- Review background information and meet with NCSD staff and RWQCB staff;
- Compile and submit 10 sets of a letter report proposing new Treated Wastewater Quality Standards; present that letter report to NCSD staff and the RWQCB for comment;
- Edit the report, submit 20 sets for presentation to the NCSD Board, and participate in a Meeting with the NCSD Board to approve or edit the proposed WQ Standards;
- Prepare and submit 10 sets of the Administrative Draft Feasibility Study to NCSD staff for comment;
- Edit the Feasibility Study, submit 20 sets for presentation to the NCSD Board, and participate in a meeting with the NCSD Board to select the proposed WQ Upgrades for more detailed analysis;
- Prepare and submit 20 copies of a letter report describing an expedited process for environmental review, design, and construction of the WQ upgrades;
- Present the letter report to the NCSD Board of Directors at a public meeting;
- Participate in committee meetings and forums as requested;
- Submit electronic copy of all work product deliverables in a format acceptable to NCSD.

PROPOSAL REQUIREMENTS

Ten copies of the proposal package must be received by NCSD in a sealed envelope by **4 p.m. on Thursday March 30, 2006**, to be considered. The exterior of the envelope must identify the proposal as "Southland Upgrade Feasibility Study". Faxes, E-Mails, proposals not enclosed in a sealed/labeled envelope, and proposals received after 4:00 p.m. on Thursday March 30, 2006, will be returned to the submitter. The main proposal shall be limited to 20 pages, with the exception of résumés and project lists, and include as a minimum the following:

1. Introduction
 - Present your understanding of the project and the services requested;
 - Discuss any proposed scope amendments;
 - Briefly discuss the team's qualifications
2. Scope of Services and Timeline
 - Detail your proposed approach to the assignment;
 - Describe your proposed timeline for execution of the requested services.
3. Personnel
 - Identify and define the experience of the design team leader and provide résumé;
 - Include an organizational chart depicting the name and position of all team members including employees of sub-consultants and provide résumés;
 - Describe the role of each team member.
4. Experience
 - Describe your team's experience with compiling feasibility studies;
 - Describe your success in meeting project budgets and timelines over the past two years and explain circumstances resulting in failures.
5. References
 - Provide references for projects of similar scope and nature performed within the past five years;
 - List the client's name, address, and a description of the work performed. Include the name, phone, and e-mail for the client's key contact on the project.
6. Cost Estimate
 - Provide an anticipated cost summary including the proposed basis of fees and charges along with the hourly rates of all team members and a breakout of professional service costs versus out of pocket expenses.
7. Signature
 - The proposal shall be signed by an official authorized to bind the firm and shall contain a statement that the proposal is valid for ninety (90) Days.

SELECTION PROCESS

NCSD will screen proposals and select a short list for interviews. Interviews are tentatively scheduled for the beginning of April. The Board is tentatively scheduled to select a firm at its April 12, 2006 meeting.

PROPOSAL EVALUATION

Proposals will be evaluated on the following:

- Responsiveness to Request for Proposal
- Work product timeliness
- Team qualifications and expertise
- Prior experience in providing similar services to CA Local Government
- Cost
- References

Notes:

This is a time sensitive project. The District requires prompt attention to these matters.

The District uses a standard consulting agreement for all engineering services. Attached is a sample copy of the agreement that NCSD will expect to execute with the selected design firm for this project.

NCSD reserves the right to reject all submittals and/or re-open submittals at its discretion. NCSD reserves the right to negotiate with lesser ranked firms if the negotiation with the top ranked firm is unsuccessful. The submitter retains no interest in the proposal once received by NCSD.

For more information on the project or this RFP, contact NCSD Project Assistant Bruce Buel at 805-929-1133 or bbuel@nipomocsd.com.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

Michael LeBrun, P.E.
General Manager

Enclosures

- February 7, 2006, RWQCB Notice of Violation
- RWQCB Order No. 97-75
- Standard consulting agreement

T:\Documents\DISTRICT PROJECTS\Southland Upgrade\RFP - Southland Upgrade Feas.doc

JON S. SEITZ
MICHAEL W. SEITZ

SHIPSEY & SEITZ, INC.
A LAW CORPORATION
1066 PALM STREET
POST OFFICE BOX 953
SAN LUIS OBISPO, CALIFORNIA 93406
(805) 543-7272 FAX (805) 543-7281
JON S. SEITZ
District Legal Counsel
Nipomo Community Services District

JOHN L. SEITZ
(1924-1986)
GERALD W. SHIPSEY
(RETIRED)

March 1, 2006

Via Email and 1st Class Mail

Sorrel Marks
Regional Water Quality Control Board
895 Aerovista Place, Ste. 101
San Luis Obispo, CA 93401

Re: February 7, 2006, Notice of Violation NCSD Southland Wastewater
Facility (received by District February 16, 2006)

Dear Sorrel:

I have discussed the above Notice of Violation with Michael LeBrun, the Nipomo
Community Services District General Manager, with reference to the requirement that:

Not later than March 6, 2006, (the NCSD) submit a report of actions
needed to correct the wastewater treatment facility deficiencies and discharge violations
The report shall include, but is not limited to:

1. A summary of actions to maintain compliance;
2. Design of facility improvements; and
3. Schedule of completing necessary corrections.

The District interprets the above to submit a detailed report and timeline for
eventual inclusion in a "time schedule order", if necessary, to bring the Southland
Wastewater Treatment Facility into compliance with Waste Discharge Orders 97-75,
related to BOD maximum and monthly average violations.

Due to legal constraints related to public agency contracting, the purpose of this
letter is to request 120 day (4 month) extension to allow the District to develop requests
for proposals ("RFPs"), circulate the RFP, designate the consultant to prepare the
requested report and report preparation.

Be assured that it is the District's desire to work cooperatively with the Regional
Water Quality Control Board to address the BOD requirements specified in Waste
Discharge/Water Reclamation Requirement Order 97-75 for the Southland Wastewater
Facility.

Ms. Marks
March 1, 2006
Page 2 of 2

Thank you for anticipated cooperation in these matters and we look forward to your response.

Very truly yours,
Shipsey & Seitz, Inc.



JON S. SEITZ, District Legal Counsel
Nipomo Community Services District

JSS:jb

cc: Harvey Packard, via email and 1st Class Mail
Michael LeBrun, General Manager, NCSD via email

TO: BOARD OF DIRECTORS
FROM: MICHAEL LeBRUN *MSL*
DATE: MARCH 8, 2006



MANAGER'S REPORT

ITEM

Standing report to your Honorable Board
Period covered by this report February 18, 2006 through March 3, 2006.

DISTRICT BUSINESS

Administrative

Water Service Requests/Allocation Accounting: No new allocations during the period with the exception of the reissued Intent-to-Serve letter authorized at the February 22, 2006 meeting (1.2 acre-feet).

Rainfall totals: The Tribune is reporting Nipomo's seasonal rainfall total to date as 11.85 inches.

Safety Program

No injury reports during the period.
An all staff safety meeting was held February 14, 2006.

Administrative Other

The District's newly hired Conservation/Compliance specialist is moving quickly to establish a presence in the community. A poster contest is initiated as means for involving local children and the community as a whole in the upcoming Water Awareness Month (May). A copy of the contest information packet developed and delivered to area schools is provided. The first "bill stuffer", which addresses irrigation issues, is out to reproduction and will be included in upcoming bill mailings.

On March 2, 2006, the District received a Notice of Preparation (Attached) pertaining to an Environmental Impact Report for the County's Parks and Recreation Element update to the General Plan. The Notice is dated February 14, 2006. Response is due by March 24, 2006.

Field Activity

Wastewater

Blacklake Salt Violations: Efforts continue to address salt violations at Blacklake sewer plant discharge. (No update this reporting period)

Southland Notice of Violation: Item E-6 of today's agenda updates this issue.

Water

Santa Maria Pipeline

Two items on today's agenda address this issue.

RECOMMENDATION

Staff seeks direction and input from your Honorable Board.

ATTACHMENT

- February 14, 2006, Notice of Preparation, County Parks Element.



San Luis Obispo County

Department of Planning and Building Environmental Division

RECEIVED

MAR 14 2006

DATE: February 14, 2006

TO: Responsible and Trustee Agencies,
Interested Parties

FROM: Environmental Division
Department of Planning and Building
County Government Center, Room 310
San Luis Obispo, CA 93408

SUBJECT: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR
THE COUNTY OF SAN LUIS OBISPO GENERAL PLAN, PARKS AND RECREATION
ELEMENT UPDATE

San Luis Obispo County will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information that is pertinent to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

PLEASE provide us the following information at your earliest convenience, but not later than the 30-day comment period which will begin with your agency's receipt of the NOP.

1. **NAME OF CONTACT PERSON.** (Address and telephone number)
2. **PERMIT(S) or APPROVAL(S) AUTHORITY.** Please provide a summary description of these and send a copy of the relevant sections of legislation, regulatory guidance, etc.
3. **ENVIRONMENTAL INFORMATION.** What environmental information must be addressed in the EIR to enable your agency to use this documentation as a basis for your permit issuance or approval?
4. **PERMIT STIPULATIONS/CONDITIONS.** Please provide a list and description of standard stipulations (conditions) that your agency will apply to features of this project. Are there others that have a high likelihood of being applied to a permit or approval for this project? If so, please list and describe.
5. **ALTERNATIVES.** What alternatives does your agency recommend be analyzed in equivalent level of detail with those listed below?
6. **REASONABLY FORESEEABLE PROJECTS, PROGRAMS or PLANS.** Please name any future project, programs or plans that you think may have an overlapping influence with the project as proposed.
7. **RELEVANT INFORMATION.** Please provide references for any available, appropriate documentation, or specific documents you believe may be useful to the county in preparing the EIR. **Any information relating to the "capacity" or existing "constraints" relevant to your agency's charge would be extremely helpful.**
8. **FURTHER COMMENTS.** Please provide any further comments or information that will help the county to scope the document and determine the appropriate level of environmental assessment.

The project description, location, and the probable environmental effects are contained in the attached materials. The project description covers the entire County and only portions of the County may be in your jurisdiction.

Please carefully review the portion of the proposed project within your jurisdiction. We are especially interested in any local conditions that could be affected by this project.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than **30 days** after receipt of this notice.

Please send your response by March 24, 2006 to **Jeff Oliveira** at the following address:

Jeff Oliveira, Environmental Specialist
County of San Luis Obispo
Government Center
1055 Monterey Street
San Luis Obispo, CA 93408

We will need the name of a contact person in your agency.

PROJECT TITLE: Parks and Recreation Element EIR
PROJECT APPLICANT: County of San Luis Obispo
Responses due by: **March 24, 2006**

Reference: California Administrative Code, Title 14, Section 15082.

COUNTY OF SAN LUIS OBISPO
NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

COUNTY OF SAN LUIS OBISPO PARKS AND RECREATION ELEMENT

1. PROJECT OBJECTIVES AND BACKGROUND

The San Luis Obispo County Board of Supervisors has proposed an update of the General Plan Parks and Recreation Element. The primary objective of this project is to provide goals, policies and programs to guide the acquisition, development and operation of parks and recreation facilities throughout the County of San Luis Obispo. The purpose of the Element is as follows:

- Presenting policy guidance regarding the provision of park and recreation services,
- Documenting the County's existing park and recreation resources, including those resources that are outside of the County's management, and
- Easing the evaluation of park and recreation needs during the land use decision-making process.

More specific objectives of the project include:

- Provide new and expanded parks and recreation within the County, including a viable multi-use trail system, consistent with Appendix A, Table 2, the Proposed Project List and the County's available funding.
- Provide a quality and affordable golf program at the County's three golf courses.
- Provide a viable coastal access program through the County's Coastal Area Plans and the Local Coastal Plan.
- Provide natural areas consistent with Appendix A, Table 2 and the County's Agriculture and Open Space Element.
- Determine a reasonable list of priority projects based on community needs, staffing, practical consideration of projects development potential, and funding.
- Develop a funding mechanism that provides for acquisition, development and maintenance of parks, recreation, natural areas, and coastal access.
- Provide new or expanded public facilities consistent with available maintenance funding.

The County has had a Recreation Plan as part of its General Plan since 1968. In 1987, the Board of Supervisors authorized the preparation of a Parks and Recreation Master Plan. The Board adopted the Master Plan in 1988. The Board adopted a County Trails Plan in 1991 and a Natural Areas Plan in 1992. While the latter two documents do not have the legal authority of a General Plan element, they have guided park and recreation development in the County since their adoption.

In February of 1993 the Board of Supervisors authorized combining the approved Parks and Recreation Master Plan, Trails Plan and the Recreation Plan into a comprehensive *Parks and Recreation Element*. The proposed Parks and Recreation Element (Element) updates and replaces the Recreation Plan that was adopted in 1968. It also replaces the policies that were set forth and approved by the Board of Supervisors as part of the 1988 Parks and Recreation Master Plan and the 1991 County Trails Plan.

A series of workshops were held from April to June 1995 in order to receive public comments and these comments became the basis for preparation of a draft Element.

In January 1996, a "Parks Commission Review Draft" was distributed to the Parks and Recreation Commission for a three-month review period. Five public workshops were held throughout the county in order to receive public comment on the proposed Element.

After a period of dormancy, the Element was again updated in 2003. The Public Hearing Draft was presented in public hearings before the Planning Commission and the Board of Supervisors in 2003. The Public Hearing Draft is the basis for the project description.

2. PROJECT LOCATION

The proposed Parks and Recreation Element would apply to unincorporated land throughout the County of San Luis Obispo. San Luis Obispo County occupies some 3,300 square miles of land on California's central coast, approximately midway between San Francisco and Los Angeles. The county and its relationship to the state of California are shown in Figure 1. The project area includes the following Planning Areas: Adelaida, El Pomar-Estrella, Estero, Huasna, Las Pilitas, Los Padres, Nacimiento, North Coast, Salinas

River, San Luis Bay (Inland & Coastal), San Luis Obispo (Inland & Coastal), Shandon/ Carrizo, and South County (Inland & Coastal).

3. EXISTING CONDITIONS

Approximately 0.6 percent of the land (12,600 acres) in the County is operated and maintained by County Parks; there are roughly 18 parks, 3 golf courses, and 10 Special Places in the County (refer to Table 3-1). The Element also references facilities under the jurisdiction of other agencies, such as city, state and federal facilities. The following is a summary of the types of parks in the county and contextual information. The reader is encouraged to refer to the proposed Element for more detail regarding existing individual park facilities.

Parks can be classified in the following five categories:

Mini-parks. Often a residential lot in size, up to five acres, intended to serve a neighborhood. May consist of seating area and/or "tot lot."

Linear parks. Typically trail or bike paths defined by a river, road, coastal bluff or other linear feature.

Neighborhood and Community Parks. From 5-25 acres, most common type of park size to serve a variety of recreational needs. Can include active and passive functions.

Regional parks. Often more than 200 acres in size, can include active and passive recreation, including boating and trails.

Recreation Site. Community centers or indoor sports facilities.

The county also designates Special Places, separate from the above categories. Special Places include Natural Areas, Coastal Accessways, and Historic Sites. The county further separates Trails and Staging Areas outside parks into a separate category. The County also owns three golf courses (Dairy Creek, Morro Bay, and Chalk Mountain).

The majority of active park acreage is associated with the three golf courses. The majority of total acreage falls into the regional park category, as shown in Table 1.

Table 1 - County Parks Inventory - October 2003

	Location	Park Acres	Natural Area Acres
Regional Parks (Urban)			
Biddle Park	Arroyo Grande	27	20
El Chorro Park	San Luis Obispo	40	450
Heilmann Park	Atascadero	102	0
Sand and Surf RV Park (leased site)	Oceano	5	0
Total Regional Parks (Urban)		174	470
Regional Parks (Rural)			
Lopez Lake Recreation Area	Arroyo Grande	200	4,076
Santa Margarita Lake Park	Santa Margarita	21	7,101
Total Regional Park (Rural)		221	11,177
Mini, Neighborhood & Community Parks			
Avila Park/Plaza	Avila	2.5	0
Cuesta Park	San Luis Obispo	5	0
C.W. Clarke Park	Shandon	11.5	0
Hardie Park	Cayucos	4	0
Lampton Cliffs Park	Cambria	2.2	0
Los Osos Community Park	Los Osos	6.2	0
Norma Rose Park (State Parks owned, County operated)	Cayucos	1.5	0
Nipomo Community Park	Nipomo	64	80
Oceano Memorial Park	Oceano	11.8	0
Paul Andrew Park	Cayucos	1	0
San Miguel Park	San Miguel	4.3	0
Santa Margarita Community Park	Santa Margarita	2	0
See Canyon Park (undeveloped)	Avila Valley	8.7	0
Shamel Park	Cambria	6	0
Templeton Park	Templeton	3.5	0
Total Mini, Neighborhood, and Community Parks		134.2	80
Special Places (Natural Areas, Coastal Accessways, Historic Sites)			
Bishop Peak	San Luis Obispo	0	104.3
Cayucos Beach	Cayucos	14	0
Coastal Accessways	Coastal Area	7.3	0
Duveneck Natural Area	Templeton	0	90
Elfin Forest	Los Osos	0	38.7
Wolf Natural Area	San Miguel	0	58
Monarch Grove	Los Osos	0	18
Mesa Meadows	Nipomo	0	20
Rios Caledonia Adobe	San Miguel	2.8	0
Total Special Places		10.1	329
Golf Courses			
Chalk Mountain GC	Atascadero	212	0
Dairy Creek GC	San Luis Obispo	224	0
Morro Bay GC (State Parks owned, County operated)	Morro Bay	125	0
Total Golf Courses		561	0
Trails and Staging Areas (Outside Parks)			
Bob Jones Pathway	Avila Valley	1.8	0
Cypress Ridge Trail	Nipomo	1	0
Hi Mountain Trail and Staging Areas	Huasna	7	0
San Miguel Staging Area (Salinas River)	San Miguel	2	0
Total Trails		11.8	0
Total Operated Acreage		1,112.1	12,056

4. PROJECT COMPONENTS

Changes from the Existing Plan

The existing method of managing the influx of recreation and parks opportunities is case-by-case review. The existing methods have the following risks: the potential acquisition of parks that the County lacks funds to develop or maintain, and/or the establishment of parks of insufficient size or improper location to serve identified needs. The purpose of the proposed Element is to establish a uniform procedure for evaluating park and recreation opportunities. The proposed Element contains a process chart (Chapter 5), which outlines how decisions regarding parks acquisition ought to be made.

Proposed Policies

The proposed Element contains goals, policies and programs that set a course for future parks acquisition and development in the county. **Goals** summarize how development should be directed by identifying physical, economic and/or social ends that the Department wishes to achieve. The accompanying **policies** establish basic courses of action for the decision makers to follow in working to achieve the goals. (Policies directly guide the response of elected and appointed officials to development proposals and related actions.)

The goals are broad, and represent the objectives of the project. Policies language can be broken down into five categories:

- that which addresses parks
- that which addresses recreation
- that which addresses special places and uses
- that which guides the selection of parks
- that which guides funding acquisition, development and maintenance

Next to the development of specific facilities, the implementation of policies expressed in the proposed Element will receive the greatest scrutiny in the EIR impact analysis.

Proposed Facilities

In addition to goals, policies and programs, the Parks and Recreation Element contains a table which identifies specific recreation facility proposals. The facility proposals are described in varying degrees of specificity: for some facilities, an approximate location, size, and use is described. For other facilities, no specific location is defined, and only some details regarding the size and potential uses are given.

A number of factors could change the size, location, or nature of the facilities proposed. These include unforeseen opportunities that arise from the private sector, limits on available funding, and community input. The analysis in the EIR will reflect this variability inherent in the project. The analysis will not attempt to provide exacting detail about each facility and its impacts; instead, the level of detail is commensurate with the level of detail of the project: the Element and project is essentially a countywide policy document and conceptual facilities plan. Unknowns are many and include specific infrastructure requirements, including roads and public services, for each facility. These unknowns would be developed as specific facility plans emerge along with the appropriate level of CEQA review.

ISSUES TO BE DISCUSSED IN THE EIR

The EIR will be prepared as a programmatic EIR intended to discuss both the impacts of particular types of facilities, and the cumulative impacts of park and recreation facility development in the County. The programmatic assessment and mitigation program is intended to provide guidance for the design, construction and operation of facilities, as well as identify items for future review and additional study.

Depending on location, resources potentially affected include: biological resources; water (both quality and supply); traffic; noise; air quality; aesthetics; cultural resources; agricultural; drainage, erosion and sedimentation; and public services. The Element will furthermore apply to both coastal and inland areas; facilities proposed in the Coastal Zone may be subject to additional standards and regulations.

Plan Consistency

The project will be assessed for consistency with the remainder of the General Plan, since elements are required to be internally consistent.

Geology

The geology discussion will focus on the potential for erosion and slope instability. Potential geologic impacts analyzed shall include the following:

1. Landslide Potential
2. Erosion

Seismic considerations such as fault rupture, groundshaking, seiche, liquefaction and tsunami are addressed through the application of the Uniform Building Code and the County Safety Element, among other existing regulations. Likewise, expansive soils and the placement, construction and operation of septic tanks are addressed through existing regulations, namely the UBC and the County Health Code (respectively). No further discussion of these issues is warranted in the EIR.

Hydrology and Water Quality

The hydrology and water quality discussion will focus on potential impacts related to erosion, and impacts related to flooding. Facilities proposed are not anticipated to substantially deplete groundwater, or contribute significant amounts of other pollutants to stormwater flow.

Biological Resources

Potential impacts to biological resources will be identified and evaluated and shall include, but not be limited to, the following:

1. Impacts to sensitive species
2. Impacts to riparian habitat
3. Impacts to wetlands and vernal pools
4. Impacts to movement and migration
5. Impacts related to resource protection ordinances or policies
6. Impacts to conservation plans

Cultural Resources

Potential impacts to cultural resources, including historical resources, archaeological resources, human remains and paleontological resources, both during construction and operation of facilities, will be addressed in the EIR.

Agriculture

The project will include facilities in and near agricultural operations. The EIR will discuss the conversion of prime farmland and potential conflicts.

Hazards and Hazardous Materials

Handling, application and disposal of hazardous materials is covered by existing regulations. The proposed facilities are not anticipated to be a major source of hazardous materials. Hazardous materials use will be limited to ordinary cleaning supplies, minor amounts of herbicides and pesticides, and maintenance items such as certain paints and fuels. Application of existing regulations will be sufficient to address potential impacts.

Potential hazards related to wildfire, siting near an airport or on an active or former hazardous materials site will be addressed further in the EIR.

Traffic

Implementation of the project will generate traffic to varying degree, with active facilities generating more traffic, and passive facilities such as parks generating less. Some facilities may pose traffic hazards, particularly where multiple modes (bicycles, pedestrians and vehicles) will share access and/or facilities. Traffic patterns, volumes and safety hazards will be addressed qualitatively in the EIR.

Air Quality

Implementation of the project will generate emissions during construction, and, less frequently, during operation. A qualitative discussion of air quality impacts associated with particular types of facilities will be provided, along with appropriate mitigation. Facilities are not expected to be major sources of odors, therefore odors will not be discussed further in the EIR. The Parks and Recreation Element will not obstruct implementation of the Air Pollution Control District's Clean Air Plan, therefore no further discussion will be provided on this subject in the EIR.

Noise

Implementation of the project will generate noise during both construction and, in some cases, operation of various facilities, most notably, active recreational facilities such as sports fields. A qualitative discussion of temporary and long term noise impacts will be provided. General constraints to noise will be discussed, and a program of mitigation developed for such facilities.

Services

Public services impacts to be addressed in the EIR include water services, wastewater collection and treatment, solid waste disposal, police and fire services, and schools. Libraries and schools will not be affected by the project, since no population will be generated by the project.

Aesthetics

The EIR will address impacts to the visual environment, including changes in character or quality, and increased light and glare.

Note: The facilities proposed under the project are not anticipated to substantially affect mineral resources. This topic will not be discussed further in the EIR. The project is likewise not anticipated to induce population or housing growth. This topic will not be discussed further in the EIR. Since the project provides for recreational facilities, no adverse impacts to recreation are identified.

1. ALTERNATIVES

The alternatives section of the EIR will be prepared in accordance Section 15126(d) of the CEQA *Guidelines*, and will include as required the "No-Project" alternative. The discussion will include reasonable alternatives capable of eliminating or reducing significant adverse environmental effects. The environmentally superior alternative will be identified, and if it is identified as the "No-Project" alternative then a preferred or environmentally superior alternative among the other alternatives will be included. Secondary impacts of the alternatives will be discussed, but in less detail than the significant effects of the project as per CEQA section 15126(d)(4).

Due to the general nature of this project, the alternatives discussion in the Environmental Impact Report will likewise be general.

2. GROWTH INDUCING IMPACTS

CEQA Guidelines (Section 15126.2(d)) state that for the preparation of EIRs, growth-inducing effects are defined as "...ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." The Guidelines expand upon this description by stating: "Included in this are projects which would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow more construction in service areas)." In general, the implementation of the Parks and Recreation Element will not be growth inducing.